

| Application Number | Date of Appln | Committee Date | Ward |
|--------------------|---------------|----------------|-----------------------|
| 088436/FO/2008/S2 | 6th Jan 2009 | 12th Mar 2009 | Didsbury East Ward |

Proposal Erection of a flat roof two storey house with basement following the demolition of existing bungalow including landscaping and a new front boundary wall with gates

Location 58 Kingston Road, Didsbury, Manchester, M20 2SB,

Applicant Ms Nicola Ford , 58 Kingston Road, Didsbury, Manchester, M20 2SB,

Agent ,

Description

This application relates to the proposed erection of a flat roof two storey house with basement below part of house, following the demolition of the existing bungalow. The site is situated on the west side of Kingston Road, which is a predominantly residential area and is within the Didsbury St James Conservation Area.

The proposed house is of a contemporary design and would measure 6.2 metres in height from ground level, and would be 6.5 metres in height from the element of the basement that is visible, to roof level.

It is also proposed to erect a front boundary wall, which would be 1.8 metres high to top of coping stones on top of brick pillars and would be 1 metre high topped with 0.675 metre high galvanised metal railings to be painted black. There would be two sets of black galvanised metal double gates, which would be 1.675 metres high.

In addition it is proposed to erect a brick built bin store, which would be 1.875 metres high and would be built from the same brick as the boundary wall and would be sited to the side of the house along the north boundary.

An application for Conservation Area Consent is under consideration and appears elsewhere on the agenda.

Consultations

Local Residents - Two letters of objection and one representation have been received, from local residents, the main comments of which are outlined below:

- i) The application represents a considerable improvement on the previous plans. Provided that some mechanism is in place to prevent the building from being increased in height in the future, would not object to the proposal.
- ii) Suspect that the proposed in-out driveway with spaces for four cars will open the way to in-out access to the owner's flats on Millgate Lane.

- iii) Fear that the parking area will become a spill over for cars from the Millgate Lane property.
- iv) Fear that the new residence with its basement will become flats.
- v) Feel that the flat roof is out of keeping with the neighbouring houses.
- vi) The applicant states that there are no issues in respect of other properties in relation to trees; however, the tree survey, which has been submitted, proposes the removal of two trees on the applicants land plus the removal of two trees and pollarding of other trees on my land. I strongly object to the removal of any trees and the pollarding of others on my land.
- vii) Concerns relating to the effect of such major construction works on the land adjacent to my property in particular on the trees and the tree roots. Fails to see how such a development can be developed without real damage to my trees, particularly in the reserved area around the root ball of the trees.
- viii) Would like confirmation on whether the basement is to be soundproofed. It is to be designed as a music band practice room. Currently there is massive noise pollution from the property due to the playing of electric guitars and drums, which is a source of complaints within the neighbourhood.
- ix) The applicant states that the footprint is considerably smaller than that of the existing house, which I would strongly disagree as the proposed top floor has a significant overhang on all sides which not only overlooks my property and others around but also has a detrimental effect on the privacy of my property and garden.
- x) Would like confirmation that the flat roof will not be used as a roof garden nor will it be possible to build another floor on it in the future.
- xi) The proposed plans show a bin store directly against the boundary hedge of my property overlooking my garden, which seems a completely inappropriate location.

Head of Environmental Health - Has no adverse comment/objection in principle to the application.

Head of Highways Services - no comments received at time of writing report.

Head of Green Space Division - As the trees have been pollarded in the past and are not worthy of protection I would have no objection to them either being repollarded or removed. The proposed development would need to be located 8.4 metres from the trees in the adjacent properties.

With regards to this application it is stated that the proposed building will have less than 10% affect on the Root Protection Area of the trees in the property. Tree 8 will have its Root Protection Area reduced by 8.2 %. Tree 4 will be reduced by 9.2 %. Tree 3 will be reduced by 0.2 %. It is stated that it is within the recommended guidelines of 20% as stated in BS 5837 2005.

However in BS 5837 2005 it is stated that - it may be acceptable to offset the distance by upto 20% in one direction for individual open grown trees only. I would not consider these as open grown trees but as part of a group.

BS 5837 states that any excavations which have to be undertaken within the Root Protection Areas should be carried out carefully by hand, avoiding damage to the protective bark, covering larger roots. Roots smaller than 25 mm diameter may be pruned back, preferably to a side branch. Roots larger than 25mm should only be severed following consultation with an arboriculturist as the roots may be essential to the trees health and stability.

It appears that these works will require the removal of roots on trees within the property and this may have affect on the health of the trees, as such this must be done under the supervision of an Arboriculturist and you may want to know who this is before the work starts. The trees within the property are in fair condition however I would not consider them worthy of Tree Preservation Orders. The construction works should have no affect on trees in neighbouring land as the work is outside their Root Protection Areas.

Root damage can be minimized by using piles or radial strip footings both of which should be located to avoid major tree roots. Beams, slabs, suspended floors laid at or above ground level to avoid tree roots.

In conclusion it will be possible to construct the building but you will need information on how the footings are to be constructed within the Root Protection Areas without damaging roots over 25mm. As stated the trees in the property are not worthy of TPO's and the works should not have an affect on trees in the adjacent property.

Landscape Practice Group - Require a work method statement demonstrating how damage to trees T4 and T8 will be mitigated against. Support the application subject to our requirements and recommendations. Suitable conditions are proposed.

Historic Buildings and Conservation Panel - The Panel noted the poor quality submission leaving a lot to guesswork and interpretation. A model to accompany a far more detailed submission was called for to explain the design concept and its true response to the context of its setting and ensure that the design can be delivered. Concerns were expressed about the proposal's `build ability, in particular the apparently thin roof slab expression. Whilst the Panel felt that some improvements had been made from the previous proposals, it was considered that increased modelling of the elevations is now needed to be further explained by the submission of large-scale details.

The Panel referred to previous comments and guidance given on this proposed, noting also no objection to the demolition of the existing building. The Panel noted that the area has a generally good mix of building types and styles from different periods, but the key to the overall quality and character is the quality of design and the materials palette.

Whilst the Panel was generally supportive of a good contemporary design solution a Panel member did make adverse comments about the `modern approach and the size and detail of the windows. It was asked how the

windows could operate to show natural ventilation. A Panel member noticed that if the City Council produced fully detailed character appraisals of the conservation areas it would show that some modern buildings are out of character.

The Panel felt strongly that the large block units shown for the elevational material was totally wrong for the building and the character of the area. The Panel recommended a brick-size unit rather than the large blocks proposed. The material should not be block work. The Panel called for a `precedent study of materials in the area to be undertaken to inform an appropriate unit size and specification for the external elevations. The proposed materials palette was considered to be very important and an appropriate brick should be used to complement the new building and the character of the area.

The Panel asked what material is being proposed for the roof finish as the roof covering would be seen from adjacent buildings and sites. A `green roof was suggested.

The Panel still considered that the proposed boundary wall treatment was not good enough; it responds poorly to the character of the area and has no response to the character of the proposed building.

Recommend Negotiate as above.

Greater Manchester Police (Architectural Liaison Unit) - Have no objection to the proposal but recommend that a Secured By Design condition is included should the application be recommended for approval. From the design submitted, I can see no reason why the development would not achieve it.

Didsbury Civic Society - Whilst the new design and treatment of the site is somewhat better than the previous one it fails to achieve 'contemporary style with more symmetrical vertical fenestration' and its architectural statement is incoherent, its fenestration a medley of which follow the predominantly horizontal character of much of the combined building.

The development is presented on it own i.e. apart from recognisable adjacent buildings. These are shown as basic geometrical shapes without regard to their particular design so that it is virtually impossible to assess the impact, which the new building would have in context and in the overall spirit of the conservation area. We believe that a contemporary building can be presented in that context, but not this one. The plans, and elevations and landscaping of new with old must be shown together.

There appears to be a clash between the colour and type of brickwork between that of the house and the boundary wall to Kingston Road, because no defined choice is made, only two of the choice of bricks available from Furness. Whatever is chosen should apply throughout, and be compatible with general one and style pictured in the photographs of the adjacent properties.

Exits from the property should be referred to traffic control as Kingston Road at that point is on a fairly sharp bend, with cars parked regularly.

Throughout, materials of construction should be made clear, particularly as regard windows.

Until present the sound of band instruments or production, is heard at ground level, sometimes strongly. This is not acceptable in this conservation area. Steps must surely be taken to prevent this. Full technical details are needed and if and when this application is approved, consent should fully deal with this matter.

The applicant should present a full and clear presentation of landscaping on site, i.e. not schematic.

Issues

Unitary Development Plan - The site is located within the Didsbury St. James Conservation Area. There are no specific allocations for this site within the U.D.P. However, when dealing with applications of this nature, consideration is given to policies E2.6, H2.2, H2.7 and T2.4 in part 1 of the UDP and policies DC7 and DC18 in part 2 of the UDP.

Policy E2.6 states that the Council will prevent wherever possible the loss of existing trees and, in addition, will encourage extensive broadleaved tree planting schemes especially as a means to enhance informal recreational areas and to improve the appearance of built up areas.

Policy H2.2 states that the Council will not normally 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.

Policy H2.7 states that new housing schemes will be expected to be of a high standard of design and make a positive contribution towards improving the City's environment.

Policy T2.4 states that the City Council will expect developments to make adequate provision for their car parking requirements.

Policy DC7 states that the Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people, including those who use wheelchairs, wherever this is practicable.

Policy DC18 states that 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.

The Regional Spatial Strategy (RSS) for North West England - The RSS was adopted in September 2008 and replaces the previously published Regional Planning Guidance. The RSS provides a framework for development and investment in the region over the next fifteen to twenty years. It contains policies that address core principles of development, including the following:
DP2: Promoting sustainable communities - Ensuring development contributes to a high quality of life for existing and future residents;

DP 5: Manage Travel Demand - Ensuring development is located so as to reduce the need to travel, especially by car, and to enable people as far as possible to meet their needs locally.

DP7: Promote Environmental Quality - Ensuring that new development demonstrates good design and respect for its setting;

Planning Policy Statement 1 (PPS1), Delivering Sustainable Development - On the subject of sustainable economic development, paragraph 23 vii states that Local Planning Authorities should ensure the provision of sufficient, good quality, new homes (including an appropriate mix of housing and adequate levels of affordable housing) in suitable locations.

Principle of the Proposal - Given the residential nature of the area, the erection of a single family dwelling is considered acceptable in principle. Notwithstanding this, consideration must be given to the proposal's impact upon the existing levels of residential and visual amenity enjoyed within the vicinity of the site.

Design - The design is of a contemporary nature with a flat roof made from sarnafil, a modern material that can appear like lead. The proposed materials for the house are to be stone blocks with a tight mortar bed in order to create a smooth and solid appearance, which would enhance the proposed buildings angular features. The proposed boundary wall is to be constructed of Furness Edwardian Silver Grey bricks, which would be of a similar colour to that of the proposed house. It is considered that the proposed development would contribute positively to the Didsbury St James Conservation Area and enhance it.

Visual Amenity - Given, its design, scale and massing, it is considered that the proposal would make a positive contribution to the Conservation Area.

Residential Amenity - Due to the siting of the property and the orientation of its windows it is not considered that it would have a detrimental impact upon the current levels of residential amenity particularly privacy enjoyed by occupants of the neighbouring dwellings.

Trees on Adjoining Land - The applicant is not proposing to remove or do any works to trees on adjoining properties, and the City Council's Arborist is satisfied that the development will not impact on them.

Trees on the Application Site - Whilst not of great quality and not worthy of a TPO it is proposed to retain all but 2 of the trees on the site. However, work will take place within the root protection zone of trees T3, T4 and T8. The advice from the City Council's Arborist and Landscape Architect is that they can be done successfully if it is carried out in a manner and supervised properly. Conditions are proposed to achieve this. Specifically requiring details of the footings to be laid, the appointment of a suitably qualified person to oversee that stage of the work on site and a requirement to hand dig within the root protection zone.

Landscaping - By retaining most of the trees the new house will be in a landscaped setting with new planting which will take place to create a net tree gain in line with the tree strategy i.e. 10% net gain.

Noise – Suitable acoustic insulation is required in order to prevent noise escape from the basement band room, and a condition is proposed.

Sustainability – Since this is a high quality individual home it has the opportunity to be highly energy efficient. The applicant is to report back on how the proposal will score on the Code for Sustainable Homes, a suitable condition is proposed.

Disabled Access – The applicant confirms that the downstairs toilet could be enlarged in order to comply with Manchester's DfA2. This would be very straightforward, as the room next to the WC is a cloakroom for hanging coats, and storage of bags, and a revised drawing is awaited.

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

on the basis that the proposal is in accord with the City Council's Unitary Development Plan in particular policies E2.6, H2.2, H2.7, T2.4, DC7, DC18 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) 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: landscape plan numbered 3226.01 rev B stamped as received 26th November 2008, Design and Access Statement and Massing Model Diagrams stamped as received 27th November 2008, revised drawings numbered KR/08/01 rev A, KR/08/03 rev B, KR/08/024, KR/08/23 rev A, KR/08/022 rev A and supporting documentation stamped as received 16th

January 2009 and Tree Protection Proposals drawing numbered KR/08/025 and supporting statement stamped as received 13th February 2009.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2, E2.6, E2.7, DC7.1, DC18 and DC26 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 DC18 and H2.2 of the Unitary Development Plan for the City of Manchester.

4) Any excavation works within the root protection zone must be carried out by a suitably qualified contractor and must be hand dug only.

Reason

In order to suitably protect the existing trees on the site which are to be retained in order to protect the character of the conservation area pursuant to policies E2.6, E2.7, H2.2 and DC18.

5) A competent person shall be employed to oversee the hand digging process to the written agreement of the City Council as LPA.

Reason

In order to suitably protect the existing trees on the site which are to be retained in order to protect the character of the conservation area pursuant to policies E2.6, E2.7, H2.2 and DC18.

6) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref 3226.01 rev B stamped as received 26th November 2008, 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 E2.6, E2.7, H2.2 and DC18 of the Unitary Development Plan for the City of Manchester.

7) 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.

8) The development hereby approved shall achieve at least a four 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.

9) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

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

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

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before development commences and a report prepared outlining what measures, if any, are required to remediate the land

(the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

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.

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: 088436/FO/2008/S2 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
Environment & Operations (Trees)
Greater Manchester Police
Didsbury Civic Society
3 Kingston Avenue, Manchester, M20 2SP
21a, Millgate Lane, Manchester, M20 2SW
42 Kingston Road, Manchester, M20 2SB
44 Kingston Road, Manchester, M20 2SB
21 Millgate Lane, Manchester, M20 2SW
Flat 1, 23 Millgate Lane, Manchester, M20 2SD
Flat 4, 23 Millgate Lane, Manchester, M20 2SD
Flat 3, 23 Millgate Lane, Manchester, M20 2SD
Flat 2, 23 Millgate Lane, Manchester, M20 2SD
Flat 5, 23 Millgate Lane, Manchester, M20 2SD
56 Kingston Road, Manchester, M20 2SB
41 Millgate Lane, Manchester, M20 2SW
62 Kingston Road, Manchester, M20 2SB
43 Kingston Road, Manchester, M20 2SB
45 Kingston Road, Manchester, M20 2SB
47 Kingston Road, Manchester, M20 2SB
53 Kingston Road, Manchester, M20 2SB
55 Kingston Road, Manchester, M20 2SB
61 Kingston Road, Manchester, M20 2SB
57 Kingston Road, Manchester, M20 2SB

59 Kingston Road, Manchester, M20 2SB
43 Millgate Lane, Manchester, M20 2SW
66 Kingston Road, Manchester, M20 2SB
69 Kingston Road, Manchester, M20 2SB
67 Kingston Road, Manchester, M20 2SB
65 Kingston Road, Manchester, M20 2SB
63 Kingston Road, Manchester, M20 2SB

Representations were received from the following third parties:

Lord And Lady Bradley, 56 Kingston Road, Manchester, M20 2SB
Mr M J Owen, Rose Hill Cottage, 62 Kingston Road, Didsbury
P.D.Slater & T.M.Slater, 41 Millgate Lane, Didsbury, Manchester

Relevant Contact Officer : Melanie Tann
Telephone number : 0161 234 4538
Email : m.tann@manchester.gov.uk