

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
121011/FO/2018	5 <sup>th</sup> Sep 2018	14 <sup>th</sup> Mar 2019	Didsbury East

**Proposal** Erection of a part 2/part 3 storey terrace of four dwellings (3 bedrooms) and one detached 2 storey dwelling (3 bedrooms) following demolition of existing commercial buildings and garages

**Location** 88 School Lane, Manchester, M20 6GH

**Applicant** Mr Marc Silcock , Kamani Property, 6 Tariff Street, Manchester, M1 2FF,

**Agent** Mr Harry Calder, Calder Peel Architects, 20 - 24 Market Court Church Street , Altrincham, WA14 4DW

### **Description**

88 School Lane is a commercial property located at the junction of School Lane and Ladysmith Road. The property is denoted by a white X on the photograph below. The property is currently vacant and the site has been secured with hoardings.

Immediately adjoining the site there are residential properties, namely nos. 90 School Lane and no. 3 Ladysmith Road. On the opposite side of Ladysmith Road and School Lane there is a combination of dwellings and commercial properties with residential uses above.



The applicant is proposing to erect a part two/part three storey terrace of four dwellings at the corner of School Lane and which extends down the Ladysmith Road frontage. The properties will be three bed dwellings, two of which will have off-street parking provision for two cars each. The remaining two dwellings will have no off-street parking facilities.

In addition, to the terrace of four dwellings, the applicant is also proposing to erect a detached two storey dwelling which will front School Lane and be sited to the side of no. 90 School Lane. That property will also have three bedrooms and off-street parking for two vehicles. The proposed layout is shown below:



Originally, the applicant proposed to erect a terrace of five 3 storey dwellings and one detached three storey dwelling on the site but following concerns about the size of the proposal and the number of units proposed the scheme was amended to that now before the committee.

The applicant has previously obtained planning permission at appeal (APP/B4215/A/09/2110844, allowed on 3<sup>rd</sup> February 2010) for the erection of a 3 storey building to form shops on the ground floor with three self-contained flats above. That permission was never implemented.

### **Consultations**

**Local Residents** – Six letters of objection have been received, two of which relate to the revised scheme, the points raised in relation to the revised scheme have been detailed below:

- The proposal will sit in front of the established building line on Ladysmith Road. While the applicant has made a number of concessions it is still considered that the proposal will be over bearing.
- Being located in front of the recognised building line the development creates a blind spot outside of no. 3 Ladysmith Road, this will reduce security.

- The size, nature and density of housing proposed is not in keeping with the area and still constitutes overdevelopment. The living space footprint has not changed significantly from the original proposal. The proposed size and density of the properties would therefore still seem likely to develop a feel of overcrowding and perhaps introduce a lower standard of living due to the increased density of people within a significantly reduced land footprint.
- Vehicles accessing the proposed parking spaces will prove a danger to pedestrians. The only comparable 'town house' development in the area has arranged its parking set back around 15 feet from School Lane, respecting the existing building line and perhaps in recognition of the need for a higher level of safety whilst negotiating entry or exit of the integrated garages onto a pavement space used extensively by school children.
- The provision of parking spaces is welcome. However, if the new buildings are rented out there could be a 'parking overspill' into Ladysmith Rd which is already difficult/impossible to park on. If the tenants in the planned properties could be advised to use their drives to park when they are available it would go some way to helping the situation that already exists with the present neighbours.

Comments received in relation to the original scheme are detailed below:

- The proposal will restrict sunlight into nearby gardens and dwellings and have an impact on privacy.
- The proposal will exacerbate existing parking problems and cause congestion.
- The proposal would constitute overdevelopment as the number of units proposed is too great for the side of the site.
- The three storey nature of the building is out of character with the area.

**Ward Members** – A letter of objection in relation to the original scheme has been received from Councillor Andrew Simcock, his concerns are as follows:

- The proposal constitutes overdevelopment of the site.
- The development is not attuned to the local street scene. The houses should be facing School Lane not Ladysmith Road. There are good examples of houses and flats of a similar height on School Lane but not on Ladysmith Road.

**Highway Services** – Highway Services have made the following comments:

- The vehicle movements generated by the proposal are considered unlikely to impact highway operation or safety.
- The revised scheme indicates that the two central properties offer no in-curtilage parking. It is acknowledged that the surrounding highway network is already subject to high demands for on-street car parking. Ideally, each property should provide in-curtilage parking, however given the previous use at the site, it is accepted that a similar level of on-street parking will be generated.
- It is acknowledged that the houses will have sufficient secure amenity space to store bicycles if required.

- Should the planning application be approved, the applicant will be required to enter into a Section 278 agreement to reinstate redundant vehicular crossing and provide new ones.
- A Construction Management Plan is recommended for this development.

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

**Greater Manchester Ecology Unit (GMEU)** – GMEU have made the following comments:

**Bats** – The buildings comprise a two storey commercial building with a pitched gable roof together with two garages. The buildings were inspected internally and externally on 27<sup>th</sup> July 2018 and no bats or signs of bats were found during the survey. However, potential bat roosting features were identified and a further emergence survey was recommended. A dusk emergence survey was carried out on 1<sup>st</sup> August 2018, no bats were seen to emerge from the buildings at the time of the survey and only a low level of Common pipistrelle activity was recorded in the locality. No further bat surveys are therefore considered necessary at this time and work can commence with a low risk to roosting bats.

Notwithstanding the above, bats are mobile in their habits and can and do turn up in the most unlikely places. If bats are found or suspected at any time during the works, work should cease immediately and advice sought from a suitably qualified bat worker. GMEU suggest that an informative to this effect be placed on any permission.

**Birds** – The buildings were considered to have some potential to support nesting birds, although no nesting birds were seen during the surveys. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). GMEU therefore recommend that demolition should not be undertaken in the main bird breeding season (March-July inclusive), unless nesting birds have found to be absent, by a suitably qualified person. GMEU recommend that a condition to this effect be placed on any permission.

**Biodiversity Enhancement** – In line with Section 11 of the NPPF, it is recommended that opportunities for biodiversity enhancement be incorporated into the new development. These should include:

- Bat bricks and/or tubes within the new development
- Bat boxes
- Bird boxes
- Native tree and shrub planting

**United Utilities Water PLC** – Suggests the imposition of a number of drainage conditions.

## 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):-

**The Manchester Green and Blue Infrastructure Strategy (GandBIS) – The GandBIS 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. Buildings should recognise the common building line created by the front face of adjacent buildings. Projections and setbacks from this line, such as bays, foyers and entrance halls, can help to create visual emphasis; they should not, however, reduce safety by creating hidden areas, or accessibility by making obstructions, nor detract from the visual continuity of the frontage.

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** – While the predominant character of the area is of two storey dwellings, it is noted that there are a number of examples of three storey dwellings and apartment buildings located along School Lane, most noticeably in this instance nos. 97 to 105 School Lane, which are diagonally opposite the application site. Given this, the residential nature of the area and the fact that the three storey element of the proposal is located at the corner of School Lane and Ladysmith Road, the principle of the proposal is considered 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 levels of pedestrian and highway safety enjoyed along School Lane and Ladysmith Road.

**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 the Nationally Described Space Standards (NDSS) as interim space standards for residential developments.

The amount of floor space proposed for each dwelling, all of which are 3 bed properties and that required under the NDSS is detailed below:

- House type A, 2 storey – 90.56m<sup>2</sup> (NDSS - 84m<sup>2</sup>)
- House type B, 3 storey – 154.65m<sup>2</sup> (NDSS - 90m<sup>2</sup>)
- House type C, 2 storey – 95.25m<sup>2</sup> (NDSS - 84m<sup>2</sup>)
- House type C+, 2 storey – 95.25m<sup>2</sup> (NDSS - 84m<sup>2</sup>)

The proposal complies with the space standards.

**Design** – Though the proposal will utilise traditional materials, the design of the dwellings is contemporary in nature and takes its design cues from nos. 97 to 105 School Lane, a terrace of 3 storey flat-roofed dwellings and the flat roofed apartment block, which is also 3 storeys high, at nos. 106 to 110 School Lane.

The brick elevations, a mix of red and lighter brick, are punctuated with recessed vertical glazing, enclosed by grey aluminium frames, and dark metal cladding panels. This variety of materials and planes adds interest to the elevations. The use of flat roofs, evident elsewhere on School Lane, allows the provision of generous accommodation whilst also keeping the overall height of the development below the ridges of the dwellings on Ladysmith Road. Siting the three storey element at the School Lane and Ladysmith Road junction provides a focal point and this is emphasised further by the inclusion of brick detailing panels on this element.

This design approach is welcomed and can be seen below:



*Detached dwelling, School Lane elevation*



*Terrace of four dwellings, School Lane elevation*



*Terrace of four dwellings, Ladysmith Road elevation*

**Residential Amenity** – The eastern elevation of the proposed detached dwelling is located approximately 1 metre away from the boundary with no. 90 School Lane and 3 metres from the property itself. Located within this elevation are three windows – two lounge/diningroom windows on the ground floor and one obscurely glazed bathroom window at first floor. The southern elevation of proposed detached dwelling is located approximately 11 metres away from rear boundary garden with no. 3 Ladysmith Road. Given these distances and the presence of existing and proposed obscurely glazed windows, it is not considered that the erection of the detached dwelling will impact on the level of privacy enjoyed by the residents of no. 90 School Lane and no. 3 Ladysmith Road.

The side elevation of the proposed terrace would be located approximately 2.6 metres away from the side elevation of no. 3 Ladysmith Road. Within that elevation there would be two narrow windows, one to the ground floor lounge and the other to the first floor bathroom, with the latter being obscurely glazed. Given the nature of the proposed windows and that fact the one at first floor will be obscurely glazed, it is not considered that they will lead to a reduction in the levels of amenity enjoyed by the residents of no. 3 Ladysmith Road.

The front elevations of the terrace and detached dwelling will be sited 18½ metres and 21½ to 27½ metres away from the dwellings on the opposite side of Ladysmith Road and School Lane respectively. These elevations consist of a mix of habitable and non-habitable rooms. Given the distance between the proposed and existing dwellings and the fact that both elevations overlook over the public realm, it is not considered that the windows in the front elevations will lead to a reduction in privacy and subsequently existing levels of residential amenity. This relationship across a highway is similar to many others within this area of Didsbury.

Local residents have raised concerns about overshadowing. While it is acknowledged that the proposal is closer to no. 3 Ladysmith Road than the existing building, it is considered that as the development is only 2 storeys high in this location it will not lead to undue overshadowing of no. 3 Ladysmith Road. In terms of the impact on no. 90 School Lane, given the orientation of the proposed detached dwelling and the fact that it is also only two storeys in height, this element of the development would not lead to undue overshadowing.

In conclusion, it is considered that the siting of the dwellings in the location proposed, along with the type and number of windows in all of the elevations, will ensure that there is no undue loss to the levels of privacy enjoyed by the residents of no. 90 School Lane and no. 3 Ladysmith Road nor lead to undue overshadowing.

**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.

**Scale and Massing** – Concerns have been raised about the three storey nature of the proposal and how this is at odds with the scale of dwellings in the area. While Ladysmith Road is made up solely of two storey dwellings, three storey dwellings and apartments blocks are located on a number of sites along School Lane. Given that the three storey element of the proposal is located at the junction of School Lane and Ladysmith Road, it is considered that siting the three storey element at this location is acceptable and not at odds with the overall character of the area.

Originally the applicant did propose to erect a three storey terrace along the Ladysmith Road frontage. However, following concerns about its scale when compared with the neighbouring dwellings the applicant reduced the proposal to two storeys, in addition to also reducing the number of units proposed. The drawing below is of the Ladysmith Road frontage and compares the scale of the scheme as now proposed, the original proposal (A - blue dotted line) and the apartment scheme approved at appeal (B - purple dotted line). As can be seen the overall height of the proposal has been significantly reduced along this frontage and is now more in keeping with the scale of the existing dwellings.



In terms of the massing, this has been broken up by using contrasting and recessed panels of cladding and brick and vertical glazing. This can be seen in the elevational drawings located earlier in this report.

**Siting** – The proposed detached dwelling respects the established building line that runs along the southern side of School Lane. The terrace of four dwellings follows the Ladysmith Road building line though it does sit forward of the one on School Lane. However, as the element that does sit forward is located at the corner of those two roads and is 3 storeys in height, thereby forming a focal point, this is considered acceptable. It should also be noted that the existing building sits forward of the School Lane building line.

**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 will have an unduly detrimental impact upon the levels of visual amenity enjoyed along School Lane and Ladysmith Road.

**Amenity Space** – Sufficient private amenity space would be provided for the future occupants of the proposed dwellings with each house incorporating rear gardens areas.

**Boundary Treatment** – Originally railings were proposed along the School Lane and Ladysmith Road frontages but as boundary walls are the predominant feature in this neighbourhood the applicant has been requested to amend the proposal accordingly.

**Ecology** – It is considered prudent to attach a condition limiting the demolition of no. 88 School Lane to outside of the bird nesting season, unless further surveys reveal an absence of nesting birds. In addition, a condition requiring the use of bat bricks and/or bird boxes within the dwellings and the site is also suggested.

**Landscaping** – The applicant has been requested to explore the provision of a number of street trees along School Lane if none can be accommodated within the site itself.

**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 along School Lane and Ladysmith Road. It is also considered that any traffic movements generated by the residential development would be less than the previous commercial uses (deli, gym and shop) that have operated from the site in previous years.

**Car Parking** – Three of the proposed dwellings would have two off-street parking spaces each, while the remaining two dwellings would not have any in curtilage parking spaces. Given the proximity of the site to the Didsbury Village Metrolink station and the Didsbury District Centre, through which regular bus services run, this level of parking provision is considered acceptable in this instance.

**Cycle Parking** – As acknowledged by Highway Services, sufficient space exists within all five 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 strategy states that four separate 240 litre recycling wheelie bins for each dwelling will be provided and will provide facilities for the recycling of garden/food waste, glass, metal, plastics, paper/cardboard and general household waste. In addition, internal facilities in the form of waste food caddies (23 litres) will be provided to aid further recycling.

At present three of the proposed dwellings show refuse bins stored at the front. While storage at the rear is always preferred there is no objection in principle to storage at the front if a) the bins are stored within a suitable housing and b) they do not compromise fire safety by being stored under a window. While the bins are not sited below a window they are not stored within a suitable structure. The applicant has been requested to address this and a suitably worded condition is suggested to ensure that the design of the bin store is acceptable. It must also be noted that the bin store would be located behind the boundary treatment.

**Accessibility** – The site is nominally flat and wheelchair access from School Lane and Ladysmith Road is unobstructed. In addition to the level access, the interior layout of the proposed dwellings is considered acceptable. The level threshold leads to a hallway, off which stands a W.C., the kitchen, lounge and dining areas, while the upper floors offer spacious circulation space.

Given the above and the fact that the development has been design 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 the siting of the proposal and the impact this has upon the security of no. 3 Ladysmith Road. As the development lines up with the forward most part of no. Ladysmith Road it is not considered that the proposal will lead to the creation of any “blind-spots” and as a result compromise safety.

The standard Secured by Design condition is suggested in this instance.

**Environmental Standards** – The dwellings will be constructed to Part L of the Building Control regulations, which equates to level 4 of the Code for Sustainable Homes scheme. In addition, the dwellings will be fitted with ducting to enable the future provision of vehicle electrical charging points.

**Air Quality** – The erection a five dwellings in this location will not have an undue detrimental impact upon the air quality experienced in the vicinity of the site. A construction management plan condition will 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 will have an undue detrimental impact upon air quality.

Sufficient space exists within the curtilage of the site to allow for the storage of cycles while the integral garage and other dwellings will have an electrical connection, therefore allowing for the future connection of a vehicle electrical charging point. Both of these measures reduce reliance on the traditional motor vehicle.

## **Conclusion**

The siting and massing of the proposed dwellings is comparable with that in existence on School Lane and Ladysmith Road. While the design is of a style not seen on Ladysmith Road, contemporarily designed dwellings can be found on a number of sites along School Lane. As a result it is not considered that the proposal will 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 will give rise to disamenity or overlooking.

**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 and 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 to resolve any problems arising in relation to dealing with the planning application.

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

#### **Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse**

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:

- a) Drawing no. 18075 (PL) 001B, stamped as received on 30th January 2019
- b) Drawing no. 18075 (PL) 170, stamped as received on 30th January 2019
- c) Drawing no. 18075 (PL) 181, stamped as received on 30th January 2019
- d) Drawing no. 18075 (PL) 182, stamped as received on 30th January 2019
- e) Drawing no. 18075 (PL) 200B, stamped as received on 30th January 2019
- f) Drawing no. 18075 (PL) 210A, stamped as received on 30th January 2019
- g) Drawing no. 18075 (PL) 250B, stamped as received on 30th January 2019
- h) Drawing no. 18075 (PL) 251B, stamped as received on 30th January 2019

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

3) Above-ground construction works shall not commence until samples and specifications of all materials, including window frames, to be used in the external elevations 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 Manchester Core Strategy (2012).

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 storage and disposal of waste shall be undertaken in accordance with the Waste Management Strategy stamped as received on 5th September 2018 and shall remain in situ whilst the development is in operation.

Reason - In the interests of visual and residential amenity, pursuant to Policy DM1 in the Manchester Core Strategy (2012).

8) Above grounds works shall not commence until details of biodiversity enhancements (bird boxes and/or bat bricks), 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 Manchester Core Strategy (2012).

9) Demolition works shall not 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 the building for active birds' nests immediately before the building is demolished 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 in order to comply with policy EN15 of the Manchester Core Strategy (2012).

10) Before first occupation the first floor windows in the eastern elevation of the detached dwelling and the southern elevation of the terrace 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.

11) 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, H7,H8 and DM1 of the Manchester Core Strategy (2012).

12) 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).

13) Above-ground construction works shall not commence until a landscaping treatment scheme, including tree planting and boundary treatment, 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).

14) No development shall take place until surface water drainage works, designed in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards, have been submitted to and approved in writing by the Local Planning Authority.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to policies EN08 and EN14 in the Manchester Core Strategy (2012) and national policies within the NPPF and NPPG.

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) no garages or extensions shall be erected other than those expressly authorised by this permission.

Reason - In the interests of residential and visual amenity, pursuant to Policy DM1 in the Core Strategy Development Plan Document.

16) 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.

### **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: 121011/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:**

Greater Manchester Police  
Greater Manchester Ecology Unit  
Didsbury Civic Society  
United Utilities Water PLC

**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:**

Greater Manchester Ecology Unit  
United Utilities Water PLC

**Relevant Contact Officer :** David Lawless  
**Telephone number :** 0161 234 4543  
**Email :** [d.lawless@manchester.gov.uk](mailto:d.lawless@manchester.gov.uk)



Application site boundary ● Neighbour notification  
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