

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
121390/FO/2018	28th Sep 2018	15th Nov 2018	Didsbury West Ward

**Proposal** Erection of a three storey dwellinghouse with basement and associated landscaping and car parking

**Location** 19 Elm Road, Manchester, M20 6XD

**Applicant** Mr Arun Brahma & Mrs Anne Trumper, 19 Elm Road, Manchester, M20 6XD

**Agent** Stephen Lamb, Steve Lamb, 11 Princes Road, Heaton Moor, Stockport, SK4 3NQ

### **Description**

The application site is part of the garden area within the curtilage of no.19 Elm Road, a detached Arts and Crafts style house situated on the north side of Elm Road near to the junction with Parkfield Road South in the Didsbury West ward. The site and surrounding area fall within the Blackburn Park Conservation Area (designated 1976). The Elm Road boundary currently comprises of hedging which extends to the access driveway for Parkfield Lodge to the west, with an existing access to No. 19 Elm Road, pictured below.

The total curtilage of no.19 Elm Road extends to 1622m<sup>2</sup>. The property is bounded by residential property at No. 21 to the east, at No.'s 12 – 18 Elm Road to the south and at Parkfield Lodge to the west. To the north there is land that belongs to Northern Lawn Tennis Club, which currently accommodates an indoor court and has consent in place for a replacement court.



**Surrounding Area**

Houses are mostly detached set back from the road behind enclosed garden walls, hedges or fences and often within generous plots in a mature landscaped setting.

Previously the land within the Conservation Area formed part of the C19, 17Ha Parkfield Park which had a house and grounds, a wooded pleasure ground, small orchard and a productive garden within its boundary. By 1895, most of the park was developed following construction of the railway line which bisected the park (the Metrolink line today). Charles Blackburn, a wealthy Manchester businessman, acquired plots within the park which were sold off in lots and rapidly developed.

### **Description of Development**

Development is proposed on the western most part of the garden area within the curtilage of no.19 Elm Road. The garden fronts Elm Road and the proposed house would be accessed through the creation of a new driveway opening to Elm Road through an existing high level hedge. The development plot extends to c. 680m<sup>2</sup> and the proposal is for 1no. detached 5 bedroom 3-storey dwelling of a contemporary design with gardens and parking. The property would sit behind an attractive Copper Beech tree to be retained. The existing property at No. 19 Elm Road would still retain a sizeable garden to the front, side and rear.

The application is accompanied by a Planning Statement which demonstrates how the design has evolved with reference to the surrounding historic context, having regards to the Historic England publication 'Conservation Principles, Policies and Guidance.'

### **Consultations**

The proposal has been advertised in the local press as a development affecting a Conservation Area and a site notice was displayed at the application site. Notification letters have been sent to an extensive area of local residents.

36 objections were received from neighbouring occupiers which raised the following points:

- The Conservation Area [designation] sought to preserve the openness and green space [within its boundary]. The development is contrary to these aims and to policies DC18 and EN3.
- Blackburn Park Conservation Area comprises an area of low density development within mature landscaped setting, this application will not enhance or conserve the architectural character of the Conservation Area.
- The proposal relates poorly to existing property at No. 19 Elm Road, constituting overdevelopment of the site. There would not be sufficient proportionate amenity space retained for No. 19 Elm Road which is a landmark property within the Conservation Area.
- The size and height of the building is inappropriate for the site and would result in a loss of privacy of surrounding houses and gardens. The trees to be planted within the grounds of Parkfield Lodge to provide screening are not agreed.

- The proposed building design will not enhance the mix of existing buildings or conserve the architectural character of the Conservation Area.
- Specific concerns have been expressed in relation to the design including windows to the eaves on the front elevation, the ugly asymmetrical 'Grand Designs' type development and the inappropriate selection of materials which are not inherent to the character of the Conservation Area such as white brick instead of render.
- The need for the development has been questioned in the light of recent approvals for housing development in Didsbury. The need is stated to be for affordable housing, not this type of development.
- Reference is made to the development constituting backland development.
- Historically development at No. 6 and 10 Elm Road have been refused. This would set a precedent for the development of the few remaining large gardens.
- Concerns has been expressed about the impact of the proposals on the Copper Beech to the site frontage and about the loss of protected trees within the site. A specific request was made to place a Tree Protection Order on the Copper Beech tree and concern expressed about canopy work set out in the application documentation. There was concern in relation to the eco-system with regards to climate change.
- Comment was made about the lack of pre-application engagement undertaken by the applicant and the misleading nature of the description as land adjacent to, when it is the garden of No.19 Elm Road.

**Blackburn Park Conservation Society** – Any comments received will be reported to Committee.

**Manchester Conservation Areas and Historic Buildings Panel** - Any comments received will be reported to Committee.

**Highway Services** – Recommend a condition requiring a Construction Management Plan.

**Environmental Health** – Recommend conditions requiring a Construction Management Plan, details of Waste Management and contaminated land information.

**Neighbourhood Team Leader (Arboriculture)** - No objections from an arboricultural perspective.

**Greater Manchester Ecology Unit** - Providing that the mature Beech tree at the front of the site is retained and properly protected during the course of any construction works they would not have any objections to the application on ecological grounds. The Beech is a significant tree both from a landscape and a nature conservation perspective.

The remaining trees do not have high potential to support bats, and although the site has some potential to be used by foraging bats the minor losses to trees on the site will not affect the local nature conservation status of bats. The site is more of a large garden with trees than a woodland.

They recommend conditions relating to the bird nesting season and the installation of bat boxes.

## **Policies**

### **National Planning Policy Framework**

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF was revised in July 2018 and is a material consideration in the determination of all planning applications.

There are three overarching objectives to sustainable development: economic, social and environmental:

- an economic objective, contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation; and improved productivity ; and by identifying and coordinating the provision of infrastructure;
- a social objective, supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective, contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, use natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 117 indicates that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Including giving substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

Paragraph 127 confirms that planning decisions should ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place,

using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 185 of the Framework stipulates that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.

Paragraph 189, requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 190 states Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.

Paragraph 192 states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF states that where proposed development accords with an up-to-date Local Plan it should be approved. The proposals would create additional residential accommodation in a sustainable location and as set out in this report are indicated as being in accordance with the up to date Core Strategy Development Plan Document and therefore accord with the main principles and expectations of the revised National Planning Policy Framework.

## **Manchester Core Strategy**

### **Local Development Framework**

The relevant development plan in Manchester is the **Core Strategy Development Plan Document 2012-2027 (the “Core Strategy”)**, adopted in July 2012, and the saved policies from the Manchester Unitary Development Plan (UDP), adopted July 1995. The Core Strategy is the key document and sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. The proposals are considered to be consistent with the following Core Strategy Policies EN3, H1, H6, EN1, SP1 and DM1.

### **Policy EN3 - Heritage**

States that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including listed buildings and conservation areas.

### **Policy H1 - Housing**

States that new residential development should contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing population. The design and density of a scheme should contribute to the character of the local area and should include usable amenity space and be designed to give privacy to both residents and neighbours. The guidance also refers to the delivery of policies that will result in significant increases to the supply of housing, specifically stating that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should, subject to a range of specified criteria, seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

### **Policy H6 - Housing**

States that South Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

### **Policy EN1 - Design Principles and Strategic Character**

States that development in Manchester will be expected to have regard to the strategic character area in which the development is located and opportunities for good design should be fully realised.

### **Policy SP1 - Spatial Principles**

This policy sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including: creating well designed places, making a

positive contribution to health, safety and well-being, considering the needs of all members of the community, and protecting and enhancing the built and natural environment.

### **Policy DM1 - Development Management**

This policy seeks to ensure that new development contributes to the overall aim of the Core Strategy. The issues which should be considered are those which will ensure that detailed aspects of new development complement the Council's broad regeneration priorities in particular by contributing to neighbourhoods of choice. Issues relevant to this scheme are: siting, layout, scale, form, massing; impact on surrounding area in terms of design, scale and appearance and effects on amenity.

### **Saved UDP Policies**

The following saved UDP policy needs to be considered in relation to the application.

#### **Policy DC18.1 - Conservation Areas**

Saved policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas.

- a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
  - i. the relationship of new structures to neighbouring buildings and spaces;
  - ii. the effect of major changes to the appearance of existing buildings;
  - iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);
  - iv. the effect of signs and advertisements;
  - v. any further guidance on specific areas which has been approved by the Council.
- b. The Council will not normally grant outline planning permission for development within Conservation Areas.
- c. Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.
- d. Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.
- e. Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

### **Other Material Considerations**

#### **Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007)**

This policy document establishes the Council's principles in relation to design across the city and is a material consideration in the assessment of planning applications. In relation to development within conservation areas, the SPD advises that it should:

*"preserve or enhance the character of the conservation area. It is important that new developments in conservation areas or elsewhere are not designed in isolation. This does not prevent or inhibit creative design. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings, but also to the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development."*

### **Blackburn Park Conservation Area Designation**

An extract of the Conservation Area appraisal (1979) describing the townscape features within the area at the time of survey and designation states that:

*'Blackburn Park is principally an area of large family houses with spacious gardens, arranged along tree-lined roads which criss-cross the level ground of the park. Building materials and styles are very varied. The older houses generally have textured light red or buff brick walls with blue slate roofs, and in some cases brick or stone dressings in contrasting colours are used even for window mullions. The later houses are predominantly smooth red brick, though render, half-timbering and decorative tile fringing are extensively used. Red tile and occasionally green slate are used for roofs and vertical cladding. All houses have pitched roofs, some of them steep, and there are a variety of gables, hips and half hips topped with interesting finials.*

*Windows in the conservation area are even more varied than the walls, some being subdivided by glazing bars, some leaded and a great many having stained glass. This is a particular characteristic of the area, many of the houses having been built around the turn of the century when the Art Nouveau style was at its peak. Flowing curves were expressed in stained glass windows more frequently than in the building structure itself. Bay windows, bow windows and oriel windows are to be found in profusion.*

*Entrance doors are varied with combinations of fielded timber panels and stained glass panels, and they always open on to a covered porch. These are formed by a projecting gable or some other overhanging element of the house. Some have a separate roof which is sometimes flat with a balcony, but they are usually pitched. Chimney stacks are a notable feature of some of the houses, being tall and decorated with projecting strings and corbelled brickwork. Some chimney pots are tall and narrow, others are short and squat, while others still are especially formed to prevent down-draughts. Walls are mainly of brick with moulded terracotta copings, and occasionally the wall is divided into fielded panels with a plinth below and corbelled brickwork above. Sometimes brickwork is bonded in a darker red or in other brick colours.*

*Gardens at both front and rear of houses are large by most standards, and their boundaries to public highways are marked by walls and/or privet hedges. Stone walls are always topped with a course of large coping stones. Few garden gates remain*



*intact, but those that do are as carefully detailed as the houses to which they belong. Typical gates are of timber, with a solid panel below and some open space above filled with shaped slats or turned spindles. While some gate posts are fairly plain, most are decorated to some extent, perhaps with a ball finial, whilst a few are of carved stone and very elaborate.'*

## **Residential Quality Guide**

Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester and was approved by the Executive at its meeting on 14 December 2016. The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been applied to an assessment of the size and quality of the proposed houses.

## **South Manchester Regeneration Framework**

South Manchester is identified as an area with a rich and diverse group of neighbourhoods, with a wide range of issues and needs. Some areas are already successful, so the SRF is needed to help continue and build on this success. Other areas, in contrast, have particular issues that the SRF will help to tackle, such as poor housing and high levels of deprivation and worklessness.

The opportunity for the SRF is to build on and improve its assets – the distinctive, successful neighbourhoods and centres, the high quality parks and the strong heritage and character of South Manchester – and use these as a model to drive forward the future of the area. These qualities should be applied across South Manchester to raise the quality of the built environment and expand the number of successful neighbourhoods.

The SRF identifies a key issue for the area as providing a wider choice of housing to attract and retain residents. The SRF states future housing developments need to focus on providing high-quality family accommodation. It identifies that high-quality sustainable new housing developments should meet the housing needs of the existing and future population of South Manchester.

## **The Manchester Green and Blue Infrastructure Strategy (G&BIS)**

The G&BIS sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is: By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

### **Legislative requirements**

Section 72 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development that affects the setting or character of a conservation area the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area.

Section 149 Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

Section 17 Crime and Disorder Act 1998 provides that in the exercise of its planning functions the Council shall have regard to the need to do all that it reasonably can to prevent crime and disorder.

### **ISSUES**

It is considered that the key issues of relevance to this application are:

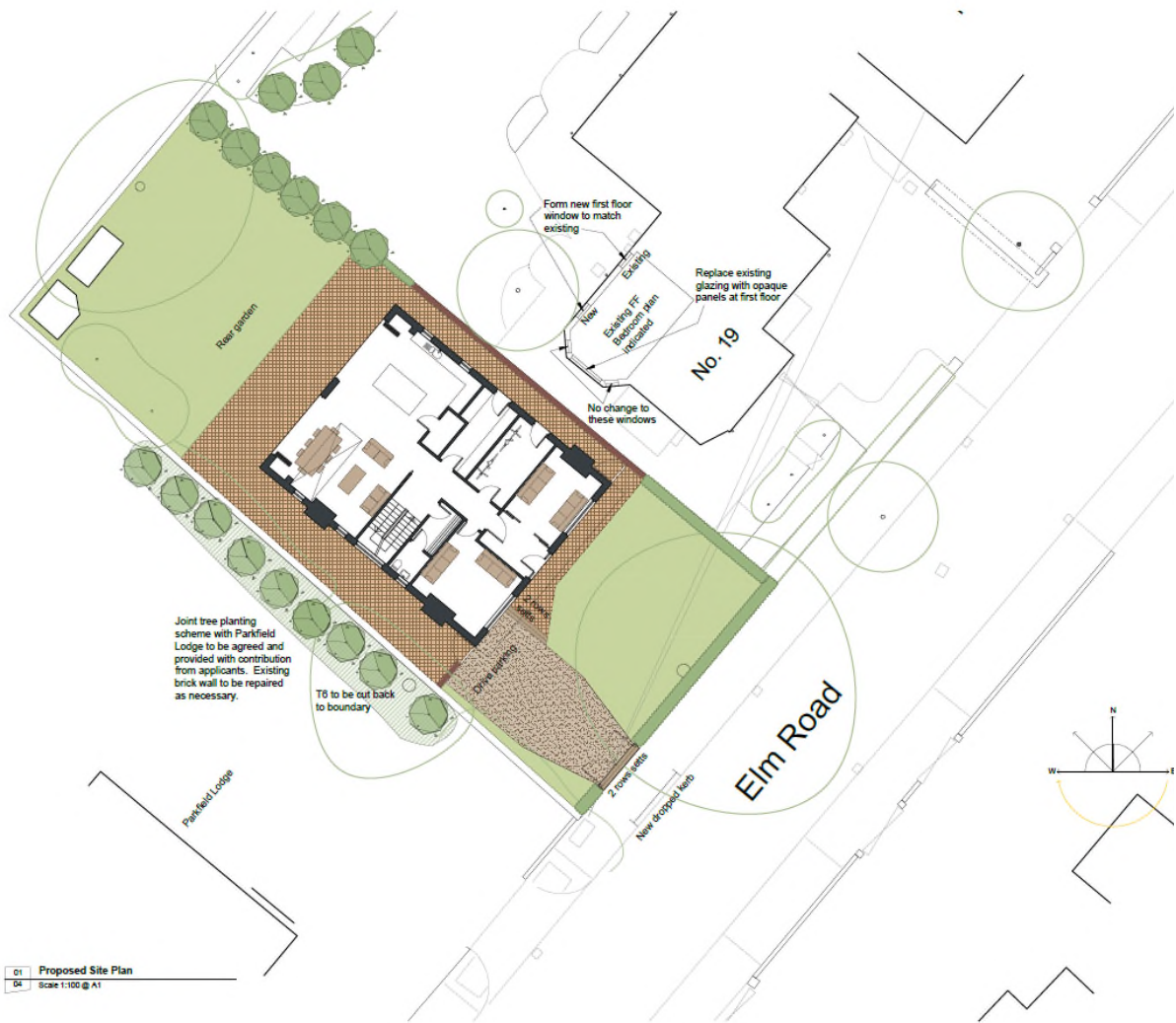
1. Impact on the Blackburn Park Conservation Area
2. Design and Layout
3. Impact on Residential Amenity

### **Impact on the Blackburn Park Conservation Area**

The conservation area designation makes reference to spacious gardens and mature tree-lined streets and is cited by objectors as a reason to refuse the application. The general character and appearance of the Conservation Area at this location, essentially comprises frontage residential development within generous garden plots.

In relation to gardens on Elm Road and the designation description, the proposals would retain one of the larger gardens to the existing property at No. 19 Elm Road (the rear garden measuring c18 – 23m in length by 25m width) and would provide a comparable garden size to other properties on Elm Road (the rear garden would measure 15m length by 15.5m width) for the new property proposed. Whilst garden size may make a contribution to the spatial relationship between dwellings, including to the rear, and some gardens are exceptionally large, spacious gardens and the gaps between dwellings that larger gardens often afford, are not a consistent feature across the designated land and are not especially characteristic of this section of the conservation area.

As described above, the particular heritage characteristics associated with this garden plot has a medium to low level of significance, so whilst the Council acknowledges that sub-division of the plot would not lead to a level of harm that can be deemed 'substantial', it may be considered 'less than substantial'.



Paragraph 192 of the NPPF states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraphs 193 and 194 of the NPPF require Local Planning Authorities to consider the public benefits of supporting a development where all grades of harm, 'substantial' and 'less than substantial' can be justified. As the extract of the NPPF above states, public benefits relate to satisfying one or more of the objectives of sustainable development. This includes preservation or enhancement of heritage assets but also the provision of housing in a sustainable location. It is considered that the modern construction and improved thermal efficiency of the proposed dwelling, contributes an above-average standard of sustainable residential development to the local housing stock to the benefit of future generations of occupiers in accordance with policies H1 and H6 of the Core Strategy.

Objectors are also concerned that approval of the application would set a precedent for infilling sites, and the Council is mindful of those concerns. However, the significance of a heritage asset is recognised as not being limited to a singular feature but is made up of the sum of its parts with 'openness' and the treed environment being but one aspect.

The proposed dwelling does not represent a marked departure from the historic pattern of development in this part of the Conservation Area in that it represents a residential development fronting the street, set within a generous plot on ostensibly the same building line as existing development (the new dwelling would have been on the same building line, but the applicant has considered that the large attractive Cooper Beech tree to the frontage should be retained and the building has set back c. 4m from the established building line to preserve the tree). It would however increase the density of development to some extent and result in the loss of part of the large garden area associated with no.19 Elm Road.

Whilst the issue of precedence is not in itself an assessment criteria, concerns that any approval of the proposal would set a precedent for building on large garden plots, which the Council acknowledges could cumulatively have a harmful impact on the character of the conservation area, is a valid material consideration in light of saved policy DC18.1.

Being located on the side garden of an existing dwelling, the proposal can potentially be considered as infill development which, if approved, could signpost a trend towards further development on garden plots. Indeed, this application follows the approval of a house on a smaller plot at No. 1 Pine Road, which lies within close proximity, as reported to Planning and Highways Committee in March 2017.

However, any approval of the current proposal should not be taken as an acceptance in principle of development on other garden plots which must be assessed on their site-specific individual merits. Indeed one of the historic refusals referenced by objectors at 10 Elm Road was refused on the basis that the garden of a property could not accommodate the development of a property whilst maintaining appropriate levels of private amenity space for the existing property or the proposed property.

Furthermore, in this case, an assessment of the rhythm of the street pattern has been carried out. The development proposal would replicate the rhythm of development to the north and south side of this part of Elm Road. The site can support the scale of sub-division of the garden area without incurring substantial harm to the layout, pattern of development and scale of development on this part of Elm Road.

In this respect, it is considered that a single dwelling on this plot would not incur substantial harm to the heritage asset within the terms of policies DC18.1, EN3 and Chapter 16 of the NPPF.

In addition to the above, the proposed development must demonstrate that matters of the design, scale and massing, landscaping, residential amenity and boundary treatment are all satisfactorily met.

## **Scale and Massing**

A street scene elevation submitted as part of the application, demonstrates that the proposed dwelling has a similar scale, mass and height to neighbouring dwellings with a comparable footprint and acceptable height within the street hierarchy.

It is unquestionable that, on grounds of size alone, the garden area to the west of no.19 Elm Road has the capacity to accommodate 1no. dwelling of a similar scale and mass to the existing detached dwellings on this part of Elm Road with an acceptable standard of private amenity space in its own right and without significant detriment to the applicant's amenity space. An assessment of plot sizes puts this in perspective.

The application site has a total plot size of 1622m<sup>2</sup> and is a detached dwelling. Following any development of the site, the plot at no.1 would be reduced to c.942m<sup>2</sup> and the application site would sit on a plot of c.680m<sup>2</sup>. No.21 Elm Road, also detached and immediately east of the plot, sits on a plot of c.736m<sup>2</sup>. Property opposite to the south of Elm Road at No. 16 Elm Road sits on a plot measuring 582m<sup>2</sup>. The hierarchy of larger plots for detached dwellings is thus maintained.

## **Design**

The collective planning policy framework requires that development proposals should "enhance or preserve" the character of conservation areas, whilst the Council's equivalent Core Strategy policies SP1, DM1, EN1 and EN3 and saved policy DC18.1, seek to achieve this by ensuring that new development preserves or enhances the character, appearance or setting of the conservation area through the appropriate design, layout and choice of materials of new development. Applications are also required to achieve a good standard of design as expressed in chapter 12 of the NPPF and to the guidance contained within the Guide to Development SPD.

Noting the terms of these policies, the first priority when considering proposals for development within Conservation Areas is to those special architectural and visual qualities which gave rise to the area's designation. Where a proposal would erode these special qualities and there are no other material objections to the proposal, then it is recommended that it is either revised or recommended for refusal.

The submitted planning statement states that the house is designed with high environmental credentials to enhance the character of the area by creating a distinctive contemporary building which pays due regard to the pattern and features of the surroundings, including the presence of important trees, most notably retaining the Copper Beech, on the site frontage.

The existing property at No. 19 Elm Road is an Arts and Craft style property, with white rendered walls, corner brick quoins and a red tiled roof.

Other buildings in the immediate vicinity are also of an Arts and Crafts style with a variety of materials, including quality brickwork and white render walls, painted timber

fenestration with stained glass and rosemary tiled steep pitched roofs with gable features.

The applicant did not wish to create a pastiche building, which has been done at No. 12 and 12A on the opposite side of Elm Road (an existing detached building was demolished and replaced with a pair of semidetached houses under application 082914/FO/2007/S2) and wanted to have regards to the location of the development site between No. 19 Elm Road, an Arts and Craft style building and the minimalist 1970's apartment building located immediately to the west at Parkfield Lodge.



(12 and 12a Elm Road to the south and Parkfield Lodge to the west)

The development as submitted is for a distinctive modern building using high quality design and materials.

The design approach reinterprets the detailing of surrounding houses utilising architectural features that are inherent to the character of the Conservation Area.

The design incorporates two front facing gables with continuous ridges to rear gables which are faced in white brickwork and sit on a ground floor plinth of red facing brickwork.

The two gables are offset with the right hand gable having a closer proportional relationship to 19 Elm Road, whereas the left hand gable has more vertical emphasis which helps the building act as a transition between the adjacent properties. The roof design to the gables is formed in eccentric pitches which reflect the internal layout of the rooms.

The massing to the front elevation is broken up by the continuation of the roof pitch and vertical tiling between the front facing gables in a modern interpretation of a design feature which is common to the street and local area.

The ground floor plinth to the front is set back from the first and second floors in a contemporary interpretation of over-sailing jetties, first floor projecting gables and bay

windows which are in evidence locally. This assisted in the setting out of the building in relation to the retained T2 Copper Beech tree.

The roofscape is emphasised with 3 no chimneys in red brickwork of a contemporary design.

The elevations have been designed to respond to the local vernacular architecture through analysis of the surrounding townscape values. The use of contemporary materials, such as clay brickwork with a contrast between the red plinth and chimneys and the oversailing gables in white brickwork, references the interplay between the rendered features of adjoining properties and other material within the textural palette found within the Conservation Area.

Paragraph 127 of the NPPF states that development that where developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, local authorities should not prevent or discourage appropriate innovation or change.

The design has been assessed as being appropriate in the context of the Blackburn Park Conservation Area subject to the use of high quality appropriate materials, particularly for the windows. A condition requiring materials samples is therefore required on any approval to ensure the quality of the final finish of any approved dwelling.



**Residential Amenity**

In considering the amenity impacts of the development, the proposal must be assessed against saved UDP policy DC1 and Core Strategy policies SP1 and DM1.

Given that the site is located within an exclusively residential area (with the exception of the Northern Lawn Tennis Club to the north), the proposed development is considered to be compatible with the character of the locality.



The windows proposed to the south west elevation would comprise secondary windows to the living/kitchen/dining area and a gallery at first floor and three windows to toilets/bathrooms and 3 windows to circulation space, they would be separated by 18m from windows within Parkfield Lodge. The applicant has shown tree planting to screen the proposal, some objectors have pointed out that this tree planting is to be accommodated off site and has not been agreed. As the windows are secondary windows, it is considered appropriate to condition that windows to the south west elevation are obscurely glazed to overcome any possibility of overlooking.

Windows proposed to the north east elevation of the dwelling proposed comprising secondary windows to the living/kitchen/dining area and a dressing room / en-suite would need to be obscurely glazed to prevent overlooking towards the existing property at 19 Elm Road, which would sit between 3.6m to 4.8m to the north west.

There would be no undue overlooking to the north, towards Northern Lawn Tennis Club, or to the south to properties on the opposite side of Elm Road by virtue of the distances provided and screening retained.

Windows to the existing property at No. 19 Elm Road are shown to be altered to accommodate the development within the garden. Namely a window to the south west elevation at first floor would be obscurely glazed and a new window to this bedroom would be introduced to the rear elevation. Boundary treatment is indicated on the plans to show a mix of hedging / tree planting and a 1.8m high wall to provide privacy at ground floor level between the two properties. These details are contained within the specified plans and these alterations are secured by condition.

The property proposed would not provide any opportunity for any unacceptable overshadowing or loss of light by virtue of the separation distances and orientation to surrounding residential property.

Subject to the appropriate condition referenced above, it is considered that the proposals would not give rise to any materially adverse impact on the amenity of neighbouring occupiers in terms of overshadowing or overlooking and there is no conflict with policies DC1, SP1 and DM1 in terms of the proposed development in relation to residential amenity.

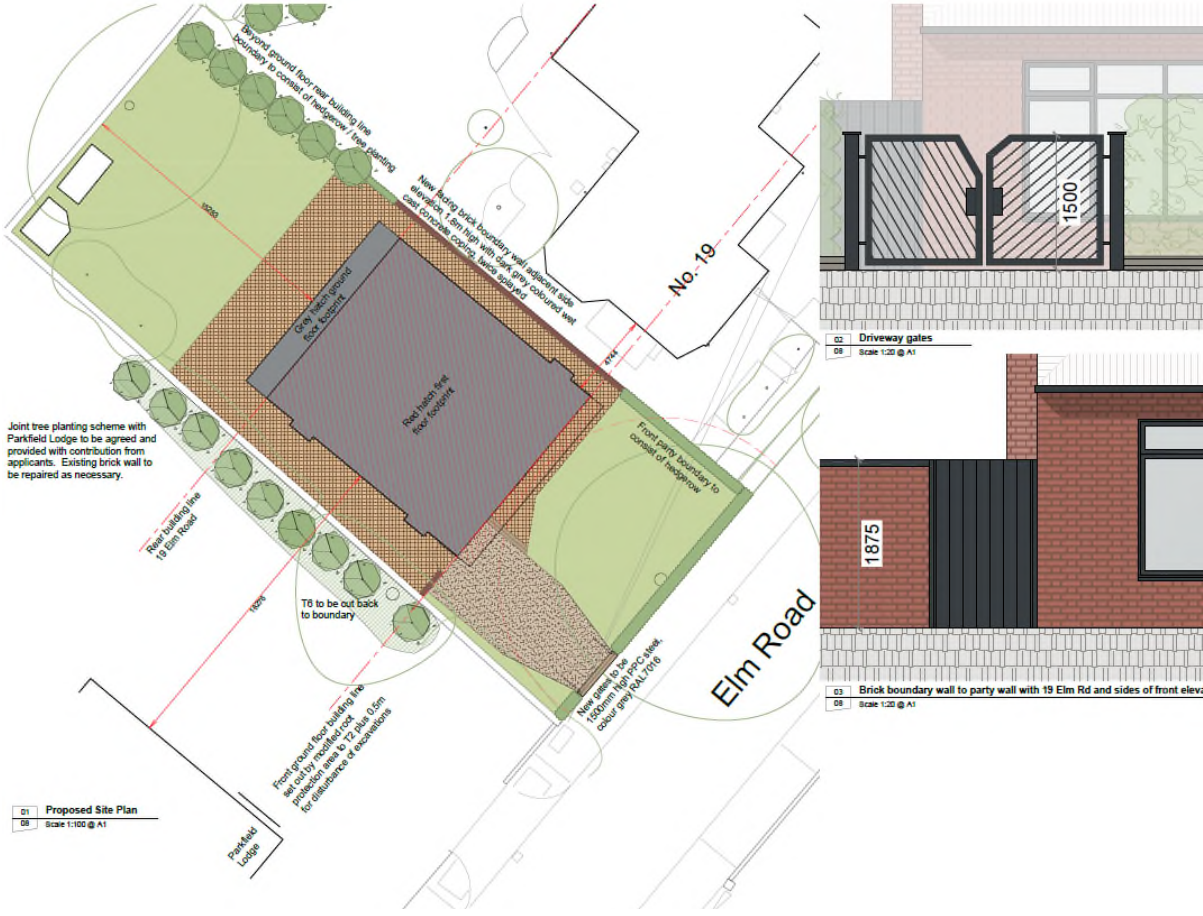
### **Community Safety and Crime Prevention**

The proposal offers good levels of surveillance; the layout is simple without hidden recesses or undefined areas, windows to the front elevation overlook the in-curtilage parking, allowing for the security of vehicles. The security of the site will be further enhanced by the boundary treatment, which has been submitted and detailed.

### **Boundary Treatment**

The application proposes to retain as much of the existing front boundary consisting of hedging to Elm Road. A new opening for the driveway is proposed with secure steel gates painted anthracite grey measuring 1.5m in height. The proposed front boundary treatment is in keeping with the scale of domestic access into properties

within the Conservation Area. The boundary wall to Parkfield Lodge which is considered to be a positive heritage asset would be retained and repaired.



**Trees and Landscaping**

There are trees affected by the development. The trees on site are protected by virtue of their location within the Blackburn Conservation Area. The retention of the Copper Beech tree to the site frontage has influenced the siting of the proposed development on site. The arboricultural assessment that has been submitted to accompany the application states that the development will require the removal of low quality ornamental trees, the loss of which can be mitigated by the provision of replacement planting within the site. The report concludes stating that a method statement will be provided for work within the root protection zone of the Category A Copper Beech to the site frontage.

The City Arborist has attended site and has assessed the works to the tree that would be required to accommodate the development and is satisfied with the findings of the submitted arboricultural assessment.

The trees to be lost on site are one category B tree T5 (Hemlock), 6 category C trees T3 (Ornamental Cherry), T4 (Laburnum), T7 (Hemlock), T8 (Holly), T9 (Hornbeam) and T11 (Holly) and two groups G3 (Weeping Blue Atlas, Cedar, Cypress) and G5 (Mixed fruit trees). This would equate to 7 individual trees and two groups. Privet

hedging would be lost in the location where the access to the dwelling off Elm Road would be established.

An off site category B sycamore tree within the grounds of Parkfield Lodge is also likely to be lost.

The application includes a site plan showing the provision of 6 replacement trees to the rear along the boundary between the existing and proposed house which complements the domestic scale and setting of the proposal. The scheme accommodates as many trees on site as can be planted without conflicting with trees to be retained. Full details of the final landscaping proposals are required by way of a condition to secure appropriate species and maturity of replacement tree.

Although the applicant does show the planting of 9 off site trees these trees are not required to mitigate the loss of the existing tree cover within the existing garden, but there is no objection if the applicant goes ahead with this planting.

### **Ecology**

The applicant states in their submission that no ecology will be impacted upon by virtue of the development proposals. As trees are to be lost on site, works within certain periods of the year need to be controlled with regards to breeding birds, a condition is recommended to this effect. A condition is also appended that requires bat roost boxes to be installed on retained trees.

### **Disabled Access**

The house would be fully accessible with access footpaths and level thresholds to all entrances.

### **Waste Management**

The proposed dwelling has sufficient space for the storage of waste containers, both for recyclable waste containers indoors within the kitchen or separate utility room and externally. There is also space within the grounds for external storage of waste containers for the existing property.

Details for the storage of waste containers for both the existing and the proposed house are requested by way of a condition attached at the end of this report.

### **Car Parking**

There would be space available for two cars to be parked on the front driveway of the proposed dwelling. The access to the existing property known as No. 19 Elm Road would be maintained, which provides a large area for the parking of 3 or more cars.

### **Conclusion**

The proposal is for a single family dwelling of 5-bedrooms which is considered to be appropriate and acceptable at this location. The design of the dwelling has paid sensitive regard to the context and setting of the Blackburn Park Conservation Area.

**Human Rights Act 1998 considerations** – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation      APPROVE**

### **Article 35 Declaration**

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The proposal is considered to be acceptable and has been determined in a timely manner.

### **Conditions to be attached to the decision**

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Location Plan 01 P1  
Existing Topographical Site Plan 02 P2  
Tree Constraints Plan 03 P2  
Proposed Site Plan 04 P5  
Proposed Floor Plans 05 P5  
Proposed Elevations 06 P6  
Proposed Street Scene Elevation Section A-A 07 P7

Boundary Treatments 08 P1  
Planning Statement  
Tree Survey

Received 28th September 2018

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Above ground construction works shall not commence until samples and specifications of all materials to be used in external elevations of the building as detailed on the approved drawings have been submitted to and approved in writing by the City Council as local planning authority. Thereafter the development shall be carried out in accordance with those details.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) No development shall commence until a hard and soft landscaping treatment scheme has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date of this permission. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out, pursuant to policies SP1, EN3 and DM1 of the Core Strategy for the City of Manchester and DC18 of the Unitary Development Plan for the City of Manchester.

5) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

6) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or

lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

7) The windows to the north east and south west elevations shall be obscure glazed to a specification of no less than 5 of the Pilkington scale and shall be retained at all times thereafter.

Reason - In the interests of residential amenity and to ensure a satisfactory development, pursuant to policy DM1 of the Core Strategy for the City of Manchester.

8) The window to the south west elevation of the existing property at No. 19 Elm Road first floor should be obscurely glazed (as shown on the submitted plans) and a new window to this bedroom should be introduced to the rear elevation. The window shall be obscure glazed to a specification of no less than 5 of the Pilkington scale and shall be retained at all times thereafter.

Reason - In the interests of residential amenity and to ensure a satisfactory development, pursuant to policy DM1 of the Core Strategy for the City of Manchester.

9) Prior to the commencement of the development a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt shall include;

- Hours of working;
- Details of Wheel Washing;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Routing strategy and swept path analysis;
- Parking of construction vehicles and staff;
- Sheeting over of construction vehicles;
- Details of an emergency telephone number for the site manager on public display

- Noise and Vibration assessment based upon British Standard 5228;

Development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents and highway safety pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

10) Prior to the development hereby approved commencing, a scheme for the provision and management of waste, for the existing and proposed residential units, including the provision of containers for segregated and recyclable waste, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation and at all times thereafter.

Reason - In the interests of the amenity and public health of the occupiers of nearby properties in accordance with policy DM1 of the adopted Core Strategy for the City of Manchester.

11) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

12) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before

the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

13) No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and to comply with policy EN15 of the Core Strategy.

14) No part of the development hereby approved shall be occupied, until details of the proposed bat roost box(s), including a timetable for their installation and maintenance regime, have been submitted to and been approved by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Core Strategy Development Plan Document

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) none of the dwelling houses hereby approved shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

**Local Government (Access to Information) Act 1985**



The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 121390/FO/2018 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

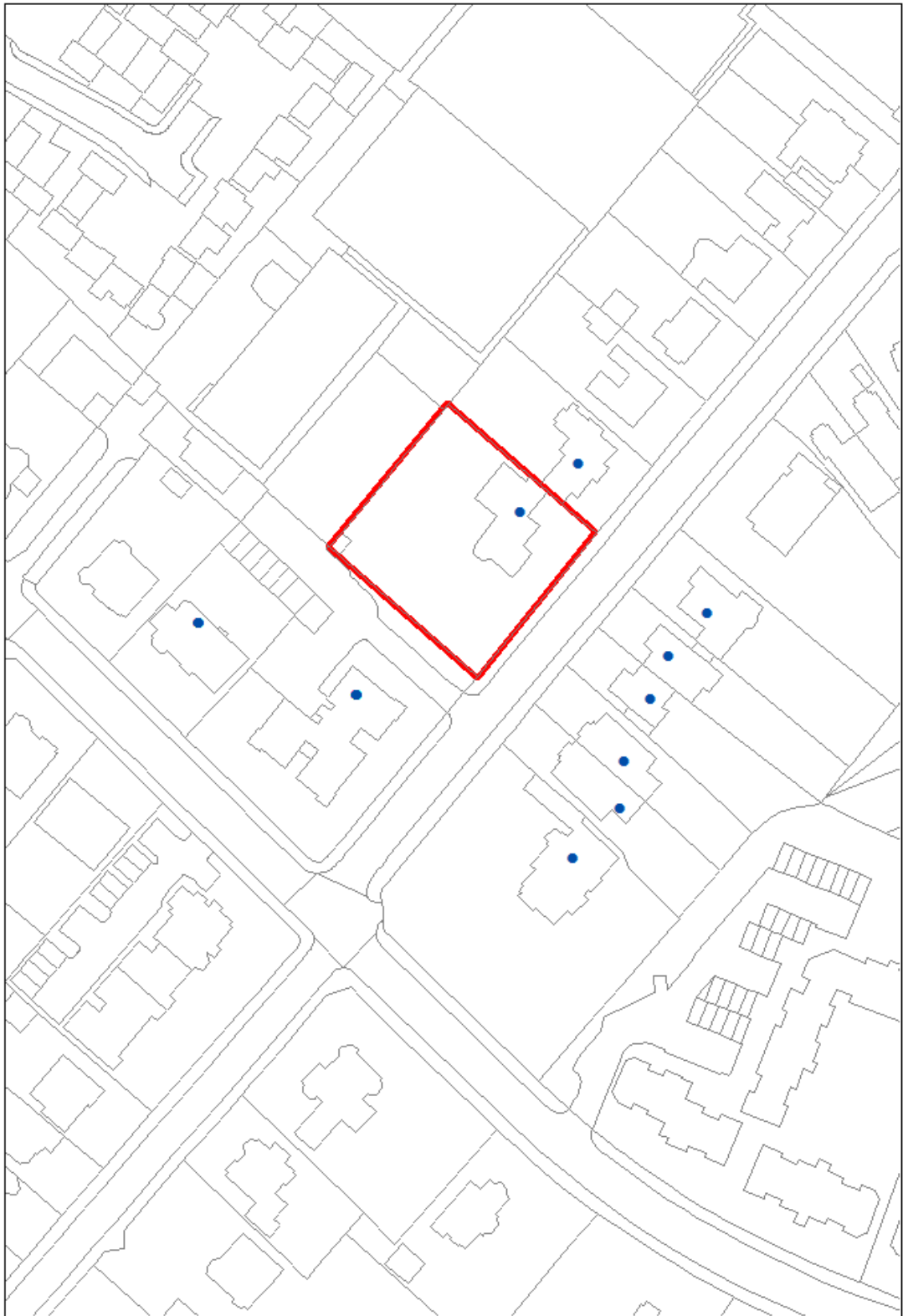
**The following residents, businesses and other third parties in the area were consulted/notified on the application:**

Highway Services  
Environmental Health  
Neighbourhood Team Leader (Arboriculture)  
Blackburn Park Conservation Society  
Greater Manchester Ecology Unit

**A map showing the neighbours notified of the application is attached at the end of the report.**

**Representations were received from the following third parties:**

<b>Relevant Contact Officer :</b>	Jennifer Connor
<b>Telephone number :</b>	0161 234 4545
<b>Email :</b>	j.connor3@manchester.gov.uk



 Application site boundary  Neighbour notification  
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