

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
121945/FO/2018	26th Nov 2018	25th July 2019	Whalley Range Ward

**Proposal** Erection of 4no. two-storey, four bed dwellinghouses with accommodation in the roof, with associated parking, boundary treatment, and landscaping with vehicular access from Alness Road, following demolition of existing tennis club house

**Location** English Martyrs Tennis Club, Alness Road, Manchester, M16 8HW

**Applicant** Mrs Mariam Al-bayati, 15 St Brannocks Road, Chorlton, Manchester, M21 0UP

**Agent** Mr Jason Eccles, Artform Architects, WeWork No1 Spinningfields, Quay Street, Manchester, M3 3JE

### **Description**

The application site is a vacant former tennis club, comprising of a single-storey club house building and three tennis courts. The application site has not been used as a tennis club for over two years and the clubhouse and courts are in a disused state. The site is accessed from Alness Road and is landlocked by residential properties on Brantingham Road, Wood Acre, and Manley Road. The site is denoted by a white X on the below photograph. The area is predominately residential in character.



The applicant is proposing to erect four, two-storey dwellinghouses with accommodation in the roof space, on the former tennis courts. It is proposed to demolish the former club house and utilise the access road from Alness Road to access the properties. The properties would comprise of two pairs of semi-detached

dwellinghouses with each house having four bedrooms, with one off road parking space per property.

Originally, as part of a previous application which was withdrawn, the applicant proposed to erect a terrace of seven, three storey townhouses. This current application was submitted for five dwellinghouses comprising three, two-storey dwellings and a pair of semi-detached, two-storey dwellinghouses, all with accommodation in the roof. However, following concerns about the scale and massing of the proposal and the number of units proposed, the scheme was amended to that now before the committee.

## **Consultations**

**Local Residents** – Following receipt of the revised drawings local residents were notified and 3 letters of objection have been received, the comments are as follows:

- The amount of houses and size of houses is unsuitable for this conservation area plot;
- The land where the houses are proposed is a very wooded and green area and lots of wildlife fly from Alexandra Park to this area;
- Part of the conservation area character and should not be allowed and should be used as a park;
- The houses are too close to current properties gardens and will completely spoil the small tranquil area left on Alness Rd;
- Although the proposed number of properties is more proportionate to this backland site previously stated concerns have not been addressed;
- Concern about the impact of the proposed development on the surrounding trees and hedges and their dependant wildlife.
- Would not comply with saved UDP policy DC6 and believes will suffer significant loss of privacy, and an increase in noise and disturbance;
- Whilst turning space has now been provided for vehicles within the revised application concerned that it will be used for additional parking thereby preventing its intended use as a turning space for bin wagons and other large vehicles.
- Over-dominant appearance of the gable end which is taller than adjacent property. Although the trees provide screening in the summer, this is much reduced in the winter.
- Concerns that the tree roots will be compromised by the proposed development
- Concerned that new residents of the development will seek to cut the existing trees back resulting in poor tree form and increased instability.
- The woodland edge is also an important foraging area for Pipistrelle bats but the proximity of the proposed development along its western boundary will completely remove this foraging zone resulting in net loss of biodiversity.
- The Ecology Survey fails to recognise the current high permeability of the site to wildlife through the front gate and privet hedge. This allows foxes, hedgehogs, and frogs foraging, breeding and hibernating opportunities as well as connectivity across a wider area of woodland and gardens. Rather than seeking to sterilise the development site with secure fences, measures such

as intentional gaps under fences, hedgehog homes, bird boxes and native tree planting should be undertaken to mitigate the loss of open space.

- Depending on the timing of any demolition work, consideration should be given to the possible presence of breeding foxes and breeding or hibernating hedgehogs under the building.
- Would welcome appropriate and timely management (outside of bird breeding season) of the large privet hedge on boundary with Alness Road the proposed access road as the landowner has allowed it to become very overgrown, affecting light levels inside our house. Vertical bar railings would provide a secure boundary whilst still allowing permeability for wildlife and allowing the hedge to be maintained.
- Concerned about light disturbance from the potential erection of street lights on the access road and any security lights on the western gable end of the development. The Ecology Survey confirms this would also be detrimental to bats.
- The site is currently very permeable to rainfall but much of this will become hard-surfaced, thereby increasing flow to surface drains.
- The sides of this development would be imposing and overbearing to all sides of it. Both of the sides will have a huge wall practically on the boundary overbearing the existing properties at Alness Road and Woodacre.
- Proposed roof space dormer type windows will overlook and invade the privacy of the properties and grounds to the rear or the proposed development on Manley Road.
- The proposal does not fit in with the surrounding properties
- Brantingham Road properties will be overlooked and suffer a loss of privacy due to looking directly into the garden spaces.
- The site this development is being proposed on has been an open space for decades. Used as a member's tennis club, which has not been used utilised to its full potential and would be a loss to the local community.
- The proposed access road will bring extra traffic and its associated noise to the area where this road is to be built.

13 letters of objection were received in relation to the originally submitted scheme and the revision which reduced the scale and number of units proposed, points additional to those summarised above were:

- Concerns about the close proximity of the development to properties on Woodacre and the noise pollution the construction and cars would cause.
- Concerns regarding security if existing high fencing is removed and replaced with lower wooden fence.
- Land for the proposed scheme clearly falls under the definition of a backland site, it is acknowledged that a case can be made for development on this particular site, however, do not feel that the design demonstrates any level of compliance to a significant number of requirements that are clearly outlined in the DC6 policy; notably DC6.2a, DC6.2b, DC6.2d and DC6.2f.
- The Design and Access Statement can be accused of utilising data in an extremely misleading manner in their presentation of 'neighbour feedback'. Four positive comments with no indication from what number of individuals they were taken or if such comments ran alongside legitimate concerns are not indicative of a consensus backing for this development.

- The Statement's claim that objections raised by neighbours have been addressed is scandalous.
- As per the previous withdrawn planning application, the architect has presented pictures of homes around the Whalley Range area to try and support their designs. None of the examples homes presented bear any resemblance to the existing homes immediately surrounding the proposed development, specifically the ones on Brantingham Road and Woodacre.
- There will be a loss of existing views for all the neighbouring properties and will negatively affect the local amenity.
- The proposed houses are considerably taller than the two houses they are positioned behind. (No. 55 and 57 Alness Road).
- Concerned that if permitted development rights are not removed for this project what is to stop the garage in one of the units being converted to living accommodation, which would then mean there would be insufficient parking within the site. The likelihood is that most of these properties will have at least two vehicles, particularly as we are a fair distance from the nearest tram stop.
- The tree tables are dated May 2018. The data was proven to be incorrect in the original objection. An assessment of the report and the tree survey shows that it is deficient and misleading on a number of fundamental aspects of the development and still gives completely the wrong impression over the implications, both direct and indirect. There is significant variance in heights, stem diameters, canopy spreads, clear canopy and branch heights and condition. The trees are significant specimens of high visual amenity giving scale and maturity as landscape features. The development still fails to take account of the advice given in BS 5837 2012 and still fails to take account of the council's planning policies. It still fails to address specific tree issues in terms of protection giving simple generic recommendations rather than specific details on tree protection.
- The survey still fails to address the issue of site clearance i.e. removing the tennis court material. It still fails to adequately prove the trees will not be damaged to their long-term detriment. The tree survey still fails to record all the material arboreal attributes as required in BS 5837 – 2012.
- The environmental report submitted states that the area should be viewed/surveyed during May – August to give a definitive survey, this has not been done.
- These are obviously family houses and the additional numbers of both adults and children will affect medical and educational service in the area both of which are stretched and there is only limited capacity especially for Primary children.
- First and foremost the noise whilst construction is being carried out will disrupt neighbouring occupier's routines, and abilities to work from home which could affect earnings, and resident's mental health. Which could be further impacted upon by the development due to loss of privacy.

**Highway Services** – It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns. It is therefore understood that the applicant does not intend to offer the access road up for adoption so a S38 process would not be triggered. The proposed access road carriageway width is 5.5m which is acceptable to Highways. The northern footway is 2.45m wide at the entrance and reduces to

1.8m adjacent to the new houses. The southern footway is proposed as 1m wide. Adequately sized driveways are being provided for four properties whilst the 3-bed property has an internal garage which is also acceptable from a highway perspective.

The waste management proposals are acceptable in principle with waste collection taking place from within the development with a suitably sized turning head being provided. Bin stores are being provided within the curtilage of each property which is also acceptable in highway terms. It is likely that the existing vehicle access off Alness Road will require to be widened and if this is the case this should be undertaken through S278 agreement.

It is understood that the existing brick wall and hedging is being replaced at the existing vehicle access point and Highways would expect any new boundary and gating proposal to allow for sufficient intervisibility between vehicles and pedestrians (such as a dwarf wall with railing above). The gates are set sufficiently back so that a vehicle waiting to enter does not block the highway.

It is recommended that prior to the commencement of the development a detailed construction management plan outlining working practices during development is submitted.

Additional comments in relation to revised scheme:

The reduction in property numbers (from 5 to 4) and the proposed removal of the entry gate system is acceptable from a highway perspective and our previous comments remain applicable.

**Environmental Health** – Suggests the imposition of three conditions concerning waste management, construction management and contaminated land.

**Arborist** - There will be minimum impact on the root protection zones of the offsite trees due to the development layout.

The developer has designed the layout of the site to ensure the properties do not encroach onto the root protected area. Only minor soft landscaping works will be carried out within the root protection zone.

The developer should carry out all works in accordance to BS:5837. We would expect protective fencing to be installed before any work begins and this protective fencing should not be moved during the duration of on-site works.

**Leisure Services** – Requested a contribution to mitigate against loss of tennis courts. This should be provided in the form of a S106 for access gates to the tennis courts at Alexandra Park.

**Sport England** - Did not object and referred the local planning authority to standing advice.

**Greater Manchester Ecology Unit (GMEU)** – The Bat survey report submitted to inform the above planning application has been undertaken by suitably qualified ecologists and is to appropriate standards. They have no reason to disagree with the survey findings, which did not record any bats using the building to be demolished for roosting. They recommend conditions requiring the protection of trees on the site boundary to be retained and for the protection of breeding birds.

**United utilities** – Recommend a condition relating to a surface water drainage scheme to be agreed and a condition relating to the maintenance of the scheme.

**GMP** – Any comments received will be reported to Committee

## **Policies**

**The National Planning Policy Framework (February 2019)** – The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 59 states that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

Paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

Paragraph 102 states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued.

Paragraph 105 states that if setting local parking standards for residential and non-residential development, policies should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

**Core Strategy Development Plan Document** – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that 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. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy EN 1, *Design Principles and Strategic Character Areas* – This policy states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes.

Policy H6, *South Manchester* – 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 DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, the most relevant of which in this instance are:

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity and landscape.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply)

Saved UDP Policy DC26 - seeks to reduce the impact of noise generating development. The Council will consider the effect of new development proposals and the implications of new development being exposed to existing noise sources. Developments likely to result in unacceptably high noise levels will not be permitted.

**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.

**Manchester Residential Quality Guidance 2016** – 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 ambitions of the City are articulated in many places, but none more succinctly than in the 'Manchester Strategy' (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.

**Guide to Development in Manchester Supplementary Planning Guidance** – Adopted in 2007, the guidance states in paragraph 2.13 that the scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline.

Paragraph 2.14 states that it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones.

Paragraph 2.15 states that although a street can successfully accommodate buildings of differing heights, extremes should be avoided unless they provide landmarks of the highest quality and are in appropriate locations. In established residential areas, significant variation in height may not be appropriate.

## **Issues**

**Principle of the Proposal** – Whilst it is acknowledged that this site is situated in a backland location, it should be noted that this is previously developed land with an established access, which with a historical use as a tennis club and courts has had and could have a significant level of activity.

The predominant character of the area is residential with a mix of two and three storey properties, ranging from traditional properties to 1930s style semis to modern mews type townhouses built in the early 2000s. It should be noted that the application plot is not within the Whalley Range Conservation Area as reported by a local resident within the comments received, and is located approximately 150 metres south of the Whalley Range Conservation Area. Having regard to the context, the residential nature of the area and the fact that the proposal has been reduced in scale, massing and number of proposed dwellings, the principle of the proposal is considered to be acceptable.

Furthermore, the provision of family housing complies with Policy H6, which promotes the provision of such accommodation outside of District Centres.

Notwithstanding this, consideration must be given to the proposal's impact upon the existing levels of residential and visual amenity enjoyed in the locality of the site, particularly by those residents who adjoin the site, and upon the ecology and wildlife of the site.

**Space Standards** – The City Council adopted the Manchester Residential Quality Guidance in December 2016 and within that document reference is made to the use of a combination of the Nationally Described Space Standards and the London Housing Design Guide space standards to form Manchester's space standards (SS) for residential developments.

The amount of floor space proposed for each dwelling, all of which are two-storey properties with accommodation in the roof space (3 storey for accommodation standard purposes), 4 bed properties with the same footprint meet the required space standards as detailed below:

- Proposed dwellinghouses, 3 storey – 154m<sup>2</sup> (SS - 130m<sup>2</sup>)

**Design** – The proposal would utilise a buff coloured brick and grey slate roofs. The proposed dwellinghouses would have square bay windows to the front and protruding brickwork patternation along with a soldier course of bricks, wrapping around the dwellinghouses to create interest and provide architectural articulation. The roofs would be dual pitched with gables to the side, and square, grey, metal clad dormers to the rear of each property. The design of the dwellings is contemporary in nature and takes its design cues from properties within the wider Whalley Range area. Whilst the adjacent properties are a mix of red brick to render, the proposed pallet of materials are considered to be acceptable in the context of this setting.

The scheme which is now under consideration is considered to be of high quality with well-considered contextually responsive design features.

**Scale and Massing** – Concerns have been raised about the scale and massing of the proposed dwellinghouses, and following negotiations the scheme has been reduced from five dwellinghouses to four dwellinghouses. It must also be noted that a previous application sought seven three-storey townhouses on this site. The height of the dwellinghouses has been reduced from 8.78 metres to 8.18 metres to be less obtrusive to surrounding properties. Furthermore the reduction from 5 to 4 dwellinghouses has allowed for more space to be made available around the properties and moved them away from the shared boundary with properties on Woodacre. The properties on Brantingham Road are largely two-storey properties, whilst Alness Road, Woodacre and Manley Road have a mix of two and three storey properties. Given that the proposed dwellinghouses would be two-storey with additional accommodation in the roof, it is considered that the proposal would be of an appropriate scale and massing to surrounding properties and would not be overly dominant or at odds with the overall character of the area.



Proposed front elevation



Proposed rear elevation



Street scene view

**Residential Amenity** – The eastern side elevation of the proposed dwellinghouses is located approximately 6.5 metres away from the shared boundary with properties on Woodacre and 17.5 metres from the rear wall of the closest property itself. The proposed dwellinghouse on plot no.4 would have windows at both first and second floor levels, however, both windows would be to ensuite bathrooms and would be obscure glazed.

The proposed bay windows in the front elevations of the dwellinghouses (facing south) would be 10 metres away from the rear boundary of the properties on Brantingham Road, and a further 15 metres on average away from the rear walls of properties on Brantingham Road.

The western side elevation of the proposed dwellinghouses would be located 1.5 metres away from the shared boundary with no's 55 and 57 Alness Road, however, both properties have rear gardens over 23 metres in length. There would be two windows proposed in the western elevation at first-floor and second-floor level and these would both be obscure glazed as they are to ensuite bathrooms.

The properties on Manley Road to the rear of the proposed dwellinghouses (to the north) would be more than 15 metres away from their rear boundary fence, and approximately would have a distance of approximately 50 metres between the rear windows and dormers windows of the proposed dwellinghouses and the rear windows of the existing houses on Manley Road.

Given the distances outlined above and the use of proposed obscurely glazed windows, it is not considered that the erection of the proposed dwellinghouses would impact on the level of privacy enjoyed by the residents of the surrounding properties on Woodacre, Brantingham Road, Alness Road or Manley Road.

It is not anticipated that the proposed development would create significantly more comings and goings and associated noise disturbance than the previous use as tennis courts did. However, it must be acknowledged that the pattern of movements would be different with comings and goings potentially 24 hours a day given the previous use, however, it is not considered to be so undue as to warrant the refusal of planning permission.

Local residents have raised concerns about overlooking, loss of privacy and loss of light, however, the revised scheme has addressed these concerns by reducing the height of the dwellinghouses, by reducing the number of dwellinghouses proposed from 5no. to 4no. houses, and in turn by moving the eastern gable further away from the shared boundary with properties on Woodacre. Local residents have expressed concerns about noise during construction, this can be adequately controlled by an appropriately worded condition. Furthermore, local residents have also expressed concerns regarding parking at the proposed dwellinghouses. However, the applicant has provided 100% parking at one space per property and has provided a swept path analysis (see below) demonstrating how a bin wagon or other large vehicle could access the properties and turn, Highways have no objection to this arrangement.

Loss of light is not considered to be a significant issue given the orientation of the proposal and the distance of the proposed dwellinghouses from the neighbouring habitable room windows. In further revising the scheme by moving the eastern side wall away from the rear of the houses on Woodacre, the applicant addressed the issue of loss of light satisfactorily.



## Swept path analysis

**Permitted Development Rights** – In order to further reduce the impact of the proposal upon neighbouring residents and to prevent the overdevelopment of the site, it is proposed to attach conditions removing Permitted Development Right for domestic extensions/outbuildings and to prevent the conversion of the dwellings into Houses in Multiple Occupation.

**Site History** – Planning application 120233/FO/2018 for the erection of 7no. three-storey terrace properties with associated landscaping and boundary treatment, and creation of new access road off Alness Road, following demolition of existing tennis club house, was withdrawn on 12<sup>th</sup> September 2018. The applicant was advised at the time that this proposal could not be supported due to concerns about the proposed scale and massing and overdevelopment of the site.



Comparison between first scheme and current scheme.

**Visual Amenity** – Given the design and siting of the proposed dwellings and the fact that they have been reduced in size and massing to that originally submitted, it is not considered that they would have an unduly adverse impact upon the levels of visual amenity enjoyed by residents of surrounding properties. The impact of the proposed dwellings would be further softened by the proposed landscaping.

**Amenity Space** – Sufficient private amenity space would be provided for the future occupants of the proposed dwellings with each house incorporating rear garden areas. The recommended condition in relation to permitted development rights would seek to maintain the level of amenity space.



**Boundary Treatment** – The applicant is proposing to erect 2 metre high timber boundary fences around the periphery of the site with low brick walls to the front. Following negotiations, the applicant is also proposing a long hedge adjacent to the access road along the boundary with no. 37 Alness Road, to replace the hedging that will be lost on the Alness Road frontage. The existing site access on the Alness Road frontage will have the gate and brick wall removed to create a new 5.5 metre access road leading to the houses. There will be a footpath running adjacent to the access road.

**Ecology** – It is considered prudent to attach a condition limiting the demolition of the clubhouse and tree works outside of the bird nesting season, unless further surveys reveal an absence of nesting birds and to protect trees to be retained. GMEU have indicated their satisfaction with the submitted ecology report and the proposed works. A condition relating to bat and bird boxes is proposed, together with a condition requiring gaps to boundary fences to allow for hedgehogs to pass through the site unimpeded. It is considered that the proposed replacement hedging adjacent to the proposed footpath in to the site will have a positive impact upon wildlife.

**Landscaping** – As the existing land relates to vacant tennis courts there are no trees within the footprint of the proposed dwellinghouses. There are a number of mature trees on land bounding the site, and the applicant has indicated that they wish to retain all trees as they will form a natural green backdrop to the proposed development and provide additional screening of the properties from neighbouring properties. Furthermore, the applicant is proposing to plant two extra heavy standard trees to the front of the properties along with the aforementioned hedge and additional shrubs. An appropriately worded landscaping condition is proposed to ensure landscaping is implemented.

The City Council's Arborist has assessed the proposals and is satisfied with the proposed development in relation to the surrounding trees and their root systems. Appropriately worded conditions are proposed to safeguard the trees during construction, and to ensure their retention afterwards.

**Pedestrian and Highway Safety** – It is not considered that the additional dwellings would generate such significant levels of traffic or concentrated traffic movements so as to prove detrimental to the levels of pedestrian and highway safety currently enjoyed within the locality. It is also considered that any traffic movements generated by the residential development would not represent an increase over and above the levels of traffic associated with the historic use of the site.

**Car Parking** – All of the proposed dwellings would have an off-street parking provision of one space per dwellinghouse. Furthermore, the proposal is a short walk away from Alexandra Road South where a regular bus service to and from town run regularly. Therefore, this level of parking provision is considered to be acceptable.

**Cycle Parking** – Sufficient space exists within all four dwellings for the storage of cycles.

**Waste Storage** – Environmental Health have confirmed that the submitted waste management strategy is acceptable and have requested that it be conditioned to

ensure future compliance with it. The submitted plans show that four separate recycling wheelie bins for each dwelling would be provided and would provide facilities for the recycling of garden/food waste, glass, metal, plastics, paper/cardboard and general household waste. Purpose built bin stores would be provided to the front of the properties.

**Accessibility** – The submitted design and access statement states that all four of the proposed dwellinghouses will have a level threshold entry and would be wheelchair accessible, and would all comply with Part M of the Building Regulations for private dwellings. The interior layout of the proposed dwellings is considered acceptable, with a hallway leading to a living room and kitchen/dining room to the rear and a downstairs WC under the stairs.

Given the above and the fact that the development has been designed in accordance with Part M of the Building Regulations the accommodation is considered acceptable in terms of accessibility.

**Crime and Disorder** – Concerns have been raised about access to the rear of surrounding properties, however, the applicant is proposing a timber fence along the perimeter of the site. The applicant is undecided on whether or not to retain the existing fencing to the tennis court and are happy to be advised on the most appropriate security arrangement. A condition is recommended to finalise the details of the boundary treatment and a Secured by Design condition is recommended.

**Air Quality** – The erection of four dwellings in this location would not have an unduly detrimental impact upon the air quality experienced in the vicinity of the site. A construction management plan condition would be attached to any consent granted to ensure that dust suppression measures are implemented while the development is being built.

In terms of the running of additional households in this location, it is not considered that the comings and goings associated with the dwellings would have an unduly detrimental impact upon air quality.

Sufficient space exists within the curtilage of the site to allow for the storage of cycles. The applicant has confirmed that they would provide electric vehicle charging points for the scheme.

**Whalley Range Conservation Area** – The application site is not located in or adjacent to the Whalley Range Conservation Area and is some 150 metres to the south of it. Furthermore, there are no heritage assets within or adjacent to the application site. Therefore, the proposal would not impact upon the character of the conservation area.

**Sustainable Drainage** – The application site is not within a designated flood zone. Appropriate conditions regarding drainage are proposed.

**Contaminated Land** – Colleagues in Environmental Health have assessed the submitted scheme and have suggested conditions relating to contaminated land be attached to any planning permission.



**Mitigation for loss of sports facility** – The application site was a private member's tennis club with three tennis courts. The site has been unused for over two years, and whilst the courts were not open to non-members, mitigation for the loss of a sports provision has been negotiated.

The applicant has agreed to make a financial contribution by way of a Section 106 agreement to fund access gates to the existing tennis courts located within Alexandra Park.

Within the Whalley Range Ward, which the application site is located, Alexandra Park is the closest park and has the greatest demand for all park sites in the UK (1<sup>st</sup> out of 700 park venues with 4 courts or more). There is significantly high latent demand for tennis facilities within the Whalley Range area. Leisure Services have estimated that with floodlit year round provision 7300hrs additional court time would be added. Floodlighting is already in place in the park and could be switched on through an alternative process which would enable current capacity to be utilised. Access technology would therefore assist the utilisation of current provision, rather than adding new to supplement loss of tennis provision at English Martyrs.

**Resident's comments** – The applicant has amended the scheme and reduced the number of dwellinghouses proposed together with reducing their height. The proposed landscaping is to include a hedge adjacent to the access road, and extra heavy set trees to the front of the dwellinghouses. Conditions relating to the protection of trees and wildlife are proposed, together with conditions relating to construction management, sustainable drainage, boundary treatments, and landscaping.

## **Conclusion**

The proposals would see the provision of four good sized family homes accommodated in a predominately residential area with parking for all units capable of accommodating electronic vehicles. The siting and massing of the proposed dwellings is comparable with surrounding properties (see below). Whilst the design is more modern than surrounding properties, there is no definitive style to properties surrounding the site, and the design proposed is of a high standard. As a result it is not considered that the proposal would have a detrimental impact upon the character of the area or existing levels of visual amenity. In addition to the above, given the siting of the proposal it is not considered that the proposal would give rise to undue harm to residential amenity or loss of privacy.



### Height comparison to existing properties

The proposed retention of trees surrounding the site, the planting of two new extra heavy set trees to the front of the proposed dwellinghouses and the proposed hedge planting contribute positively to the landscaping of the scheme and the character of this particular part of Whalley Range.

**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 polices 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**      **MINDED TO APPROVE subject to Section 106 agreement for access gates to the tennis courts at Alexandra Park.**

### 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. In particular the scheme has been revised and reduced in line with officer's comments.

## **Reason for recommendation**

### **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:

Proposed street scene EMT/PL/106 rev01, received by email 10th July 2019;

Proposed roof plan EMT/PL/104 rev 01, received by email 10th July 2019;

Proposed second-floor plan EMT/PL/104 rev 01, received by email 10th July 2019;

Proposed first-floor plan EMT/PL/103 rev 01, received by email 10th July 2019;

Proposed ground-floor plan EMT/PL/102 rev 01, received by email 10th July 2019;

Proposed sun path diagram EMT/PL/101 rev 01, received by email 10th July 2019;

Proposed swept path analysis diagram EMT/PL/128 rev 01, received by email 10th July 2019;

Proposed property setting out drawing EMT/PL/127 rev 01, received by email 10th July 2019;

Proposed rear elevation EMT/PL/124 rev 01, received by email 10th July 2019;

Proposed front elevation EMT/PL/123 rev 01, received by email 10th July 2019;

Proposed side elevation EMT/PL/112 rev 01, received by email 10th July 2019;

Proposed side elevation EMT/PL/111 rev 01, received by email 10th July 2019;

Proposed front elevation EMT/PL/109 rev 01, received by email 10th July 2019;

Proposed rear elevation EMT/PL/110 rev 01, received by email 10th July 2019;

Proposed section through EMT/PL/108 rev 01, received by email 10th July 2019;

Proposed street scene EMT/PL/107 rev 01, received by email 10th July 2019.

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) Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and/or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policy DM1 of the Core Strategy and the requirements of the National Planning Policy Framework.

4) 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 Manchester Core Strategy (2012).

5) Prior to the occupation of the development hereby approved, a Contaminated Land Verification Report shall be submitted to the City Council as local planning authority.

Reason - To confirm that appropriate remedial action has been taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Manchester Core Strategy (2012).

6) Above-ground construction works shall not commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how Secured by Design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and to reflect the guidance contained in the National Planning Policy Framework

7) The development shall be carried out in accordance with the details shown on drawing EMT/PL/128 rev 01 dated 21st May 2019. The approved details shall be implemented in full on occupation of the scheme hereby approved and be retained thereafter.

Reason - In the interests of public health and residential amenity and to insure that there is satisfactory refuse facilities prior to the commencement of the change of use pursuant to policies DM1 and SP1 of the Core Strategy.

8) Before first occupation the first floor windows in the eastern and western elevations of the proposed dwellinghouses shall be obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

9) 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) no part of any dwelling 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 exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and 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 policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1, H6 and DM1 of the Manchester Core Strategy (2012).

10) Above-ground construction works shall not commence until details of the measures to be incorporated into the development to allow for the provision of electric vehicle charging points have been submitted to and approved by the City Council as Local Planning Authority.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy (2012).

11) Above-ground construction works shall not commence until a landscaping treatment scheme, including tree planting, boundary treatment and bin store design, 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 the dwellings are first occupied. 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 that respects the character and visual amenities of the area, in

accordance with policies SP1, EN9 and DM1 of the Manchester Core Strategy (2012).

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), no extensions or additional development shall be erected under Part 1, Classes A (extensions), B (alterations to the roof) and E (outbuildings) of the Order without the prior written express consent of the City Council as Local Planning Authority.

Reason - In the interests of residential amenity and to safeguard the character of the area, pursuant to policies DM1 and SP1 of the adopted Core Strategy Development Plan Document for the City of Manchester.

13) Prior to the commencement of the development hereby approved or any phase thereof a Construction Environmental Management Plan must be submitted to and be approved by the City Council as local planning authority and thereafter implemented in accordance with those approved details. The Construction Environmental Management Plan must show how the main construction effects of the development are to be minimised, with include detailed mitigation measure such as:

1. details of construction and demolition waste management;
2. details of pollution prevention;
3. dust control measures;
4. details of any lighting scheme proposed during construction;
5. details of site access, working and safety zones, together with temporary fencing proposals for the site access and site perimeter.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 in the Core Strategy Development Plan Document.

14) 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.

15) 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.

16) Prior to first occupation measures to incorporate bat and bird boxes within the development. 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

17). 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.

18) No drainage shall be installed until the full details of a surface water drainage scheme has been submitted to and approved in writing by the City Council as local planning authority.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to Policy DM1 in the Core Strategy Development Plan Document and the policies and guidance within the NPPF and NPPG.

19) No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme

shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a. Verification report providing photographic evidence of construction as per design drawings;
- b. As built construction drawings if different from design construction drawings;
- c. Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to Policy DM1 in the Core Strategy Development Plan Document and the policies and guidance within the NPPF and NPPG.

20) Prior to the installation of any boundary treatment on site as identified on drawing reference EMT/PL/102 rev 01 details of the materials and finishes of all boundary treatments shall be submitted and approved in writing by the City Council as local planning authority. The details shall include measures incorporated into garden boundaries to facilitate the movement of hedgehogs across and around the site. The approved boundary treatments associated to each residential dwellinghouse shall be installed prior to the first occupation of that dwelling and thereafter be retained and maintained.

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 and to enhance the biodiversity of the site in order to comply with policies SP1, EN9 and DM1 of the Core Strategy.

### **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: 121945/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:**

**Sport England  
Environmental Health  
Highway Services  
Parks, Leisure & Events  
Neighbourhood Team Leader (Arboriculture)  
Whalley Range Forum  
Greater Manchester Police  
Highway Services  
Environmental Health**



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**Environmental Health**  
**Parks, Leisure & Events**  
**Neighbourhood Team Leader (Arboriculture)**  
**Whalley Range Forum**  
**Greater Manchester Police**

**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:**

**Relevant Contact Officer :** Melanie Tann  
**Telephone number :** 0161 234 4538  
**Email :** m.tann@manchester.gov.uk



Application site boundary ● Neighbour notification  
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