

Application Number	Date of Appln	Committee Date	Ward
087508/FO/2008/N1	7th Jan 2009	12th Feb 2009	Miles Platting And Newton Heath Ward

Proposal Erection of a detached dwellinghouse with associated car parking and landscaping following demolition of existing garages

Location Land To Rear Of 50 Graver Lane, Newton Heath, Manchester, M40 1QW,

Applicant Wade Ahmed , Land To Rear Of 50 Graver Lane, Newton Heath, Manchester, M40 1QW,

Agent Philip Holmes, 1 Cranleigh Avenue, Heaton Mersey, Stockport, Cheshire, SK4 3PZ

Description

The application site lies within the Newton Heath conservation area (designated in 2005) and towards the rear of existing properties on Graver Lane and Derbyshire Road. The area is predominantly residential in nature with a mixture of terraced and semi-detached properties.

The site formerly contained a number of garages although currently there are a smaller number in a derelict and semi-derelict state; there were at the time of the site visit a number of motor-vehicles and building materials stored on site. The remainder of the site is poorly maintained with a number of scattered piles of rubbish and rubble and is edged with trees. To the immediate south of the site is a steep incline leading down towards a brook to either side of this brook are wooded areas providing screening to the rear of properties on Ashfield Drive.

The application relates to the erection of a part single and part two storey detached dwelling house with living accommodation within the roof space, associated car parking (4 spaces) and landscaping. The proposed dwelling contains 6 bedrooms with 2 number being within the roof space.

The sites planning history indicates a proposal for the erection of 7 two storey dwelling houses which was refused in August 1990 (reference – 36058) due to the level of vehicular movements generated.

Consultations

A resident of Graver Lane has written in objecting to the proposal. They believe that the proposed dwelling would overlook their property and directly face the rear of their property. Consideration of issues relating to overlooking is addressed in the main body of the report.

Head of Engineering – Has made comments relating to visibility splays onto Graver Lane.

Head of Regulatory and Enforcement Services (Environmental Health) Has made comments in relation to any proposed lighting, an appropriate condition is to be attached to approval.

Head of Regulatory and Enforcement Services (Contaminated Land) – Has requested a condition be attached to approval relating to contaminated land.

Green Spaces Manager – Noted that all existing trees on site are in a poor condition and all have structural faults.

New East Manchester – Do not object to the principle of a single dwelling house on the site but made comments relating to the proposals scale.

Greater Manchester Ecological Unit – Made comments relating to the protection of trees during construction.

Policy

PPS 3

Sets out the key objectives in delivering housing development including that the priority for development should be previously developed land, in particular vacant and derelict sites and buildings.

The North West Regional Spatial Strategy

Policy DP4 'Making the Best Use of Existing Resources and Infrastructure' sets out one of the key principles of the Regional Spatial Strategy and states the first priority for development should be using existing buildings within settlements and previously developed land within settlements.

The Unitary Development Plan for the City of Manchester (UDP)

The site is unallocated within the UDP but there are a number of policies within it that are appropriate in considering this application.

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

DC 18.1 The Council will give particularly careful consideration to development proposals within Conservation Areas. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the relationship of new structures to neighbouring buildings and spaces.

DC 6.1/6.2 The Council will not normally grant consent for residential development on "backland" sites, that is, sites with limited access to a road because they are surrounded by housing or other uses unless:

- a. there is no loss of privacy to adjoining dwellings and associated rear gardens;
- b. access and parking arrangements do not significantly increase noise and disturbance for occupiers of existing adjoining dwellings;
- c. the scale and design of the development is compatible with the character of buildings in the surrounding area;
- d. there is sufficient space between the proposed and existing dwellings to avoid problems of significant overshadowing or of over-dominant appearance affecting either the existing or the proposed dwellings;
- e. the proposal does not involve the loss of important trees or other natural features of high amenity value or the loss of locally important wildlife habitats;
- f. the proposed and existing dwellings retain adequate levels of private amenity space; and
- g. in the case of development within a Conservation Area, in particular, the built form and the surrounding spaces maintain or enhance the character of the area.

Within the East Manchester section of the plan there are further policies appropriate in considering this application these are:

EM2 Design and Sustainable Urban Neighbourhoods - To achieve a holistic approach to regeneration and creating a sustainable pattern of development this will comprise the reuse of previously developed and underused land and buildings provided that this creates or maintains a good living environment. This will involve focusing new housing in existing residential neighbourhoods to provide a mix of dwelling types, sizes and tenures, including provision for disabled people, avoiding the creation of large areas of housing of similar characteristics.

EM6 - Newton Heath is an established residential area and contains the Newton Heath District Centre. Within Newton Heath development will be permitted which includes extending the type, size and tenure of new housing to create a mixed and balanced community with the introduction of more owner occupied housing.

Issues

Backland Development

The site is considered to be one fitting the description within policy DC6.1 and is not normally appropriate for residential development as such it is necessary to consider the proposal against the qualifying criteria within DC6.2.

A resident of Graver Lane has raised concerns regarding potential overlooking of their property. The distances between the proposed dwellinghouse and adjacent properties has been fully considered. The relationship between the rear of the proposed dwellinghouse and rear of properties on Derbyshire Road is a minimum distance of approximately 24 metres. The distance between the side of the proposed dwellinghouse and properties on Graver Lane is a minimum of 22 metres. It is important to note this elevation of the proposed dwellinghouse does not contain any windows and there are not considered to be privacy issues with this relationship between the buildings. The distance between the front elevation of the proposed dwellinghouse and the rear of properties on Graver Lane is approximately 45 metres. It is considered that the

proposed dwellinghouse has been sited to minimise privacy issues and is acceptable.

There are not considered to be any issues relating to noise and disturbance of adjoining dwellings as a result of the proposal, which is considered to be more compatible to the residential area than the current use of the site.

It is considered that the design of the dwellinghouse is compatible with the surrounding area and will add to the current mix of property types and sizes in line with other policies of the UDP. The size of the dwellinghouse is appropriate to its site and adjoining properties and contains significant areas of private amenity space. It is considered that the proposal will maintain and enhance the character of the area.

Newton Heath Conservation Area

This Conservation Area was designated in 2005. The site currently adds little in terms of value to its designation. The proposed dwellinghouse is considered to enhance the character of the Conservation Area by virtue of its location and siting and therefore accords with policy DC18.1 of the adopted Unitary Development Plan.

Access

The site has previously been used for garages and the sites planning history shows that a previous application in 1990 for 7 two-storey dwelling houses was refused permission due to the level of traffic movements it would have generated. However, it is considered that the proposed single dwellinghouse will not result in greater movements of traffic than the current use of the site and is therefore acceptable.

The issue of sight lines, as raised by the Head of Engineering is outside the control of the applicant, and as the access is likely to be used less through its redevelopment it is considered that there would not be a detrimental impact on pedestrian or highway safety.

Conclusion

The site is currently poorly maintained and has been the subject of a number of complaints over recent years as a result of its use and condition. The proposed dwellinghouse will result in a more conforming use within the residential area and is considered to have been sited to reduce its impact on adjoining properties. It is considered that it will not have an unacceptable impact on residential areas and will enhance the designated Newton Heath Conservation Area and therefore accords with policy H2.2 and DC18.1 of the adopted Unitary Development Plan.

The proposed location of the dwellinghouse is a 'Backland site' but by virtue of its siting and scale it is considered to accord with the criteria within DC6.2 of the adopted Unitary Development Plan.

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)/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. He 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

Approve on the basis that the proposed development accords with policy H2.2, DC6.2, DC18.1 of the adopted Unitary Development Plan for the City of Manchester.

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) 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:

FO3/WA/05 RevA, FO3/WA/10, FO3/WA/02 Rev A, FA/WA/07Rev A
received via email on the 5/12/2008

FO3/WA/04, FO3/WA/03, FO3/WA/06 date stamped as received by the
local planning authority on the 20/08/2008

FO3/WA/01 Rev B date stamped as received by the local planning
authority 13/11/2008

Tree Survey and retention 01 date stamped as received by the local
planning authority 31/10/2008

Design and Access Statement and Graver Lane Tree Survey Report date
stamped as received by the local planning authority 31/10/2008

Waste Management Strategy PA number 087508/FO/2008 date stamped
as received by the local planning authority 03/11/2008.

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.

- 3) 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 and DC18.1; of the Unitary Development Plan for the City of Manchester.

- 4) Full details of any building lighting scheme and a scheme for the illumination of external areas during the period between dusk and dawn shall be submitted to and approved in writing by the local planning authority before the development commences. The approved scheme shall be implemented in full before the development is first occupied unless otherwise agreed in writing by the local planning authority.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of government guidance in Planning Policy Statement 1 and Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

- 5) 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 E2.4 and E2.6 of the Unitary Development Plan for the City of Manchester.

- 6) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

Reason - In order avoid damage to trees/shrubs adjacent to and within the site, which are of important amenity value to the area and in order to protect the character of the area, in accordance with Policies E2.4 and E2.6 of the Unitary Development Plan for the City of Manchester.

- 7) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment Desk Study) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

The Desk Study shall be prepared by a suitably qualified person whose competence to carry out the Desk Study has been approved in writing by the City Council as local planning authority (an "Expert").

In the event of the Preliminary Risk Assessment Desk Study identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal Scheme) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal Scheme shall be carried out, by an Expert before development commences and the Expert shall prepare a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

- b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy. Site Investigation Report and a Completion/Verification Report shall be

submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, an Expert has prepared a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy Site Investigation Report) which shall be 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 Revised Remediation Strategy Site Investigation Report, which shall take precedence over any Remediation Strategy Site Investigation Report or earlier Revised Remediation Strategy Investigation Report.

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 H2.2; of the Unitary Development Plan for the City of Manchester.

- 8) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref FO3/WA/01 Rev B, 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 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: 087508/FO/2008/N1 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:

Chief Executive's Landscape Practice Group
Engineering Services
Environmental Health

Contaminated Land Section
Environment & Operations (Trees)
New East Manchester
Environment Agency
Greater Manchester Police
Greater Manchester Ecology Unit
Numbers 2, 4,6 Holyrood Street, Manchester, M40 1QP
Numbers 3,5,7,9,11,13,15,17,19,21,23,25,27,29 Derbyshire Road, Manchester,
M40 1QN
Numbers 27,29,31,33,35,37, 50,52,54,66,68,70, 72 Graver Lane, Manchester,
M40 1QW
Absolute Surveillance Systems Ltd, 23-25, Graver Lane, Manchester, M40 1GN
1,3,5,7,9,11,13 15,17,19,21,23,25 Ashfield Drive, Manchester, M40 1WJ

Representations were received from the following third parties:

66 Graver Lane, Newton Heath, Manchester

Relevant Contact Officer : Robert Griffin
Telephone number : 0161 234 4527
Email : r.griffin@manchester.gov.uk