

## List No. 7

<b>Chorlton Ward</b>	<b>Application Number</b> 083414/FO/2007/S1	<b>Date of Appln</b> 31st May 2007	<b>Committee Date</b> 13th Sep 2007
<b>Proposal</b>	Erection of a two storey building to form two apartments following the demolition of the existing single storey building		
<b>Location</b>	2 Beaumont Road, Chorlton, Manchester, M21 8BR,		
<b>Applicant</b>	Mr A Tracey 19 Chequers Road, Chorlton, Manchester, M20 9DX		
<b>Agent</b>	Evans And Co Consultant Designers Ltd 59 Oxford Road, Altrincham, WA14 2ED		

### Description

At the last Committee meeting on 23rd August 2007, Members resolved to defer the application pending clarification on issues surrounding the lawfulness of the existing site use and to address parking concerns. This deferral follows an earlier deferral on 26th July 2007, where Members requested a site visit.

The application site relates to a rectangular plot of land approximately 0.01 hectares in area and is bounded by two storey residential dwellings on Beech Road to the north, Provis Road to the west and properties along Beaumont Road to the east and south. Alleyways separate the site from properties along Beech Road and Provis Road. The site is located within a predominantly residential area of Chorlton, which contains a large mix of housing types, with the immediate area surrounding the site consisting of a combination of two storey, terraced, semi-detached and detached properties.

The site which is accessed off Beaumont Road was formerly used as a builders yard and storage garage, although in recent years the site has been occupied by two, attached, single storey dwellings that cover the majority of the site. The existing buildings are of a poor quality, provide inadequate accommodation and contrast with the local pattern of development in the area.

The proposal relates to the replacement of the existing structures with a two storey, detached building with a bedroom within the roof space, more akin to the adjacent properties and the traditional pattern of development found in the area. It is proposed that the property will comprise of a one bedroom flat on the ground floor and a two bedroom flat on the upper floors.

The plan form of the proposed new building is dictated by the established building line on Beaumont Road and the site boundary which is defined by the adjacent side alleyway. Access to both flats will be from Beaumont Road via a common entrance porch at the front of the property. Site coverage of the proposed building will be much less than the existing buildings and will include an off road car parking space, together with front and rear gardens.

### Consultations

Local residents 14 letters of objection have been received, together with 1 letter of support. These representations are summarised below:

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- (i) The current property does not fit in with any of the surrounding properties. The proposed development appears to have a sympathetic design and bridges the gap between Beaumont Road and Beech Road and will overall make a big improvement to 2 Beaumont Road.
- (ii) The proposed property is too high and will obscure views to Beech Road and Provis Road.
- (iii) The replacement of a single storey building with a two storey building will obscure light to surrounding properties.
- (iv) All surrounding houses are single occupancy and two flats would be inappropriate in this area. The proposal would represent overdevelopment of the site.
- (v) The proposed rear first floor terrace would lead to overlooking of adjoining properties and lead to a loss of privacy. It would also lead to potential noise disturbance for residents.
- (vi) The proposed development would lead to increasing parking problems in the area.
- (vii) The design of the elevations is out of keeping and the side windows of the proposed property to Beech Road would reduce privacy.
- (viii) There is no objection to the actual design of the building other than the inclusion of the rear roof terrace.

Ward Members - Councillor Sheila Newman has lodged the following objection:

The proposed development is much larger than the current footprint, will be three storeys high and have windows overlooking the properties on Beech Road. The proposed windows in the north facing gable wall will mean that residents at 41, 43 and 45 Beech Road will be overlooked and will have a loss of light and view. The proposed roof garden could lead to noise and disturbance for residents.

Greater Manchester Police (Architectural Liaison Unit) - No problem with the principle of the proposal, but the alleyway between the front and rear garden should be fitted with a self-closing, lockable gate at least 1800mm high.

Chorlton Civic Society - The site is suitable for a single house and that two flats would not be in keeping with the spirit of City Council policy or the surrounding environment.

## Issues

The Unitary Development Plan (UDP) for the City of Manchester. There are no site specific policies relating to the application site. However, the following city wide policies are relevant to this proposal:

Policy H1.2 seeks to ensure that the housing stock contains a wide range of housing types to meet the needs of all people living in Manchester.

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Policy H2.2 states that the Council will not allow development that will have an unacceptable impact on residential areas. The matters that the Council will consider include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Policy DC7.1 states that the Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people wherever this is practical and that family homes will be expected to provide safe areas within which children can play.

In terms of regional policy, the Draft North West Plan (The Regional Spatial Strategy) was submitted to Government on 30th January 2006, published for public consultation on 20th March 2006 and closed on 12th June 2006. The Examination in Public commenced in October and the final plan is expected to be published towards the end of 2007. This plan (RSS) will replace Regional Planning Guidance for the North West (RPG 13) and currently carries more weight in planning decisions.

The RSS contains many of the themes contained in RPG13 in terms of urban regeneration and the use of previously developed land. The key theme underpinning RSS however is sustainable development. The strategy to achieve this sustainable environment involves an integrated and long term approach to ensure that progress is made in pursuit of all the economic, social and environmental objectives

Policy DP1 encourages both the economic use of land and the development of brownfield land.

Policy UR1 identifies the sustainable regeneration of the region's urban areas as a clear priority. Emphasis is placed on the reuse of derelict land and buildings, the balanced distribution of good quality dwellings and access to employment and community facilities.

In addition to the above, central government provides national planning guidance in the form of Planning Policy Guidance Notes (PPG) and more recently on some planning issues, Planning Policy Statements (PPS).

PPS1 'Delivering Sustainable Development' sets out the overarching policies on the delivery of sustainable development through the planning system. Emphasis is placed on the need for good design to ensure, attractive, usable, durable and adaptable places

PPS3 'Housing' highlights that the majority of new housing should be located on brownfield land. The guidance also states that the planning system should deliver:

- High quality housing that is well designed and built to a high standard.
- A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas both urban and rural.
- A sufficient quantity of housing taking into account need and demand and seeking to improve choice.

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- Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key service and infrastructure.

The Guide to Development in Manchester (SPD) - This document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

Principle - It is considered that the proposed development is acceptable in principle and would pose no significant harm to the amenity of adjoining residents or lead to any negative impact on the character of the area. The building has been designed to resemble the footprint and scale of a typical residential dwelling found in the area and will sit in the site without having an over-dominant or oppressive relationship with its surroundings.

The site is currently occupied by two, connected, single storey buildings occupying a large proportion of the site that are in a poor state of repair. The proposed replacement of these buildings with a detached, two storey dwelling containing two flats would be more in keeping with the surrounding properties. Further the replacement of two flats with two flats of a different built form on a like for like basis would not lead to an overly intensive development and would not have any further impact on the area than is currently the case.

Residents and Members have expressed concerns regarding the use of the site for two flats rather than a single occupancy house. The applicant has declined requests to reduce the scheme to a single dwelling, due to the proposed flats being intended to replace the existing flats on a like for like basis, whilst also improving the standard of accommodation. On the whole, it is considered, although a single house would be preferable, it is agreed that the proposed replacement development would enhance the visual amenity and the appearance of the street-scene to the benefit of the area. The proposed development more clearly defines the junction between Beaumont Road and Beech Road, utilising an appropriate scale, to provide an infill development more in keeping with the traditional pattern of development found in the area.

Scale, Layout and Massing - The proposal relates to the erection of a two storey dwelling which also includes the use of the roof space. This should therefore not be confused with a three storey building which would be substantially higher.

Concerns have been raised by residents relating to the height of the proposed building. However, the difference in height when compared to adjacent houses equates to approximately 20cm. It is considered that this difference is minimal and highly unlikely to cause any demonstrable harm to the either the visual amenity of adjoining occupiers or upon the appearance and character of the area.

In terms of layout, the proposed building occupies a much smaller footprint than the buildings that currently occupy the site, with the added benefit of providing an increased amount of amenity space. The proposed building adheres to both the existing front and rear building lines of properties along Beaumont road and

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also follows the same relationship of both the existing building and 1 Provis Road in terms of its connection to the northern alleyway boundary. In light of this, the scale, layout and massing of the proposed building is considered acceptable, as is respect the pattern of development found in the immediate area and therefore accords with City Council Policy.

**Residential Amenity** - The proposed dwelling has been designed to minimise any undue impact on residential amenity. The built form of the proposed building resembles a traditional detached house not out of keeping with surrounding properties. Concerns have been raised regarding both the siting of the proposed building and its relationship with properties along Beech Road, together with the impact that the windows on the north facing gable elevation would have on the privacy of adjoining residents on Beech Road. However, firstly, the siting of the proposed building is not unusual and is typical of the pattern of development found in the area. Indeed 1 Provis Road has the same relationship with the boundary with Beech Road. Secondly, a condition is proposed to be inserted requiring the northern elevation windows to be made from obscured glass. It is therefore not considered that there will be any significant impact on level of amenity that adjoining occupiers could be expected to enjoy.

The original design of the proposal also included a balcony to the rear at first floor level which overlooked the rear garden. However, due to concerns that this could also lead to overlooking and loss of privacy to adjoining residents, revised plans have been requested omitting this feature so to protect residential amenity.

**Sustainability** - The proposed development is within close proximity to local shops and services on Beech Road and within walking distance of Chorlton District Centre. Local bus services are also in operation with many regular routes available a short walk away along Barlow Moor Road. Bicycle use will also be encouraged with the provision of cycle storage facility.

In terms of energy efficiency, the applicant has submitted a code for sustainable homes checklist which lists a number of energy efficiency provisions to demonstrate an intent to provide a number of features in line with the code for sustainability 2006. The applicant has stated that they will seek to achieve a code level 3 rating which accords with City Council Policy. A suitable condition has also been inserted to ensure a licensed assessor awards a post construction rating.

**Disabled Access** - Level access is provided to the entrance to each flat, both from Beaumont Road and the adjacent on site car parking space. The ground level dwelling is designed to provide suitable access for a wheelchair user and includes a ground floor bathroom facility. Level access is also provided to the enclosed rear garden from the living room. Further, there is a level, paved access to the refuse storage area.

**Parking** - The original proposal included the provision of one off road space via a surface level driveway to reflect the current parking situation, together with the provision of a front garden. However, following concerns by local residents and some Members regarding the proposal exacerbating on street parking, the applicant has submitted revised plans showing two car parking spaces in the front garden. This equates to one car parking space per flat. However, the provision of an additional off road car parking space necessitates the loss of the

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front garden. It would also prevent any further on street car parking due the access required to the off road parking area.

The Head of Planning considers that in some ways this a poorer solution as there would be no net gain in parking spaces as a result of losing an on street car parking space, whilst preventing the creation of a front garden area which would improve the visual amenity of the area. None of the immediately adjoining houses along Beaumont Road have driveways and parking in the area does not appear to be such a problem. It is therefore anticipated that the proposal would not exacerbate the parking situation and the better solution would be in line with the original proposal for one off road space, allowing for one on street space immediately adjoining the site.

Landscaping/Amenity Space - The proposed development includes both front and rear gardens. The rear enclosed garden area will be accessible to both flats as is therefore considered to be an acceptable level of provision for the potential number of occupants proposed. In addition, open space facilities are very close by at Beech Park on Beech Road

Crime and Disorder - The properties have a front access off Beaumont Road and the proposal allows for adequate natural surveillance to the street. Further appropriate boundary treatment and secure by design conditions have been inserted if the Committee are minded to approve the application. This is in accordance with guidance provided by Greater Manchester Police.

Lawfulness of the Current Use of the Site - Concerns were raised during the last Committee meeting regarding the lawfulness of the two existing flats on the site. The two existing flats have never received planning permission. However, following an investigation of Council tax records, it is evident that the flats have been existence since at least 1st April 1997. It is believed that the flats have been present for much longer than this, though the current Council tax records only go back as far as this date. In light of this evidence, the applicant would be able to obtain a Certificate of Lawful Use for the existing flats which only requires proof that the flats have been in continual and uninterrupted use for a period of 4 years or more for a residential use.

Prior to the use of the site for residential purposes, the site has planning permission to be used for an industrial use. Namely, the storage and cutting of glass. This followed an earlier use of the site as a builders yard. In light of this planning history, it is considered that the a residential use is a preferable and more appropriate use for a site located with a predominantly residential 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

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with but that the 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**

Approve on the basis that the proposal accords with Policies H2.2, H1.2 and DC7.1 of the Unitary Development Plan for the City of Manchester and there are no material considerations of sufficient weight to indicate otherwise.

It is recommended that in light of Policies H1.2, H2.2 and DC7.1 of the Unitary Development Plan, the application should be approved. The proposed building would accommodate two flats and therefore reflect the requirement of ensuring a wide range of housing stock is catered for. The proposed building would also be of a suitable scale consistent with its immediate surroundings and the pattern of development in the area. As such, the development would not have an unacceptable impact on the residential area and would comply with the requirements of policy H2.2. Finally, the proposal allows for a flat which would be entirely accessible at ground floor level and would therefore accord with Policy DC7.1.

### **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 of the area within which the site is located, as specified in policy H2.2 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: MA/01, MA/04, MA/02./Rev/A and MA/03/Rev/A Stamped as received on 31st May 2007 and 20th July 2007

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 of the Manchester Unitary Development Plan.

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4) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, no building extensions shall be erected to the proposed dwelling houses without the prior consent of the City Council.

Reason

To protect the amenity of adjoining and nearby residential accommodation, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

5) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. 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 Policies H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester.

6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before occupation of the flats.. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

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 H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

### 7) PPG23

No development shall commence until:

- a) The site has been investigated for the presence of ground contamination and/or ground gas and for the effects of any ground contamination and/or ground gas emanating from outside the site. The investigation shall be carried out in accordance with a scheme previously approved in writing by the City Council as local planning authority.
- b) A report using the results of the approved scheme of investigation and containing plans and particulars of the extent of ground contamination and ground gas present on or affecting the site and the means of remediation has been submitted to and approved in writing by the City Council as local planning authority.
- c) The site has been remediated in accordance with the report approved under b) above and written confirmation thereof has been submitted the City Council.

If ground contamination and/or ground gas or the effects of any ground contamination and/or ground gas emanating from outside the site and not included in the report approved under b) above is discovered during the course of remediation of the site, no development shall commence until:

- i) A report containing plans and particulars of the extent of the new ground contamination and/or ground gas present on or affecting the site and the means

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of remediation has been submitted to and approved in writing by the City Council as local planning authority.

ii) The site has been remediated in accordance with the report approved under i) above and written confirmation thereof has been submitted to the City Council

Reason - To ensure that the presence of or the potential for any contaminated land/ground gas is detected and appropriate remedial action is taken in the interests of public safety in order to comply with Policies H2.1, H2.2, E3.1 and E3.2 of the adopted Unitary Development Plan for the City of Manchester.

8) Before the building hereby approved is first occupied it shall be insulated in accordance with a scheme 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 property.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

9) 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".

10) The development hereby approved shall not be occupied unless a minimum sustainability rating of 3 stars has been awarded by an assessor licensed by the Building Research Establishment in respect of all buildings comprised in the development, in accordance with The Code of Sustainable Homes.

Reason - In the interests of minimising the environmental impact of the development, pursuant to Manchester Unitary Development Plan policy.

11) The windows in the north facing gable elevation shall be contained obscured glass and should be retained at all times unless otherwise agreed in writing by the Council as Local Planning Authority.

Reason -

In the interest of residential amenity, pursuant to 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: 083414/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.

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

Environmental Health  
Greater Manchester Police  
Steve Hobson, Crime Reduction Officer  
Chorlton Civic Society  
21 Provis Road, Chorlton , Manchester, M21 9EN  
49 Beech Road, Chorlton, Manchester  
9 Provis Road, Chorlton, Manchester  
7 Provis Road, Chorlton, Manchester  
61 Provis Road, Chorlton, Manchester  
9 Beaumont Road, Chorlton, Manchester  
13 Provis Road, Chorlton, Manchester  
2A Beaumont Road, Manchester, M21 8BR  
1 Beaumont Road, Manchester, M21 8BG  
3 Beaumont Road, Manchester, M21 8BG  
5 Beaumont Road, Manchester, M21 8BG  
4 Beaumont Road, Manchester, M21 8BR  
6 Beaumont Road, Manchester, M21 8BR  
37 Beech Road, Manchester, M21 8BX  
1 Provis Road, Manchester, M21 9EN  
3 Provis Road, Manchester, M21 9EN  
5 Provis Road, Manchester, M21 9EN  
41 Beech Road, Manchester, M21 9FD  
43 Beech Road, Manchester, M21 9FD  
45 Beech Road, Manchester, M21 9FD  
47 Beech Road, Manchester, M21 9FD  
2a, Beaumont Road, Manchester, M21 8BR

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

Environmental Health  
Greater Manchester Police  
Chorlton Civic Society  
John Mackenzie, 5 Provis Road, Chorlton, Manchester  
John Mackenzie, 5 Provis Road, Chorlton, Manchester  
Adam Davison, 24, Beaumont Road, Chorlton  
21 Provis Road, Chorlton , Manchester, M21 9EN  
Rhoda Taylor, 4 Beaumont Road, Chorlton, Manchester  
49 Beech Road, Chorlton, Manchester  
Paul Simpson,  
9 Provis Road, Chorlton, Manchester  
7 Provis Road, Chorlton, Manchester  
61 Provis Road, Chorlton, Manchester  
9 Beaumont Road, Chorlton, Manchester  
13 Provis Road, Chorlton, Manchester  
3 Beaumont Road, Manchester, M21 8BG,  
5 Beaumont Road, Manchester, M21 8BG,  
4 Beaumont Road, Manchester, M21 8BR,  
3 Provis Road, Manchester, M21 9EN,  
5 Provis Road, Manchester, M21 9EN,

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41 Beech Road, Manchester, M21 9FD,  
43 Beech Road, Manchester, M21 9FD,  
45 Beech Road, Manchester, M21 9FD,  
Andrew Simpson, 41 Beech Road, Chorlton, Manchester

**Relevant Contact Officer:** : Steven McCoombe  
**Telephone No.** : (0161) 234 4607  
**Email** : s.mccoombe@manchester.gov.uk