

List No. 1

Whalley Range Ward	Application Number	Date of Appln	Committee Date
	083038/FO/2007/S1	10th May 2007	23rd Aug 2007

Proposal Erection of two 2 storey detached houses with associated car parking and landscaping and elevational alterations to garage block

Location Land Adjacent To 457 Wilbraham Road, And 36 Whitemoss Avenue, Whalley Range, Manchester, M21 0US,

Applicant Realty Management Ltd 128 Wellington Road North, Stockport, Cheshire, SK4 2LL

Agent OMI Architects 31 Blackfriars Road, Salford, Manchester, M3 7AQ

Description

This application relates to a long narrow site of 0.07 hectares on the south side of Wilbraham Road. The site forms part of the site of Aylesbury Court a 1960's/70's style flat development with open plan grounds. The site is sandwiched between the lock up garages to Aylesbry Court and the side elevations of 457 Wilbraham Road, an inter war style detached house and 36 White Moss Avenue a semi detached house from the same period. The site is well maintained grass with natural vegetation along the boundary with the houses. It is used a short cut between Wilbraham Road and Whitemoss Road. There is a single tree at the Whitemoss Road end of the site.

Permission is sought to erect two detached houses, one at either end of the site. The properties would be contemporary in their styling and each would be provided with a car parking space between the proposed house and the side garden of the adjacent property. The existing tree would not be affected. The properties would be two storey and kitchens, downstairs toilets and bathrooms are accessible and it would be possible to insert a platform lift thus making the properties fully accessible. In addition to the houses it is proposed to carry out works to the gables of the garage block which would improve their appearance.

Consultations

Local; residents - 22 copies of a circularised letter of support for the proposed development have been received from the residents of Aylesburt Court and Tealby Court, together with one letter supporting the principle of the development. In supporting the application the following comments have were made:-

1. The existing hedge should be retained to promote bio-diversity
2. fencing should be of a height and style to deter criminal activity
3. The existing gate to the car park should be made remote control
4. The loss of the cut through with divert people closer to Aylesbury Court thus increasing noise for residents, though it is accepted that the cut through has been linked to assaults.

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Three letters and a 29 name petition have have been received objecting to the proposed development on the following grounds.

1. The proposed development will add to the disruption already caused by the flats.
2. Because of the location of the plot it will be unsafe for children.
3. The development will add to congestion in the area.
4. The development will result in a loss of natural light to the adjoining properties.
5. The appearance of the proposed houses differs greatly from the existing houses and they will therefore look incongruous.
6. The development will overlook the adjoining properties resulting in a loss of privacy.
7. The proposed dwellings will have an overbearing impact on the windows in the side elevations of the adjoining properties.
8. The land is a right of way in frequent use by people of all ages.
9. There is very little green space left in the area.

In response to concerns about the impact of the development on the adjoining properties the scheme has been modified and local residents re-notified. One letter has been received. The writer feels that the changes do not address his original concerns. The property is twice the length of the surrounding properties and will result in overshadowing and compromise their privacy.

Ward members - Councillor Grant attended a meeting with local residents regarding the application. He did so to hear the views of the residents but did not take part in the discussions or offer a view.

Tony Lloyd MP - has sought clarification of issues surrounding the application for one of his constituents.

Greater Manchester police architectural Liaison Officer - No objections.

Issues

Unitary Development Plan - the relevant policies are H1.2 in which the Council seeks to encourage a wide range of housing style to meet the varying needs of the residents of the City, H2.2 which seek to protect residential accommodation from the adverse affects of development, H2.7 which requires new developments to be of a high standard, Policy E3.3 seeks to improve the appearance of the City's radial and orbital routes by amongst others encouraging developments of the highest quality, Policies E1.5 and E1.6

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address green issues such as sourcing materials and energy conservation. Policy E3.5 requires developments to design out crime. Policy DC7 seeks to ensure that new residential properties are accessible.

Regional Guidance - Policy DP1 advises that economy in the use of land and buildings is required. New development should be located so as to make the most efficient use of land, promote appropriate mixes of uses within a site and its wider neighbourhood, make efficient use of transport facilities and assist people to meet their needs locally. The proposal makes use of previously developed land within a local shopping centre. It is therefore considered that the proposal generally complies with this policy.

Policy DP3 states that new development must demonstrate good design quality and respect for its setting, including the integration of new development with surrounding land uses, taking into account the setting, quality, distinctiveness and heritage of the environment and the use of sympathetic materials, more eco-friendly and adaptable buildings and community safety and "designing out crime".

Policy UR4 establishes targets for the recycling of land and buildings. It sets a target of achieving 90% within Manchester between 1996 and 2016. This proposal is in accordance with the aims of Policy UR4.

Principle - Whilst forming part of the grounds of Aylesbury Court, the application site is separated from it by two blocks of Lock up garages. Whilst the site is not unsightly is not used by the residents of the flats and functions a short cut between Wilbraham Road and White Brook Road. The site has road frontages and therefore in principle has development potential without detriment to Aylesbury Court. Given the residential nature of the area the only appropriate form of development would be residential. The erection of a pair of houses in line with the approach to new residential developments approved by the Executive in September 2006.

Disabled Access - The proposed dwellings are capable of being made fully accessible.

Crime and Disorder - Some concern has been expressed that the site is the focus of some anti-social behaviour associated with its use as a cut through. The development of the site would remove this problem. The architectural Liaison Unit have raised no issues with the development.

Residential amenity - Concern has been expressed regarding the impact of the development on the adjoining properties and in particular the windows in the side elevations. In order to reduce impact the garages have been deleted from the scheme, thus reducing the height of the development on the common boundary, and reduced the depth of the buildings by one metre. As the proposed dwellings are to the west of the existing properties over shadowing would only occur in the afternoon to evening and the Head of Planning now believes that the amendments to the scheme have reduced this to an acceptable degree. In respect of a loss of privacy the principle windows are situated in the front and rear elevations. There are high level windows in the side elevation though these will not result in a loss of privacy. Any development of this site will have an impact on residents who have been used to living next to an open area. The scheme has been modified in light of their concerns though

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they do not feel it has gone far enough. The Head of Planning believes that the changes made to the scheme adequately address the concerns though is of the opinion that should permission be granted a condition be imposed withdrawing permitted development rights for extensions, as the narrowness of the site is such that any extension to the side of the house, even single storey could have an overbearing impact on the adjoining property, such an approach would be in line with policies H2.2 of the UDP.

Scale and mass - They proposed dwellings would present a narrow, 6 metre, frontage compared with 9 metres for the detached houses on Wilbraham Road and 5 metres for the semi-detached ones on White Brook Road. In terms of height the dwellings would be 0.8 metres above the eaves height of the adjoining properties. The proportions of the front elevations are appropriate to the street when compared with other properties in the street. The proposed dwellings would be 14 metres deep, this compares with 8 metres for the property fronting Wilbraham Road and 12 metres for that on White Moss Road. Given that these properties will form a book end to the adjacent houses this additional depth is considered to make a positive contribution to the street scene. Overall the scale and massing of the proposed dwellings is considered appropriate to this site.

Design - The proposed buildings would be contemporary in appearance with flat roofs. Whilst the appearance contrasts sharply with the adjacent houses the approach is considered appropriate, and has some relationship to the style of Aylesbury Court. The Head of Planning believes that the proposed dwellings will make a positive contribution to the street scene.

Sustainability - The site is situated on a major orbital route across the south of the City that is well served by public transport and is in close proximity to Chorlton District Shopping Centre and the facilities on offer there. The proposed development is therefore sustainable in locational terms. The pre assessment for the Code for sustainable homes has given the development a three star rating. Features included in the proposed buildings include materials from sustainable sources, high insulation levels to reduce the need for heating and therefore reducing Co2 emissions and a zero carbon hot water system for washing and bathing.

Loss of Green Space - Whilst this is a well maintained area of open space, it relates poorly to the development to which it belongs. Its only use is a short cut, though there are crime and disorder issues arising from this use. Given the extent of green space on the other side of the lock up garages the loss of this area is not considered significant. This is not a right of way shown on the definitive map, but an informal route that has emerged over time.

Parking - As originally submitted the development provided a garage at the side of the dwelling with a parking space in front. The garages have been deleted and a parking space created at the side of the property. This is in line with the Guide to development in Manchester.

Landscaping and Trees - The existing tree on the site is to be retained. In addition three new trees and a length of hedge are to be provided. The proposal is in accordance with the Councils' tree strategy.

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Improvements to the garages - As part of the development the road frontages to the block of garages will be refaced in brick and the walls increased in height. This will both improve security and also improve the appearance of the garages.

Conclusion - The proposed development has been modified in the light of concerns expressed by local residents. In the Head of Planning's view this is a high quality contemporary scheme that makes good use of a difficult site and the Head of Planning believes that the scheme will make a positive contribution to the character of the area.

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

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents 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. He believes that any restriction on these rights posed by 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

on the basis that the proposal is in accord with the City council's unitary Development Plan in particular policies H1.2, H2.2, H2.7, E1.5, E1.6, E3.3, E3.5 and Dc7 and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

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) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

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

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of the area within which the site is located, as specified in policy H1.2, H2.2, H2.7, E1.5, E1.6, E3.3, E3.5 and Dc7 of the Unitary Development Plan for the City of Manchester.

3) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: . .

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H1.2, H2.2, H2.7, E1.5, E1.6, E3.3, E3.5 and Dc7 of the Manchester Unitary Development Plan.

4) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'very good' or 'excellent' and at least three star sustainability rating under the code for sustainable homes for those elements of the development which are residential in nature. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before any of the buildings hereby approved are first occupied.

Reason - In order to minimise the environmental impact of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, policies ER13 and DP3 of Regional Planning Guidance for the North West (RPG13) and the principles contained within The Guide to Development in Manchester 2 SPD and Planning Policy Statement 1.

5) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref ., shall be implemented not later than 12 months from the date of commencement of works. 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, unless otherwise agreed in writing by the City Council as local planning authority.

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 policy H2.2, H2.7, and E3.5 of the Unitary Development Plan for the City of Manchester.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 -

To protect the amenity of the occupiers of adjoining properties from the adverse impact of extensions close to the common boundary pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester

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7) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason -

To ensure that there is adequate provision for the storage of refuse pursuant to policy H2.2 of the Unitary Development plan for the City of Manchester.

8) The development shall not be occupied unless accreditation, confirming achievement of the Secured by Design standards in respect of the development has been issued by Greater Manchester Police, unless otherwise agreed in writing by City Council as local planning authority.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

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

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

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

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

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with Policies 2.4 and 2.6 of the Unitary Development Plan for the City of Manchester.

10) The wheels of contractors vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site.

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Reason - In the interest of pedestrian and highway safety, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

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: 083038/FO/2007/S1 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 all held by the Planning Division.

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

Environmental Health

Director Of Housing

Greater Manchester Police

Councillor John Grant, 179 Manley Road, Whalley Range, Manchester, M21 0GY

Councillor Mary Rose Watson, 41 College Road, Manchester, M16 8EJ

Councillor Faraz Bhatti, Room 3024c, Town Hall Extension, Manchester, M60 2LA

35 White Moss Avenue, Manchester, M21 0XS

37 White Moss Avenue, Manchester, M21 0XS

39 White Moss Avenue, Manchester, M21 0XS

41 White Moss Avenue, Manchester, M21 0XS

43 White Moss Avenue, Manchester, M21 0XS

45 White Moss Avenue, Manchester, M21 0XS

34 White Moss Avenue, Manchester, M21 0XT

36 White Moss Avenue, Manchester, M21 0XT

10 White Moss Avenue, Manchester, M21 0XU

Flat 11, Tealby Court, Wilbraham Road, Manchester, M21 0XB

Flat 12, Tealby Court, Wilbraham Road, Manchester, M21 0XB

Flat 14, Tealby Court, Wilbraham Road, Manchester, M21 0XB

Flat 5, Tealby Court, Wilbraham Road, Manchester, M21 0XB

Flat 6, Tealby Court, Wilbraham Road, Manchester, M21 0XB

Flat 8, Tealby Court, Wilbraham Road, Manchester, M21 0XB

Flat 9, Tealby Court, Wilbraham Road, Manchester, M21 0XB

Flat 1, Aylesby Court, 487 Wilbraham Road, Manchester, M21 0US

Flat 2, Aylesby Court, 487 Wilbraham Road, Manchester, M21 0US

Flat 3, Aylesby Court, 487 Wilbraham Road, Manchester, M21 0US

Flat 4, Aylesby Court, 487 Wilbraham Road, Manchester, M21 0US

Flat 5, Aylesby Court, 487 Wilbraham Road, Manchester, M21 0US

Flat 6, Aylesby Court, 487 Wilbraham Road, Manchester, M21 0US

Flat 7, Aylesby Court, 487 Wilbraham Road, Manchester, M21 0US

Flat 8, Aylesby Court, 487 Wilbraham Road, Manchester, M21 0US

Flat 9, Aylesby Court, 487 Wilbraham Road, Manchester, M21 0US

Flat 10, Aylesby Court, 487 Wilbraham Road, Manchester, M21 0US

Flat 11, Aylesby Court, 487 Wilbraham Road, Manchester, M21 0US

Flat 12, Aylesby Court, 487 Wilbraham Road, Manchester, M21 0US

Flat 13, Aylesby Court, 487 Wilbraham Road, Manchester, M21 0US

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Tealby Court, 489 Wilbraham Road, Manchester, M21 0XB
Aylesby Court, 487 Wilbraham Road, Manchester, M21 0US

Representations were received from the following third parties:

Martin Wilcock, 44 Aylesby Court,, Wilbraham Road,, Manchester,,
Chris Collingridge, Flat 32, Aylesby Court,, Chorlton,, Manchester
Stephen Myles, 23 White Moss Avenue, Manchester
Mohammed Fasi, 455 Wilbraham RD
Tony Lloyd MP

Relevant Contact Officer: : Dave Morris
Telephone No. : (0161) 234 4539
Email : d.morris@manchester.gov.uk