

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
087610/FO/2008/N1	4th Sep 2008	20th Nov 2008	Moston Ward

**Proposal** Erection of 3 detached dwelling houses with integral garage, landscaping and boundary treatments with access from Dresden Street and Beechdale Close

**Location** Land Off Dresden Street And Beechdale Close, Off St Marys Road, Moston, M40 0AX

**Applicant** P E Jones ( Contractors) Limited, Emerson House, Heyes Lane, Alderley Edge, Cheshire, SK9 7LF

**Agent** Mrs Kerren Phillips The Emerson Group Planning Department, Emerson House, Heyes Lane, Cheshire, SK9 7LF

### Description

#### APPLICATION SITE

This application relates to a piece of land located at the ends of Dresden Street and Beechdale Close in Moston. This is a previously developed urban site that is an area of residual land of the former Tetrosyl engineering works (Broadhurst Manor) redevelopment proposal, and is therefore adjacent to a recent new housing development by Jones Homes. This brownfield site was previously railway operational land until the 1970's, after when the railway was removed and the land became vacant wasteland.

The land measures 0.125 hectares (0.3 acres) in area and is currently vacant and overgrown with self-seeded vegetation. The site has been fenced off for security purposes. The site is bounded by residential properties to the north, south and west, and a railway line and embankment running along the eastern boundary.

#### PLANNING HISTORY

The Jones Homes housing development previously built was approved under Outline application App. 062879 (which was for the principle of residential development on the site and the means of access) and Reserved Matters application App. 064313, which gave approval for all other items, i.e. siting, design, external appearance and landscaping.

For this particular site, a previous application was considered under reference 086066/FO/2008/N1 for the erection of six semi-detached dwellings with associated car parking and boundary treatments. However, the applicant was advised that the scheme was considered to be over development of the site and that the scheme was likely to be refused planning permission. Therefore, the applicant withdrew the application and entered into further discussions with the Local Planning Authority.

#### THE PROPOSAL

Following the withdrawal of the previous application for six houses, planning permission is now sought for the erection of 3 no. four bedroomed detached

family dwellinghouses with integral garages and a conservatory to the rear, front and rear gardens, with associated boundary treatments, landscaping and driveway access from the ends of Dresden Street and Beechdale Close.

### **Consultations**

Local Residents / Businesses - Four letters of objection have been received from local residents. The comments made can be summarised as follows:

- \* The Design and Access Statement describes the application site as not appealing to look at. This has been caused by Jones Homes systematically felling all the trees and shrubs on the site, which is considered to be a blatant attempt to sway the decision in their favour.
- \* The ecological report was carried out after this felling, which is why there is no evidence of wildlife on the site. Prior to this, there were tawny owls and other various species of bird nesting on the site. Bats are also prevalent in this area and therefore, bat roosts may also have been disturbed by Jones Homes, which is illegal.
- \* The contaminated land risk assessment states that the land is contaminated as a result of seepage and this presents a risk to existing properties if the ground is disturbed. The application form has the 'no contamination' box ticked which is contrary to the survey. The land drops away steeply on the railway side of the proposed properties and any disturbance will heighten the risk of subsidence and de-stabilising the ground. There is also a major concern over pile driving, as the existing development has already caused external and internal cracks to appear. It is felt that Jones Homes should complete a structural survey and risk assessment, which should be copied to all adjacent residents, who can then have it checked independently.
- \* The planning drawings submitted are inaccurate, as they do not show the extensions and outbuildings of existing properties. This underestimates the impact from a light and privacy point of view. The new plans do not accurately show the location of boundary lines and land ownership, particularly between 22 Beechdale Close and Plot 1. This area is fenced and gated and is planted with established conifers and fruit shrubs. The plans do not indicate the steep embankment immediately to the right of the proposed houses. This gives a false impression of space that is clearly not there.
- \* Do not agree that the proposed development will create an environmental and economic improvement to the locality. It will impact detrimentally on the existing properties and we have already seen a marked increase in anti-social behaviour and littering which stems from unsold properties not being properly managed and secured.
- \* This development would destroy quality of life. The property at 21 Dresden Road had an extension built to the side 25 years ago and there is a large side window, which overlooks this land. If the new house is built, the view will be lost in addition to light, sunshine and the house value.
- \* The new houses will overshadow existing houses and gardens and will take away any natural daylight and the enjoyment within homes.

- \* Trees on the existing development have not been planted despite being shown on the plans.
- \* Jones Homes were approached previously about this land and they advised that it belonged to Rail Track and would not be built on. A purchase of the adjacent house was on this basis and now the privacy and views currently experienced will be lost.
- \* During the development of the main site, Jones Homes met with local residents and they agreed that the existing properties and pavements would be repaired and cleaned following the lengthy and disruptive construction. None of these promises have been fulfilled some 12 months hence. This shows that Jones Homes have no real interest in the aesthetics of the development or the community.
- \* A street lamp would have to be moved to allow access to the proposed site. Would strongly object if this lamp was re-sited outside my house.
- \* There are real concerns over the parking in the area. Due to the poor repair of the pavements/kerbstones on Dresden Street, the parking is awkward at best. Extra traffic from the additional houses would cause problems due to the restricted width of the street.
- \* There are current drainage problems in the immediate area.
- \* The need for these further houses in this area is questioned, when many properties on the existing development remain unsold.

Since the submission of additional and amended information, a full re-notification of residents has been completed. Two further letters of objection have been received and the comments made can be summarised as follows:

- \* Concerns were raised about the length of time given to residents to comment on the amended/additional information and the documents not being made available on the public access system.
- \* If the dwelling is built, it will be like looking out onto a brick wall 10 feet away. It is understood that any house is allowed 45 degrees at the side for light, sun, and view.
- \* Also, brought it to the City Council's attention about the drainage problem, with the proposed site being higher than the existing streets. If it rains a lot, the water runs from the site down the side of the houses, onto the drive and onto the street.

#### Chief Executive's Landscape Practice Group

The most important tree on the site is the Ash tree identified as T3 on the plans. The tree protection for the Ash is only shown at 2.1m radius and this may not be sufficient for this tree. The other trees in and around the site are sufficiently protected by the tree protection methods proposed. The self-seeded vegetation on the site is not considered to be of significant visual amenity value and can be removed as suggested.

The landscaping scheme proposed only includes the planting of trees and no further planting. This is considered to be unacceptable and further details should be submitted. Details are also required in relation to boundary treatments.

An amended Landscape Plan and tree protection details were submitted and assessed by the Landscape Architects. It has now been confirmed that the revised plan addresses all of the issues raised in the previous consultation and therefore, the scheme is now considered to be acceptable.

#### Environmental Health

Environmental Health acknowledge the acoustic report submitted with the application, however more information is still required. It has not been made clear exactly how many trains, whether these are passenger or freight, use the line. More information is required detailing train movements. Furthermore, more information is also required regarding ventilation of the properties should the windows have to remain closed due to the noise from the trains. Trickle ventilation is not sufficient should this be the case.

An amended acoustic report was submitted and assessed by Environmental Health. It has now been confirmed that Environmental Health are now content that the internal noise criteria will be met. This assumes that the acoustic glazing and acoustic trickle vents specified in the PDA report are adhered to.

#### Contaminated Land Section

Historical information relating to this site indicates the possible presence of significant levels of contamination. It is therefore recommended that a condition be attached to any approval in relation to the submission of relevant information.

#### Environment & Operations (Trees)

There is a concern over the mature street tree on Dresden Street. The mature Ash tree is in fair condition and the proposed root protection area of 2.1m is insufficient. The tree will require a root protection area of 4.32m and any works within this area must be by hand dig process only.

An amended Landscape Plan and tree protection details were submitted and assessed by the Landscape Architects. It has now been confirmed that the revised plan addresses all of the issues raised in the previous consultation and therefore, the scheme is now considered to be acceptable.

#### Network Rail

Network Rail has no objection in principle to the development, however in relation to the protection of the railway, certain requirements must be met, especially with the close proximity of the development to an operational railway. Network Rail is required to recover all reasonable costs associated with facilitating these works. This gives a useful guide as to the considerations to be taken into account in relation to development adjacent to the railway. It is advised that in particular the boundary fencing, soundproofing, and landscaping should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway.

Greater Manchester Police

It can be confirmed that GMP prepared a Crime Impact Statement (CIS) for The Emerson Group prior to this application. Subject to the details contained within the CIS (particularly the measures contained within Part B of the report), GMP are happy to support this application. The applicant should submit a residential SBD application form if/when planning permission is granted.

North Manchester Regeneration Team

There are no objections to this proposal.

Greater Manchester Ecology Unit

GMEU have visited the application site twice, once in connection with a previous application and once in connection with this application. Former tree cover on the site has been substantially cleared, but there are signs of tree regeneration occurring, particularly around the site boundaries. Otherwise, the site supports species-poor grassland and ruderal herbs, together with some garden plant varieties and areas of bare ground. The application site is not designated for its nature conservation value and does not support any specially protected or priority habitats. The probability of the site supporting protected or priority species is low. Although it is conceivable that badgers may visit the site, the Ecology Unit holds no records of badger setts within 3km of the site. Foxes are known to use the Moston Fairways nature reserve across the railway line and may use the application site, but no fox earths were recorded by myself or by the ecological consultant who carried out the ecology survey accompanying the application. Foxes are not a protected species. The site will likely support local populations of birds and small mammals, but there is sufficient alternative habitat along the railway line to accommodate any birds or mammals that may be displaced by the scheme. The site does contribute to the wildlife corridor function of the railway line, and would have made a more significant contribution to this function prior to the tree clearance that has taken place relatively recently. The loss of the Ash tree at the end of Dresden Street could be considered significant in local terms, since mature street trees are scarce in the immediate area. The conclusion is that the site is not of substantive nature conservation value and GMEU have no objections to the application on nature conservation grounds. Recommend that if permission is granted to the scheme, no vegetation clearance should take place during the optimum period for bird nesting.

**Policy Context**

Relevant National Policies

Planning Policy Statement No.1 Creating Sustainable Communities

PPS1 encourages the promotion of urban and rural regeneration to improve the well being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. Policies should promote mixed use developments that create linkages between different uses and create more vibrant places.

Planning Policy Statement No.3 Housing

This guidance strongly encourages the re-use of previously developed vacant or under utilised land and buildings and lends support to new housing within urban areas at high densities that are in close proximity to existing services and facilities and public transport provision. It also provides guidance on issues such as design quality, residential mix and affordable housing. In terms of design quality schemes should create places, streets and spaces which would meet the needs of people, and be visually attractive, safe, and accessible.

Relevant Regional Policies

Regional Spatial Strategy (RSS) (September 2008)

The Regional Spatial Strategy (RSS) for North West England was adopted in September 2008 and replaces the previously published Regional Planning Guidance (RPG13). The RSS provides a framework for development and investment in the region over the next fifteen to twenty years.

The document sets out the framework for delivering sustainable development in the North West. The strategy allocated a maximum housing provision of 63,000 for Manchester between 2003 and 2021. There are a number of policies relevant to this development proposal within the RSS including the following:

Policy DP1 'Spatial Principles' outlines the main principles that underpin the RSS to which all other regional, sub-regional and local plans and strategies and all individual proposals, schemes and investment decisions should adhere to. These include to promote sustainable communities, promote sustainable economic development, make the best use of existing resources and infrastructure, manage travel demand, reduce the need to travel, and increase accessibility, marry opportunity and need, promote environmental quality, mainstreaming rural issues, and to reduce emissions and adapt to climate change.

Policy DP2 'Promote Sustainable Communities' states that building sustainable communities are places where people want to live and work. This is a regional priority in both urban and rural areas. Sustainable Communities should meet the diverse needs of existing and future residents, promote community cohesion and equality and diversity, be sensitive to the environment, and contribute to a high quality of life.

Policy L4 'Regional Housing Provision' states that Local Authorities should monitor and manage the availability of land identified in plans and strategies and through development control decisions on proposals and schemes, to achieve the housing provision set out for their area. For Manchester, this is to provide a maximum of 63,000 houses between 2003 and 2021.

Finally, Policy MCR1 sets out the priorities within the Manchester City region including accommodating housing growth in locations that are accessible by public transport to areas with strong economic prospects. A high level of residential development will be encouraged in the inner areas to secure a significant increase in the population of these areas.

## Relevant Local Policies

### Unitary Development Plan for the City of Manchester (1995)

All of the UDP policies listed below are saved by the Secretary of State on the 27<sup>th</sup> September 2007, until the Unitary Development Plan is replaced by Core Strategy.

The application site is located within Area 1 of the UDP for the City of Manchester, which covers Blackley, Charlestown and Moston. The general area policy for Blackley, Charlestown and Moston BM1 states that this area forms the northern fringe of the City and borders the green spaces along the Irk Valley which separate Manchester from Bury, Rochdale and Oldham. It is located about 4 miles from the City Centre. In contrast to much of Manchester, which is on fairly level ground, this area is hillier which gives it a distinctive physical character. The area has a certain homogeneity, being mainly developed for housing since the 1930s. However, it is interspersed with a variety of large open spaces, some of which contain areas of biological importance.

The area contains some 39,000 people, which is about 9% of the total who Live in the City. It is anticipated that there will be an increase in the proportion of the people who are under 14 years old. Because the district contains only about 6,000 jobs, most working people travel out to get to work. Unemployment rates are below average for the City, and families are most likely to be headed by someone who is a skilled manual worker. In parts of the area elderly people form a high proportion of the population, such as Damhead, White Moss, Riverdale and Victoria Avenue East. Although the proportion of pensioners is expected to reduce a little during the next ten years, there are now about 8,000 living in the locality. This is above the city average, and they will remain a significant characteristic of the population throughout the plan period.

When dealing with applications of this nature, regard is given to Development Control Policies No. 7 "New Housing Development" and No. 16 "Street Landscapes". 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 DC16 can be applied here as this requires the retention of existing trees and the provision of tree planting along the public frontages of sites.

Further housing policies include H1.2, H2.1, H2.2 and H2.7. Policy H1.2 states that the City Council will ensure that the housing stock contains a wide range of housing types to meet the needs of people who want to live in Manchester. The above should include accommodation designed for disabled people. The City Council also encourages environmental improvements to make residential areas safer and more attractive through Policy H2.1. Policy H2.2 is also relevant and states that the Council will not allow development, which will have an unacceptable impact on residential areas. The matters that the Council will consider will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution. Finally, H2.7 outlines how new housing schemes will be expected to be of a high standard of design and to make a positive contribution towards improving the City's environment. Areas of incidental space should not be

formed unless arrangements are made for their proper and enduring maintenance.

There are also further Environmental and Transport Policies that are relevant in this case. The Environmental Policies include E1.5, E1.6, E2.4, E2.6 and E3.5. With regards to the City Council's aim to ensure sustainability within developments, Policy E1.5 outlines that the Council will contribute towards energy conservation by ensuring that new development is located where it can be easily served by public transport and by encouraging high standards of energy efficiency. Policy E1.6 relates to the materials used for developments and outlines how the Council will require that building materials used are environmentally friendly wherever it is possible. Policy E2.4 states that the Council will ensure that the effects upon wildlife are taken fully into account when considering development proposals. Most importantly for this application, Policy E2.6 outlines that the Council will prevent wherever possible the loss of existing trees and will encourage the extensive use of broadleaved trees in planting schemes to improve the appearance of built up areas.

Finally, Policy E3.5 explains that the Council will promote measures, which will lead to a safer environment for all people living in and using the City. These measures will include:-

- a) ensuring that the layout of new development is designed with safety in mind and does not lead to the creation of isolated areas;
- b) designing landscaping schemes so as to minimise the risk of attack;
- c) that community facilities are located where they are easy and safe to get to;
- d) providing safe places for children to play;
- e) improving road safety.

Transport policies T2.6 and T3.1 can also be applied to this proposal. Policy T2.6 states that the City Council will expect developments to make adequate provision for their car parking requirements. In deciding whether the level of car parking associated with any development is acceptable, the Council will have regard to the environmental capacity of the site both in terms of the physical appearance of the car parking and its effect on neighbouring activities and also the ability of the local road network to accommodate the traffic generated by the proposed development. Policy T3.1 states that the Council will ensure that the particular needs of both pedestrians and cyclists are catered for in new development schemes.

#### Supplementary Guidance

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance was formally adopted in April 2007, and is therefore relevant in this case. Planning Policy Statement 3 'Housing' states that to facilitate efficient delivery of high quality development, Local Planning Authorities should draw on relevant guidance and standards and promote the use of appropriate tools and techniques, such as Design Coding alongside urban design guidelines, detailed masterplans, village design statements, site briefs and community participation techniques.

In the City of Manchester, the relevant design tool is the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance. The Guide states the importance of creating a sense of place, high quality designs,

and respecting the character and context of an area. The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance provides a framework for all development in the City and requires that the design of new development incorporates a cohesive relationship with the street scene, aids natural surveillance through the demarcation of public and private spaces and the retention of strong building lines and appropriate elevational detailing and strong design particularly to corner plots.

### **Issues**

**Principle** - It is considered that the redevelopment of this vacant area of land for residential use is acceptable in principle and in keeping with the surrounding uses. However, the loss of open ground and shrubs from within the site, and the impact of the development on the character of the area and the surrounding residential properties should be assessed.

**Affordability** - As this application is for three houses only, the scheme falls below the threshold for the requirement of affordable housing provision.

**Sustainability** - It should be acknowledged that the applicants are mindful of the provision of sustainable accommodation and that they are seeking to achieve a Level 3 rating within the Code for Sustainable Homes standards. A Pre Assessment Estimator report has been submitted along with the application, which shows that the development can achieve a point's score within the Level 3 standard. A condition has been included to ensure the development is carried out in accordance with this report and will finally achieve this level. The provision of sustainable developments is very important and it is respectable that the applicants are striving to achieve this rating.

**Secured by Design** - The applicants have provided a Crime Impact Statement completed by Greater Manchester Police, which confirms that crime prevention measures will be incorporated into the design, and the design will have full regard to the principles of Secure by Design. The police have now confirmed that the scheme will achieve the Secured by Design accreditation and a condition has been included to ensure this is achieved.

**Disabled Access** - This development achieves a good level of accessibility to the residential family houses. As shown in the design and access statement provided by the applicant and a later email, all houses have a level threshold with the internal rooms having the required turning spaces. There is adequate car parking with the scheme and the houses have adequately sized toilets, bedrooms, bathrooms, kitchens and passageways to be built to Part M of the Building Regulations. It has also been confirmed that a larger ground floor toilet could be provided in the future within the large garage space, whilst retaining enough space to also park a car within the garage. Therefore, the Head of Planning is satisfied that this development will be available and accessible to all.

**Siting and Layout** - The applicant has incorporated the principles of the Development Guide by ensuring that all units have their principle frontage to the street and car parking within the dwelling curtilage. The proposal reflects a traditional form of development influenced by the character of the surrounding urban area, and also incorporates more contemporary influences in the form of

medium density development set around the existing road pattern and connecting existing residential estates. In addition and in accordance with The Guide to Development in Manchester, the proposal is orientated to face the key frontages of Dresden Street and Beechdale Close in order to help integrate it into the existing urban fabric. The properties proposed are to be built with a front garden to provide defensible space from the highway. This is considered to be in line with modern day visibility splays, good urban design principles and the streetscape. All the new properties have off-street parking/ driveways, which other houses in the area do not have, and the rear gardens are similar in size to the amenity space that the existing houses have in the area. Therefore, it is not considered to be overdevelopment of the site and the siting is considered to be acceptable in this instance.

**Density and Scale** - The surrounding area is characterised predominantly by two storey residential properties in detached, terraces or semi-detached properties. The level of built form to landscaped areas provides a medium to low density that is in keeping with the layout and density of the vicinity and all the new dwellings will be only two storeys in height. It is felt that the application has secured an appropriate scale and massing to development in relation to the surrounding area. Therefore, the Head of Planning considers this development acceptable in relation to density and massing.

**Design and Appearance** - This proposal includes the creation of good quality residential accommodation that will improve the appearance of the site and the area. The proposed buildings have a traditional design that utilises the positive features of the site and surrounding properties. The buildings have been designed as two storey dwellings to be sympathetic to the existing buildings and address the street with building frontages and elevational interest. The materials again will be traditional and in keeping with those existing in the area. All of the houses have habitable room windows overlooking the street to increase visual surveillance and to be in line with the City Council's Guide to Development. The houses will be surrounded with quality boundary treatments including brick walls and timber fencing to create a suburban appearance. The design will create a general improvement to the overall appearance within this area and it is now considered that this development will create a positive feature within the Moston area. Therefore, the Head of Planning considers the design and external appearance of this development to be acceptable.

**Trees and Landscaping** - It is acknowledged that the proposal for redeveloping this site does include the removal of some of the existing vegetation. It has been agreed that this would only involve the removal of predominantly low value vegetation, which would have a limited impact on amenity within the area. The existing Ash tree of amenity value that is to be retained would be protected by a number of conditions stating BS5837 'Trees in relation to Construction'. A comprehensive landscaping scheme has been submitted with the application that would respect the character of the surrounding area and enhance the appearance of this site, and this has been secured through a condition. Within the landscape proposals, it is the intention of the developer to provide further tree planting within the site in order to comply with the City Council's Greening Strategy. Further conditions would also be included in any approval, in relation to works to trees and the protection of nesting birds. Therefore, the Head of Planning considers that the landscaping for this development is acceptable.

Car Parking & Highways - Policy T2.4 states that the City Council will expect developments to make adequate provision for their parking requirements and particular consideration should be given to the ability of the local road network to accommodate the traffic generated by the proposed development. With 100% parking being provided for all of the new residential units, through an integrated garage and a driveway, it is considered that this development has adequate and satisfactory car parking provision. It is not considered that the number of units proposed on this site, i.e. 3, would lead to any dramatic increase in the vehicular movements or increased car parking levels along Dresden Street and Beechdale Close, so as to be detrimental to pedestrian and highway safety currently enjoyed in the vicinity of the site.

Ecology – Concerns were raised by local residents that the clearance of the site had resulted in a significant impact on the ecological value of the site. Following receipt of these concerns, the Greater Manchester Ecology Unit completed a second site visit and have confirmed that the application site is not designated for its nature conservation value and does not support any specially protected or priority habitats. The probability of the site supporting protected or priority species is low. The conclusion is that the site is not of substantive nature conservation value and GMEU have no objections to the application on nature conservation grounds and therefore, the Head of Planning is satisfied that the development will not have a detrimental impact on the ecological value of the site.

Contaminated Land – It has been acknowledged by the agent that the application form was originally completed incorrectly in relation to question 15 and the potential contamination of the land. The agent has now submitted a new page 4 of the application form, which correct states that the land may potentially be contaminated. A preliminary desktop study has been submitted with the application and a condition has been included to deal with the remediation and verification of the land through the development. Therefore, the Head of Planning is satisfied that the development adequately addresses the issue of contaminated land.

Noise - An acoustic and vibration report completed by PDA Acoustic Consultants has been submitted along with the planning application, due to the application site being located adjacent to a railway line. The Head of Regulatory and Enforcement Services has assessed this report and there is no objection to the provision of residential accommodation in this location next to the railway. However, further details have been requested specifying train movements and ventilation of the properties should the windows have to remain closed due to the noise from the trains. Therefore, a condition has been included for this additional information to be submitted prior to the commencement of the development on site. The requested details have now been submitted and agreed by Environmental Health.

Residential Amenity - It is acknowledged that there are residential properties directly surrounding the application site and there would be an increase in the amount of development on the site compared to the existing vacant land. Four letters of objection have been received from local residents, which include a number of concerns about the development. These have all been covered within this report. The distance between the new houses and those existing adjacent to the application site varies from 2.6 metres at the closest point up to

7 metres. These distances have been increased from previous proposals, as it has now been possible to move the new properties further away from those already in existence. The properties have been designed and sited to be in line with the existing building lines on Dresden Street and Beechdale Close, to ensure that any overshadowing created from the new houses is limited. The new houses are located to the east of those existing and therefore, there should be a minimal impact on the amount of sunlight received by front and rear windows and existing garden spaces. There are no windows proposed on the side elevations of the new houses and therefore, there should be no loss of privacy created from the new dwellings and as this is a residential proposal, there should not be a significant increase in the noise generated from the site and the general activity should be limited to residents leaving and returning the accommodation. Therefore, the Head of Planning does not consider that this proposal will have a detrimental impact on the residential amenity currently enjoyed by the surrounding occupants. A significant number of conditions would be included in any approval that would protect the amenity of the surrounding residents.

Other Concerns of Residents - Certain concerns were raised about the length of time given to residents to comment on the amended/additional information and the documents not being made available on the public access system. The resident in question has been advised that in relation to the neighbour notification letters and the relevant dates, the 21 day consultation date given on the letter is a minimum period given to residents to make comments and not an expiry date. This means that comments will be received and considered right up until a final decision is made on the application and does not mean that comments cannot be made after the date stated in the letter. Therefore, any neighbours that wish to make comments after the target date, they will be still be accepted and placed on the application file for consideration. The public access system was also checked, and all of the relevant details have been on the internet for residents to see since the 29th October 2008.

Concerns were also raised in relation to the accuracy of the drawings submitted. These concerns were passed on to the architects and the drawings were amended accordingly. The site was re-surveyed and all existing houses and their extensions are now shown on the site layout plan, with the exact distances between the existing houses and the proposed dwellings plotted on the drawing. A full reconsultation has been carried out on these amended drawings, and no further objections have been received in relation to this matter.

Finally, in relation to the necessary relocation of the street lamp at the end of Dresden Street, the agent has confirmed that they are in ongoing discussions with Environment & Operations about this matter and are close to resolving the issue. It has been confirmed that efforts will be made to ensure that the lamp is not repositioned outside an existing property to reduce the impact on residential amenity.

Drainage - Concerns have been raised regarding the potential impact of the development on the existing drainage in Dresden Street. This is not a matter that can be given any significant material weight and therefore, the decision cannot be based on this issue. However, the proposed development will

require a subsequent Building Regulations application where the matter of drainage will be thoroughly investigated by the building inspectors.

**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 accordance with the City Council's Unitary Development Plan (in particular Policies BM1, DC7, DC16, H1.2, H2.1, H2.2, H2.7, E1.5, E1.6, E2.4, E2.6, E3.5 and T2.6) and with other material considerations of material weight (in particular the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Planning Policy Statement 1 (PPS1), Planning Policy Statement 3 (PPS3), and the North West of England Plan - Regional Spatial Strategy to 2021, and there are no material considerations of sufficient weight to indicate otherwise, on the basis that the proposal would complement the range of housing types in the area, would not have an unacceptable impact on the existing residential area and would be of a high standard of design.

### **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 policies BM1, H1.2, H2.1, H2.2, H2.7, E1.5, E1.6, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Planning Policy Statement 1 (PPS1) and Planning Policy Statement 3 (PPS3).

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:

The drawings numbered 2820-6.02, SK-fence-01 Rev A, MAL-P-01, the Planning, Design and Access Statement and Supporting Information document, the BreGlobal Pre Assessment Estimator Tool, the Bat Survey, the Crime Impact Statement and the Waste Management Strategy, stamped as received by the Local Planning Authority on the 4th September 2008, the amended drawings numbered DS-3.10 Rev A and DS-3.11 Rev A, stamped as received by the Local Planning Authority on the 17th October 2008, the amended drawing numbered 229-1 Rev B, stamped as received by the Local Planning Authority on the 27th October 2008, and the email from Kerren Phillips at the Emerson Group received on the 30th October 2008.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies BM1, DC7, DC16, H1.2, H2.1, H2.2, H2.7, E1.5, E1.6, E2.4, E2.6, E3.5 and T2.6, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Planning Policy Statement 1 (PPS1), Planning Policy Statement 3 (PPS3), and the North West of England Plan - Regional Spatial Strategy to 2021.

4) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref 229-1 Rev B stamped as received by the Local Planning Authority on the 27th October 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 policies BM1, H1.2, H2.1, H2.2, H2.7, E2.6 and E3.5, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

5) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plan numbered 229-1 Revision B 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 plan numbered 229-1 Rev B 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) Any works completed within the 4.32 metre Root Protection area of the Ash Tree on Dresden Street must be by a hand dig process only in accordance with a scheme to be submitted to and approved in writing by the City Council as Local Planning Authority, which includes specific details relating to the excavation methods around the trees for new surfacing or the proposed foundations for the buildings hereby approved. The scheme should then be implemented in accordance with those details, unless otherwise agreed in writing by the City Council as 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 as specified in Policy E2.6 of the Unitary Development Plan for the City of Manchester.

7) All tree work carried out during the construction of the development hereby approved should be carried out 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, pursuant to Policies E2.6 of the adopted UDP for the City of Manchester.

8) No clearance of vegetation or trees from the site should be carried out in the bird nesting season (March to July inclusive). If clearance during the nesting season is unavoidable then a survey for nesting birds must be undertaken prior to work commencing and submitted to and approved in writing by the City Council as local planning authority. If nesting birds are found by the survey and are likely to be disturbed by clearance works then clearance should be delayed until after the young have fledged.

Reason

The site supports habitats suitable for use by nesting birds, which are protected by the Wildlife and Countryside Act 1981, and pursuant to Policy E2.4 in the Unitary Development Plan for the City of Manchester.

9) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment the 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 Policies E3.5 and H2.2 of the Unitary Development Plan for the City of Manchester.

10) 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".

11) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of 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.

12) The development hereby approved shall be in accordance with the scheme for the storage (including segregated waste recycling) and disposal of refuse included in the City Council Waste Management Strategy proforma and the Design and Access Statement dated August 2008, stamped as received by the Local Planning Authority on the 4th September 2008. 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, unless otherwise agreed in writing with the City Council as the Local Planning Authority.

Reason - In the interests of amenity and public health, pursuant to policy H2.2 of the adopted UDP.

13) The development hereby approved shall be implemented in strict accordance with the PDA Acoustic Consultants acoustic assessment dated 28th August 2008 and the subsequent letters from PDA and The Emerson Group received by email on the 28th October 2008. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter, unless otherwise agreed in writing by the City Council as the Local Planning Authority.

Reason - To secure a reduction in noise from the adjacent railway line in order to protect future residents from noise nuisance, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

14) Before the development commences a scheme for protecting the residential accommodation against vibrations from the adjacent railway line shall be submitted to and approved in writing by the City Council as local planning

authority. The approved protection scheme shall be completed before any of the dwelling units are occupied and shall remain in situ whilst the use or development is in operation, unless otherwise agreed in writing with the City Council as the Local Planning Authority.

Reason - To secure a reduction in vibration impact from the adjacent railway line in order to protect future residents from nuisance, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

15) 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 garage shall be used for any purpose which would preclude its use for the parking of a motor vehicle and no development shall be undertaken that would preclude vehicular access to the garage.

Reason - The loss of garage parking space could result in an unacceptable increase in on-street parking and would thereby be detrimental to highway and pedestrian safety in order to comply with policies H2.2 and T2.4 of the Unitary Development Plan for the City of Manchester.

16) Notwithstanding the provisions of Article 3 of, and Class A of Part 1 of Schedule 2 to, the Town and Country (General Permitted Development) Order 1995, the garage accommodation hereby approved, as part of this development shall not be converted into living accommodation without the express written permission of the City Council as local planning authority.

Reason

The loss of garage parking space would result in an unacceptable increase in on-street parking and would thereby be detrimental to highway and pedestrian safety, pursuant to Policies H2.1, H2.2 and H2.7 of the adopted UDP for the City of Manchester.

17) 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.

18) Notwithstanding the provisions of Article 3 of Part 1 of Schedule 2 or as subsequently amended to, the Town and Country Planning General Development Order 1995 (as amended), no garages, outbuildings or extensions shall be erected other than those expressly authorised by this permission.

Reason

To ensure that the high density nature of the development is not further increased by extensions and outbuildings and 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, pursuant to Policies H2.1, H2.2 and H2.7 of the adopted UDP for the City of Manchester.

19) No part of each phase of the development hereby permitted shall commence until fully detailed cross section plans of the existing and proposed external ground levels of that phase have been submitted to and approved in writing by the City Council as Local Planning Authority. The development shall be implemented in accordance with the approved details, unless otherwise agreed with the City Council as the Local Planning Authority.

Reason - To ensure that a satisfactory development is carried out, in accordance with policy H2.2 of the Unitary Development Plan for the City of Manchester.

20) 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.

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.

21) All contractors vehicles entering and leaving the site during the construction period shall be properly sheeted.

Reason

To ensure that the proposed development is not prejudicial or a nuisance to adjacent dwellings, and in the interests of public health and amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

22) The details of an emergency telephone contact number for the site contractor and Jones Homes shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply 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: 087610/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)  
Network Rail  
Greater Manchester Police  
North Manchester Regeneration Team  
Greater Manchester Ecology Unit  
16 Beechdale Close, Manchester, M40 0AR  
30 Dresden Street, Manchester, M40 0AX  
32 Dresden Street, Manchester, M40 0AX  
34 Dresden Street, Manchester, M40 0AX  
36 Dresden Street, Manchester, M40 0AX  
15 Dresden Street, Manchester, M40 0AX  
38 Dresden Street, Manchester, M40 0AX  
17 Dresden Street, Manchester, M40 0AX  
19 Dresden Street, Manchester, M40 0AX  
21 Dresden Street, Manchester, M40 0AX  
18 Beechdale Close, Manchester, M40 0AR  
20 Beechdale Close, Manchester, M40 0AR  
22 Beechdale Close, Manchester, M40 0AR  
22 Shelley Street, Manchester, M40 0AS  
24 Shelley Street, Manchester, M40 0AS  
23 Shelley Street, Manchester, M40 0AS  
21 Shelley Street, Manchester, M40 0AS  
17 Beechdale Close, Manchester, M40 0AR  
19 Beechdale Close, Manchester, M40 0AR  
21 Beechdale Close, Manchester, M40 0AR  
23 Beechdale Close, Manchester, M40 0AR  
25 Beechdale Close, Manchester, M40 0AR  
27 Beechdale Close, Manchester, M40 0AR

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

Chief Executive's Landscape Practice Group  
Environmental Health  
Contaminated Land Section  
Environment & Operations (Trees)  
Network Rail  
Greater Manchester Police  
North Manchester Regeneration Team  
Greater Manchester Ecology Unit  
Mr Keith Jackson, 19 Dresden Street, Manchester, M40 0AX  
D Grace, 21 Dresden Street, Manchester, M40 0AX  
J Hill, 20 Beechdale Close, Manchester, M40 0AR  
Mr P Cain And Miss A Power, 22 Beechdale Close, Manchester, M40 0AR

**Relevant Contact Officer :** Jeni Wilson  
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**Email :** j.wilson3@manchester.gov.uk