

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
123330/FO/2019	18th Apr 2019	25th Jul 2019	Baguley Ward

**Proposal** Erection of a four storey building to form 10 self-contained flats, with associated undercroft car parking

**Location** Land Adjacent to 303 Greenbrow Road, Manchester, M23 2UH

**Applicant** Mr Hassan Malekzadeh, SMN Design and Construction, 240 Station Road, Bamber Bridge, Preston, PR5 6TQ

**Agent** Ms Victoria Jane Saunders, Bernard Taylor Partnership Ltd, Elizabeth House, 486 Didsbury Road, Heaton Mersey, Stockport, SK4 3BS

## Description

This is an application for the erection of a four storey building which provides undercroft car parking for eight vehicles at ground floor, with an additional car parking space to the rear of the building to provide nine spaces in total for ten residential units. The building would provide four one bedroom apartments at first floor, two one bedroom apartments and one two-bedroom apartment at both the second and third floor.

The land is currently vacant, historically, it has had garages on the site which have been demolished. Immediately to the west of the site is an electricity substation to be retained, further to the west lies a day nursery accommodated in a former public house. To the north and south of the site lie residential properties in this predominately residential area. To the east lies a commercial parade with residential accommodation above that serves the residential area.



Following negotiations revised drawings have been received which result in:

- Alterations to the material palette;
- An increase in the separation distances to surrounding property;
- Obscure glazing to address the perception of overlooking;
- Accommodation of level access to the site;
- Alteration to addressing security concerns raised by Greater Manchester Police;
- The retention of the right of access to the property to the rear;
- Provision for a disabled car parking space;
- Facilities for electronic vehicle charging;
- An internal cycle store;
- More accessible waste storage area away from sensitive receptors; and
- Inclusion of tree and shrub planting.

## History

Planning permission was granted under reference 115380/FO/2017 for the erection of a four-storey building containing 9 x one-bedroom apartments, together with car parking in June 2017 on the site.

An earlier planning application referenced 080234/FO/2006/S2 for the erection of a 4 storey block to form 11 apartments with semi-basement parking and roof garden and relocation of electricity sub-station was Minded to Approve at Wythenshawe Area Committee on the 22<sup>nd</sup> February 2007 subject to the signing of a Section 106 agreement for environmental improvements which was never signed. The application was therefore Finally Disposed of on the 18<sup>th</sup> September 2008.

## Consultations

**Local Residents** - 4 letters of objection were received to the originally submitted drawings, the comments were as follows:

- The scale of the building at four storeys would provide overlooking and result in a loss of light to neighbouring property.
- Increase traffic to the site would increase noise disturbance.
- Traffic on Greenbrow Road is already hazardous and overcrowded.
- Would there be sufficient room for bin wagons and loading lorries to the adjacent parade of shops to manoeuvre. How would the access to the parade of shops be affected?
- A resident stated that they had a right of access to the rear of their property over the land for over 50 years. (Revised plans showed the retention of this access.)
- The development will impact upon the drains
- Loss of a gap between the nursery and the parade of shops which would remove a view to a property
- The development would adversely impact of resale prices of surrounding property
- The possibility of the loss of the oak tree would be unacceptable. (The oak to street is to be retained).

1 letter of objection has been received following the receipt of revised drawings, the comments are as follows:

- Residents request a Tree Protection order is placed on the oak. (The oak to the site frontage, which is not placed under pressure by the development proposals, is within the Highway and under the control of the City Council).
- The building is out of scale at 4 storeys in height and would provide overlooking and have an overbearing impact.
- Increase traffic to the site would increase noise disturbance.
- Would there be sufficient room for bin wagons and loading lorries to the adjacent parade of shops to manoeuvre. How would the access to the parade of shops be affected?
- Has the development got enough parking, what about parking for visitors?
- Is the development going to be used for a hostel?
- Is the right of way to the resident to the rear to be protected?

**Environmental Health** – Have reviewed the Air Quality Assessment and no mitigation is required. Therefore, for this development they recommend proposals for good practice principles for both the design and operational phases. They recommend conditions to agree refuse storage, external equipment insulation, acoustic insulation, a contaminated land watching brief and a construction management plan.

**MCC Flood Risk Management** – Suggest the imposition of drainage and drainage management conditions as did United Utilities.

**Highway Services** – Raise no objections to the scheme, they recommend a condition with regards to construction management. It is recommended that appropriate signage is implemented in order to direct traffic in a one-way movement, to the rear of the commercial units with egress onto Greenbrow Road.

**Neighbourhood Team Leader (Arboriculture)** – The Oak to the street is a healthy mature specimen with high visual amenity. (The oak to the street is to be retained).

**Greater Manchester Police** – Have inputted into the scheme and revisions have been made to the scheme to address concerns raised. They recommend the imposition of the Secured by Design condition to secure the recommendations contained within the Crime Impact Statement.

## **Policy**

**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 H1, *Overall Housing Provision* – This policy states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors and goes on to state that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;
- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours.

Policy H7, *Wythenshawe* – The Council expects that Wythenshawe will accommodate only around 3% of new residential development over the lifetime of the Core Strategy. New high quality high density development will be encouraged within the district centres of Northenden, Baguley and Wythenshawe and upon small infill sites where it contributes to the stock of affordable housing and where it complements Wythenshawe's garden city character. There is also the potential for additional family housing for sale.

Policy EN19, *Waste* – States that developers will be required to submit a waste management plan to demonstrate how the waste management needs of the end user will be met.

Policy T2, *Accessible areas of opportunity and need* – Seeks to ensure that new development is easily accessible by walking/cycling/public transport; provided with an appropriate level of car parking; and, should have regard to the need for disabled and cycle parking.

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)

Policy DC26 - Development and Noise. States that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise. Conditions will be used to control the impacts of developments.

As set out in the report this proposal is considered to accord with both national and local planning policy.

**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.

### **Legislative requirements**

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

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

### **Issues**

**Principle of the Proposal** –The site comprises previously developed land (former garages) with an established access. An extant planning permission exists to redevelop this site to erect a four-storey building containing 9 x one-bedroom apartments, together with car parking under reference 115380/FO/2017. The predominant character of the area is residential and the proposal would provide a mix of accessible housing types in accordance with policies H1 and H7.

Notwithstanding this, detailed 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.

### **Siting and Layout**

The drawings below show the proposed site layout plan, the previously approved layout is shown in a thick line.



To the west of the application site there is an electricity substation, the western elevation is located between 13 -18m from the side elevation of the existing nursery building. To the north the separation distance provided to property on Barnwood Road would be between 17 – 18m. a single car parking space outside of the undercroft car parking area would be located in this position, enclosed by gates as required by Greater Manchester Police. The undercroft car park is located to the east of the site adjacent to the access road to the development and to the adjacent parade of shops. The main entrance to the proposed development would be located to the south elevation facing Greenbrow Road. Cycle storage would be within the building on the ground floor just behind the main entrance. The bin store would be accommodated to the left hand side of the building when viewed from Greenbrow Road, accessed through an access gate.

The scheme proposed would be between c. 0 - 4m further away from the shared boundary to the west than the previously approved scheme at ground floor. The previous scheme had upper floor located on the shared boundary, the scheme now proposed does not, the upper floors are between c. 0.35m to 4.5 from the shared boundary. The scheme is no closer to this boundary and now has a more uniform footprint.

To the north the proposal would be c. 0.3 – 3.2m further away from the shared boundary than the proposed at ground floor. Bin storage has also been moved from this location. This is the location where the access gate for a resident is to be retained. The upper floors are c. 1.5m nearer than the approved scheme, however the separation distance is still c. 17-18m and there are now three obscurely glazed windows where there were nine windows on the approved scheme.

To the east the building is c. 0.3m nearer to the side gable of the parade of shops which lies beyond the access road.

To the site frontage the building line comes forward by between c. 1.6m to 3.75m at ground floor, but sits in the same alignment as the previously approved scheme with regards to the upper floors.

The land levels change within the site and ramps and retaining structure are included to maintain level access throughout the site.

### **Design, Scale and Massing**

The scheme proposals would match the height of the apex of the pitched roof to the commercial parade to the east of the site. The scheme includes a flat roof so it does not have a more dominant presence in the street scene than the commercial parade. The development would present a narrow frontage to Greenbrow Road, allowing a sense of space and separation to the buildings to the east (the commercial parade) and west (the day nursery).

The scheme would utilise blue brick at ground floor and in elements of the facade with red brick utilised for the predominant treatment. This would be appropriate use of materials having regards to the amount of red brick used in this area. The scheme that was previously approved utilised white render and timber cladding to the ground floor.

The design and appearance of the scheme now proposed represents an improvement over and above the scheme previously consented, in that it provides more modelling to the elevations, the elevations include more traditional materials and the built form has a better relationship to neighbouring buildings, the building sits more appropriately within its own boundaries and thus relates more appropriately to the street scene.

**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.

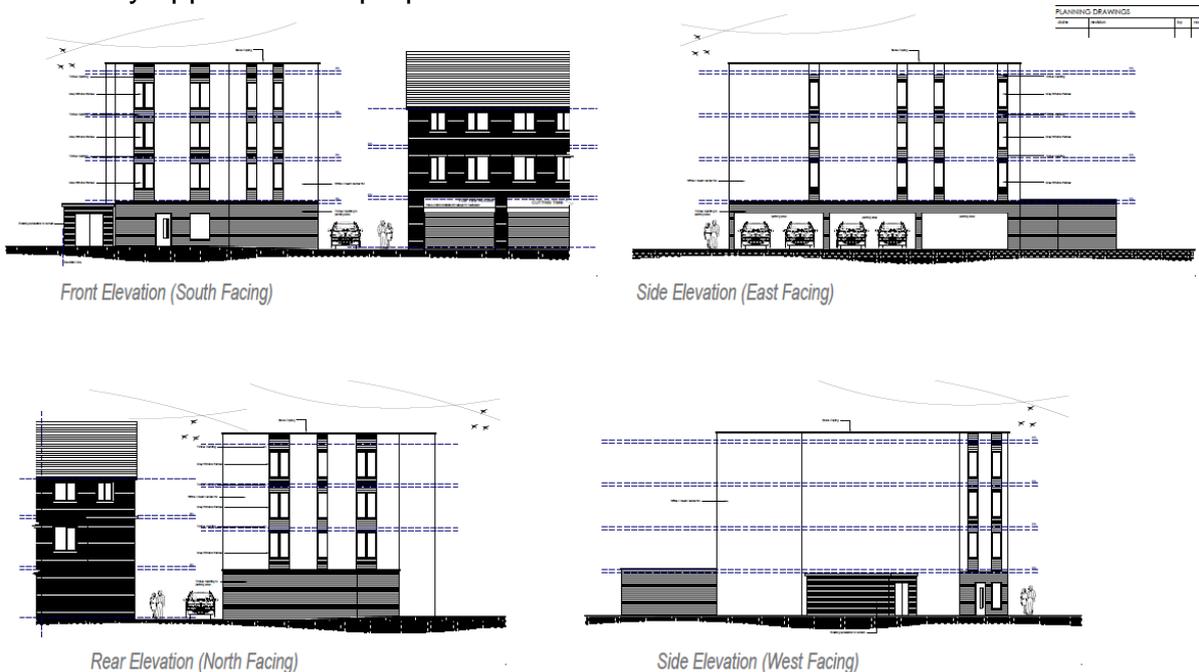
The amount of floor space proposed for each apartment would meet the required space standards as detailed below:

- Proposed first floor, 4 one bed one person apartments measuring between 37-41m<sup>2</sup> (SS requirement – 37m<sup>2</sup>)
- Proposed second floor, 2 one bed one person apartments measuring 39m<sup>2</sup> and 41m<sup>2</sup> and 1 two bed three person apartment measuring 80m<sup>2</sup> (SS requirement 37m<sup>2</sup> and 61m<sup>2</sup>)
- Proposed third floor, 2 one bed one person apartments measuring 39m<sup>2</sup> and 41m<sup>2</sup> and 1 two bed three person apartment measuring 80m<sup>2</sup> (SS requirement 37m<sup>2</sup> and 61m<sup>2</sup>)

### Boundary Treatments

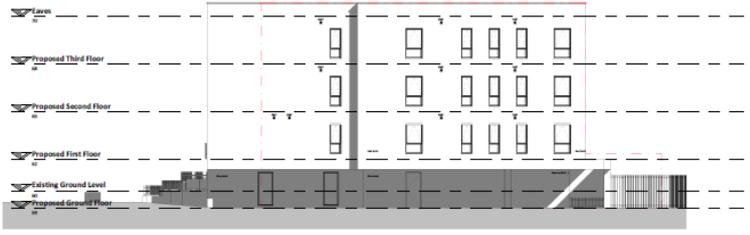
The scheme would include for 1.8m high close boarded timber fencing with a gravel board taking the total height to 2.1m high to neighbouring property. There would be a 2.1m high retaining brick wall to enclose the bin store and a 0.9m high brick wall to the site frontage with railings within. The boundary treatment is acceptable to Greater Manchester Police and is acceptable in design terms within this residential context.

Previously approved and proposed elevations





**South Street Elevation**  
1 : 100



**East Elevation**  
1 : 100



**West Elevation**  
1 : 100



**North Elevation**  
1 : 100



3D Visualisation in the street scene from Greenbrow Road

**Residential Amenity**

Comments have been received from residents that the scheme would provide overlooking, remove light availability and provide noise disturbance associated with car parking.

## **Overlooking**

The west elevation is located between 13 -18m from the side elevation of the existing nursery building. Notwithstanding the plans submitted, which show obscurely glazed windows, the windows to the west elevation will be designed so as to prevent a view out towards the adjacent nursery use, except for the view out of a top opening light above a height of 1.7m.

To the north the separation distance provided to properties on Barnwood Road would be between 17 – 18m (3-7m from the boundary to the garden). The one line of three windows provided to this elevation would be to three bedrooms. Notwithstanding the plans submitted, these windows will be designed so as to prevent a view out towards the property to the north, except for the view out of a top opening light above a height of 1.7m. It must be noted that the consented scheme had 9 unobscured windows in this elevation and therefore it is considered that the scheme now proposed has less impact on the houses to the rear from potential overlooking than the consented scheme.

To the east the windows proposed looking towards the side elevation of the parade of shops would provide no further overlooking than from windows in the previously consented scheme and would provide natural surveillance to the service road.

To the south the windows would not provide any further overlooking by virtue of the width of Greenbrow Road and the screening offered by the retained oak tree and the trees to be provided.

## **Loss of light**

The scheme would not be any taller than the previously approved scheme for the site and the development proposed provided a greater separation distance to surrounding property. Having regard to the separation distances involved it is not considered that the development proposals would have any undue adverse impact upon light availability to neighbouring property.

The scheme is nearer to the proposed boundary than the previously approved scheme in two locations, to the north the upper floors are nearer to residential property on Barnwood Road by 1.5m and to the east the building line is 0.3m nearer to the side gable of the parade of shops. It is not considered that the building being nearer in these two locations would have any further undue impact with regards to loss of light to either properties to the north on Barnwood Road or to the shopping parade to the east, having regards to the separation distances involved and having regards to the impacts over and above the scheme that was previously approved.

## **Noise Disturbance**

It is not considered that the vehicular movements and general comings and goings associated with a residential use of this scale with car parking contained within an undercroft parking area away from any shared boundary with a sensitive receptor could create such a level of noise disturbance as would warrant the refusal of planning consent. The proposed apartments would be acoustically treated in relation to noise from Greenbrow Road and the electricity substation.

### **Car Parking**

8 spaces are provided at ground floor in the undercroft car parking area, one space is provided to the rear of the building, secured by a fence, as requested by Greater Manchester Police. There are 9 spaces in total for 10 units, which is considered to be acceptable. 9 spaces were included in the previous application for development of the site. There is access to local bus services.

The spaces would need to be available during the occupation of the development, which could be controlled by condition, a condition is recommended. Electric Vehicle Charging will be available within the development.

### **Cycle Parking**

Cycle Parking is provided inside of the building just inside of the main entrance at ground floor in a dedicated store that could accommodate 100% cycle parking.

### **Highways**

Residents have raised how the scheme works with regards to the manoeuvring of vehicles to the site and to the adjacent parade of shops. Highways have recommended that appropriate signage is implemented in order to direct traffic in a one-way movement, to the rear of the commercial units with egress onto Greenbrow Road, a condition is recommended in this regard.

### **Waste**

The applicant states that the kitchens can accommodate separate bins to enable recycling to take place. Separate general / recycle waste containers (to include provision for food waste) are to be provided within the designated external secure bin store to the front of the site which would be accessed and serviced from the front access. It would be the responsibility of the residents to take their refuse / recycle to the dedicated external refuse storage area. General waste and recycled goods would be collected on a weekly basis by a local operator from the designated refuse collection point from the front of the site, on Greenbrow Road. Collections would be between the hours of 07.00 – 16.00, on a day to be determined with the collection company. A condition is recommended so that the applicant can confirm these arrangements.

### **Access**

Level access is provided to the lobby access beneath the undercroft directly to the point where the lift provides access to all floors within the development. A disabled car parking space is provided in the undercroft parking area.

### **Security**

A crime impact statement has been provided, the applicant has altered the plans to address the recommendations made by Greater Manchester Police, namely the inclusion of gates to the car parking space to the rear of the development, security measures for the ground floor plant room, lighting to the building and CCTV.

### **Sustainability**

A fabric first approach, whereby the building is designed to maximise the performance of the components and materials that make up the building fabric itself is being taken. This would reduce energy consumption.

### **Air Quality**

During the construction phase of the development there is the potential for air quality impacts as a result of fugitive dust emissions from the site. Assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities was predicted to be not significant.

Potential impacts during the operational phase of the proposed development may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. Due to the low number of trips anticipated to be produced by the proposals, negligible impacts were predicted.

The scheme would provide for electronic vehicle charging and internal cycle parking for all apartments. It is also acknowledged that this site had access to local bus services.

### **Amenity Space**

The originally approved scheme did not provide for amenity space. The scheme now submitted represents an improvement over and above the previously approved scheme with Juliette balconies to the apartments to the front (south facing) elevation.

### **Affordable Housing**

Policy H8 which sets out the requirement for affordable housing is of relevance where 15 or more units are provided. The scheme is for 10 units and therefore there is no policy requirement for affordable units to be provided as part of this scheme.

### **Drainage**

The scheme is acceptable subject to the imposition of conditions relating to a Sustainable Urban Drainage scheme and the maintenance of the drainage scheme.

## **Contaminated Land**

Environmental Health have advised a condition relating to a contaminated land watching brief. There are no known contaminants on the site.

## **Landscaping and Tree Planting**

The scheme includes the retention of an Oak within the verge to the front of the development on Greenbrow Road, furthermore the scheme includes the planting of two large trees to the site frontage and shrubs (holly, berbaris and pyracanthus). The site as existing does not contain any planting and this would improve the green infrastructure for this particular site. A condition requiring the implementation of the landscaping is recommended.

## **Residents Comments**

Matters raised by residents have been addressed in the report. Notably the scheme responds to a request for an access to be maintained to a property at the rear of the site and improvements have been incorporated into the design of the building to minimise overlooking concerns.

## **Conclusion**

The site comprises previously developed land, would provide much needed housing and would not cause any undue adverse impact to the residential amenities of surrounding property subject to the imposition of appropriate conditions. The design, siting and scale of the proposed scheme would sit comfortably in its context.

It is also acknowledged that the proposed development represents an improvement over and above a previously approved and extant scheme. The developer has been amenable to negotiated improvement to the scheme which now utilises a higher quality material palette, has increased separation distances to surrounding property, provides for obscure glazing to address the perception of overlooking, performs more satisfactorily with regards to accommodating level access and addressing security concerns, retains the right of access to the property to the rear and provides for a disabled car parking space, facilities for electronic vehicle charging, an internal cycle store, a more accessible waste storage area away from sensitive receptors and includes tree and shrub planting to the site frontage.

**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      APPROVE**

### **Article 35 Declaration**

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

### **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:

Location Plan 100.2 Rev 2  
Proposed Ground Floor 105.2 Rev 2  
Proposed Ground Floor (showing relationships) 105.2 Rev 2  
Proposed First Floor 106.2 Rev 2  
Proposed Second Floor 107.2 Rev 2  
Proposed Third Floor 108.2 Rev 2  
Proposed Elevations 109.2 Rev 2  
3D Views 110.2 Rev 2  
Boundary Details 102.2 Rev 2  
Proposed Levels 104.2 Rev 2  
Existing Levels 101.2 Rev 2  
Removal Plan 103.2 Rev 2

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 the plans submitted, prior to above ground works details of the window composition for the west and north elevation shall be submitted to and agreed in writing by the local planning authority. The approved scheme shall be implemented prior to the apartments being brought into use. The part of the window

marked obscurely glazed 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.

4. Final samples and specifications of all materials to be used on the external elevations of the development hereby permitted shall be submitted for approval in writing by the City Council, as Local Planning Authority prior to the erection of above ground structures. The approved materials shall then be used in the construction of the development.

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, EN1, H1 and DM1 of the Manchester Core Strategy.

5. The boundary treatment shown on plan Boundary Details 102.2 Rev 2 shall be completed before first occupation of the development and be retained at all times thereafter.

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 in order to comply with policies SP1 and DM1 of the Core Strategy.

6. 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 Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

7. In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this.

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

8. Prior to the commencement of above ground construction works a scheme for acoustically insulating the residential accommodation against noise from the local road network and the electricity substation shall be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be completed prior to the first occupation of the residential accommodation.

Reason - To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance pursuant to policy DM1 of the Manchester Core Strategy.

9. Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating noise level of 5dB (LAeq) below the existing background (LA90) at the nearest noise sensitive location.

The scheme should be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site.

Reason - To secure a reduction in noise in order to protect future residents from noise disturbance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

10. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the first occupation of the development hereby approved. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policy DM1 of the Core strategy.

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

- o Hours of working;
- o Details of Wheel Washing;
- o Dust suppression measures;
- o Compound locations where relevant;
- o Location, removal and recycling of waste;
- o Routing strategy and swept path analysis;
- o Parking of construction vehicles and staff;
- o Hours of working;
- o Community Consultation strategy;

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

Reason - To safeguard the amenities of nearby residents and highway safety, and avoid damage to or contamination of ground water including from wind blow, seepage or spillage at the site, pursuant to policies SP1, EN9, EN15, EN19 and DM1 of the Manchester Core Strategy.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any order revoking and re-enacting that Order with or without modification) none of the dwellinghouses or apartments shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

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

13. Prior to the commencement of above ground development, details for the external storage of waste, including segregated recyclable waste (including details of a secure and ventilated bin store and details of the waste management contractor), shall be submitted to and approved in writing by the City Council as local planning authority. The approved bin store shall be retained in situ whilst the development is occupied and at all times thereafter.

Reason - In the interests of residential and visual amenity and public health pursuant to policy DM1 of the Manchester Core Strategy Development Plan Document.

14. 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.

15. 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.

16. Prior to occupation further details of hard and soft landscaping treatment shall be submitted. Landscaping shall be implemented not later than 12 months from the date the buildings 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 Core Strategy.

17. Prior to first occupation of the development the cycle parking shall be implemented in full and made available for use. The approved scheme shall remain available for use whilst the development is occupied.

Reason - To ensure there is adequate bicycle parking provision, pursuant to policies DM1, T1 and SP1 of the Manchester Core Strategy.

18. Prior to occupation of the development hereby approved details of appropriate signage shall be submitted to the local planning authority in writing. The signage is required in order to direct traffic in a one-way movement, to the rear of the commercial units with egress onto Greenbrow Road. This signage must be retained for as long as the site is in operation.

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

19. The access gate to the neighbour to the rear at No. 33 Barnwood Road must remain available and unobstructed at all times.

Reason - To safeguard the amenities of a nearby resident, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

20. 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).

**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: 123330/FO/2019 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:**

Environmental Health  
MCC Flood Risk Management  
Highway Services  
Neighbourhood Team Leader (Arboriculture)  
Greater Manchester Police

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

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 Application site boundary  Neighbour notification  
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