

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
082039/FO/2007/N1	9th Nov 2007	11 Sept 2008	Charlestown Ward

**Proposal** Erection of 50 no. houses with associated parking and landscaping with vehicular access from Raycroft Avenue and Pinfold Avenue, including increasing width of driveway to 21-27 Dalham Avenue, landscaping and four parking bays for use by existing residents in front of 9-15 Raycroft Avenue and improvements to footpath from Pinfold Avenue to Boggart Hole Clough.

**Location** Land At Pinfold Avenue/Raycroft Avenue, Former School Site, Blackley

**Applicant** Dappa Homes Investments Ltd, C/o 13 Hollins Lane, Wardle, Stockport, SK6 6AW

**Agent** McLaren Whitworth Associates 13 Hollins Lane, Wardle, Stockport, SK6 6AW

### **Description**

This application was brought before Members of the Planning & Highways Committee on 21 August 2008, following a site visit, with a recommendation for Minded To Approve subject to further exploration of financial feasibility of the development with regard to affordable housing.

At the August Committee, Members were minded to refuse the application on the grounds that due to the amount of development there would be issues relating to access and a subsequent increase in traffic on surrounding roads. Members were also concerned about the absence of affordable housing. It was therefore requested that the Head of Planning bring forward a report to the next available committee addressing the above concerns and proposing potential reasons for refusal.

For clarification as a result of the addition of late representations to the 21<sup>st</sup> August 2008 Committee changes have been made to conditions set out towards the end of this report.

### **Issues**

#### **Traffic**

This is clearly an issue of concern for Members and local residents. The concern revolves around the number of houses being proposed and the associated traffic, resulting in an over development of the site. The Head of Engineering Services had believed that the principal of the development was acceptable if an appropriate condition was attached to any approval that set out the need for a scheme for traffic calming measures and 20 mph speed restrictions being in place.

The site does not benefit from a main road frontage and therefore access can only be achieved via the existing road network, which is largely made up of a

series of cul – de-sacs. The applicant had provided information relating to an assessment of traffic generated by the proposed development. This statement also confirmed that the site was previously a school site and the surrounding road network had supported traffic generated by that use. However, it is considered that the proposed development would result in additional traffic movements a greater levels than is currently experienced by residents in the vicinity of the site.

### Affordable Housing

There have been discussions with the applicant regarding the deliverability of affordable housing on the site. As a result of these discussions the applicant believes that it will be difficult to deliver due to the financial viability of the scheme. Having regard to the 'Providing for Housing Choice' planning guidance document covering issues relating to affordable housing it is not believed a reason for refusal can be sustained in this instance on these grounds. The applicant has also demonstrated that, apart from the viability aspect, the scheme also meets the exception criteria set out in the planning guidance document because it is a long standing proposal.

### Over- development

As stated above Members of Committee expressed concern about the potential over development of the site. A reason for refusal based on number of houses alone could not be easily sustained as there appears to be no issue regarding plot sizes or garden space. With 50 dwelling proposed, on a site area of 1.454 hectares the resulting density of development at approximately 34 dwellings per hectare would be considered acceptable as national policy contained within PPS3 states that "30 dwellings per hectare (dph) net should be used as a national indicative minimum". It is the amount of traffic that would be generated by a development of this size and its impact that is of greater concern.

### Conclusion

The recommendation to Committee remains to be minded to approve. However, if members are minded to proportion greater weight to the issues raised above, the following reason for refusal is recommended.

The development of the site for fifty houses would result in an increase in traffic movements on the immediate surrounding local road network and would have a detrimental impact on residential amenity due to noise and increased comings and goings at all times of the day and at night particularly to residents on Pinfold Avenue (numbers 14-20, 13-23) and Raycroft Avenue (1-15,2-8) contrary to policy H2.2 of the Unitary Development Plan for the City of Manchester.

### Description

The application relates to a cleared site, part of the former Manchester High School for Girls. It is a fairly flat site covering an area of 1.45 hectares (3.6 acres). It is partly covered in asphalt and un-managed vegetation of grass, shrubs and trees. To the south and east of the site is an area of woodland forming part of Boggart Hole Clough and associated footpath network. To the north is a large area of social housing. It is intended to gain vehicle access to the site by utilising Pinfold Avenue and Ryecroft Avenue that are presently short

cul- de -sacs. To the west of the site is Pevesney Court, a tower block with a large sloping area of maintained grass land next to it.

Following negotiations the layout takes the form of a loop road with a short cul-de-sac in the south west corner. The houses will all have three bedrooms comprising 24 pairs of semi detached houses and two detached houses. The proposal also involves creating four parking bays for use by residents in front of 9-15 Raycroft Avenue and increasing the driveway to 21 -27 Dalham Avenue. The site edged red has been increased to incorporate improvements to the footpath from Pinfold Avenue to Boggart Hole Clough.

The City Council has an interest in this site as a land owner. Members are reminded that in considering this matter, they are discharging their responsibility as Local Planning Authority and must disregard the City Council ownership interest.

The application has been screened for an Environmental Impact Assessment and it has been concluded that one is not needed in this case.

### **Consultations**

This application was advertised in the press on 17 April 2007 and 27 November 2007 and on site on 20 March and 20 November 2007. 1,100 residents, and third parties in the area were consulted about the application within the area bounded by Inchfield Road, Manton Avenue/ Booth Hall Road , Weybourne Avenue and Whernside Avenue.

Local Residents A petition signed by 140 local residents has been received objecting to this development. It is considered that the excess pollution, huge increase in vehicles within this reasonably quiet area, that these houses would attract, is unacceptable. Consideration should be given towards the people who live in the surrounding area as many have lived here most of their lives. The area already has problems with parking , speeding, recycling vehicles, wheelie bin collections and have recently experienced increase in traffic due to work at nearby G.P. premises, and Northwards Housing schemes to provide new kitchens/ bathrooms and windows to surrounding houses.

In addition eight letters of objection have been received. One letter has been received from a resident on Raycroft Avenue who objects mainly due to the use of this avenue as an access road. It is currently a quiet cul de sac with little traffic with low car speeds which makes it a safe environment for children. There is already a parking problem and the increase in traffic and speeds would turn a safe environment for children into a dangerous one. Three letters have been received from residents on Pinfold Avenue. One resident is concerned about noise and disturbance from the wagons and dust particularly as they work shifts and it will be difficult to sleep during the day due to the noise. Concern is also expressed about parking and difficulties for emergency vehicles. A second resident has also raised concerns about disruption due to building works, which may take eighteen months to complete, due to traffic and noise; and general noise from traffic once the houses have been built and loss of privacy is raised. Building houses will bring more families and youths to the area. They have had problems recently with youths who live in the area who have nowhere to go and nothing to do and this proposal would exacerbate this problem. The third resident has also raised the issue of lack of facilities in the

area and that consideration should be given to provision of football pitch, basket ball and a 5 - a side pitch, due to the loss of play area shown in earlier consultation plans. The parking problems on Pinfold and Raycroft Avenue are raised and oppose the use of these roads for access to the site and considers that alternative means of access should be considered even if it means increase in costs.

Two letters have been received from residents who live on Clough Top Road. One resident wishes to see a football pitch or park being laid out on the land for children to use rather than building houses that will put childrens lives at risk due the increase in traffic. The second resident also raise these matters and has concerns about large construction vehicles using Pinfold Avenue already experiences problems on the days bin collections are made, and considers that the Council should provide driveways. The proposal will involve additional children to the area, however, the existing youth club that is run by volunteers already has a waiting list and would need to be extended to cater for new comers but are struggling to finance this facility. A resident on Inchfield Road wish to see the land remaining as open space / playing fields and has concerns about traffic generation. A resident on Evesham Road has concerns about use of this road for access due to noise, dust and pollution and the inconvenience form all types of vehicles that would use the road throughout the day.

Charlestown Tenants & Residents Committee - consider that the proposal would have a significant detrimental effect on the local environment and the local community. The proposal will involve an increase in traffic generation and lead to traffic congestion creating three "bottle necks" at Dalham Avenue/Raycroft Avenue and Pinfold Avenue and these problems of traffic congestion would impact on a wider area. The proposal does not include any traffic calming measures. They are also worried that the increase in traffic could increase the risk in potential road injuries especially for children.

Ward Councillors - Cllr Hackett : in general he supports the development, however, he is not keen on the cul de-sac nature of the road layout. He has concerns about adequacy of parking for current residents on nearby streets and the issue of access traffic and wishes to see improvement to the environment in Boggart Hole Clough.

Graham Stringer MP - has forwarded a petition to oppose the building of the houses and wishes to ensure that all matters raised by residents are taken into account when the Committee is considering the application. In particular he wishes to draw attention to problems caused by increased traffic during construction of the houses and afterwards by the increase in number of cars on local roads.

Following changes to the site edged red and layout local residents were re-consulted and a further seven letter of objection have been received and further representations received form Charlestown Tenants and Residents Association, Boggart Hole Clough Community Action Trust, G Stringer M.P. and Cllr M Hackett.

Local Residents Two residents on Pinfold Avenue have re-iterated the points made previously and are particularly concerned that Pinfold Avenue will be used as the access for construction vehicles and experience elsewhere

suggests that wheel washing facilities for vehicles do not work well in practice and mud on the road will be a problem. Concern is also expressed about new houses being built elsewhere in the area but without additional play facilities being provided. It is considered that the area is in need of affordable houses for local people. The third resident supports building houses on the site as they have recently suffered anti-social behaviour on the site due to the position of their property that is directly next to the site. However, concern is expressed that the building works will affect their quality of life, due to noise, and ability to park outside their house and dirt.

Two residents from Pevesney Court have raised objections. One does not see any need to improve the footpath from Pinfold Avenue to Boggart Hole Clough, as this could encourage motorcyclists to use it who are already a nuisance. The second resident is concerned about the ecological effect that it will have on the area along with the domino effect on the adjacent nature reserve of Boggart Hole Clough, and considers that the site should be put to better use.

A resident from Longdell Walk wishes to see the site retained as an area of open space and should be planted with trees and bushes. A resident in Nelson Court objects to the high density of the development. A resident on Dalham Avenue has concerns about noise and mud on the road during the construction period. The proposal will involve an increase in traffic and the surrounding avenues do not have the capability to deal with the additional vehicle movements and suggest that access should be from Moston Lane.

Boggart Hole Clough Community Action Trust consider that the development would diminish the value of the Clough deterring bats and birds from nesting. Reducing the number of houses and setting the houses further away from the Clough could help to ameliorate the problem. The ground condition including subsidence is raised and suggest planting a community orchard on the site involving local schools and community groups. The need for new houses is raised when many empty properties require renovation and reoccupation in North Manchester.

Charlestown Tenants and Residents Association - have forwarded a further copy of the previous petition opposing the development. They consider that the proposed development constitutes gross over development of the site and would result in a detrimental impact upon residential amenity in terms of traffic congestion and on the ecological impact on nearby nature reserve, It will also have a material impact in terms of the lack of designing out crime. They also have reservations in terms of affordable housing and aspects of social inclusion relating to low income families. It is considered that the development is contrary to the local plan. It is considered that the proposal does not accord with policy H1.5 -sustainable developments. It is also considered that the development does not contain a choice of housing and does not embrace diversity. A variety and mix of use should be encouraged. It gives the appearance of not linking into the existing housing neighbourhoods. The concerns previously expressed about traffic generation are raised and there is no proposals for traffic calming measures, potential of risk to children from increased traffic and the traffic assessment is inadequate. Reference is made to policies concerning creating a safe environment in the UDP and it is considered that the introduction of high enclosures and an inward looking development would mean that the footpath would become a criminal rat run and would affect vulnerable elderly residents in Pevesney Court as well as local residents. Reference is made to PPS9 and to

environmental protection policies in the UDP E2.6 and BM5 and concern is raised that a development of this scale would have a detrimental impact on habitats. The views of development from nearby footpaths should be considered as part of the application. Inadequate details regarding drainage have been given. A further copy of the twelve page report of the objections raised by the Residents' Association has been submitted. One verbal objection has been received on grounds that there is adequate land available nearby where new houses could be built, particularly on sites where terraced house have been demolished. The site should be kept as open space for the benefit of the community rather than being sold to a private house builder.

Councillor M. Hackett - considers the site is appropriate for housing, although there are local concerns about its size especially vehicular access to the site, he believes that there is an unmet need for housing in Charlestown. He has expressed concern about access by emergency vehicles, public services and delivery vehicles to the site. The access of construction vehicles would need time restrictions and careful management and should be subject of conditions if consent is granted. Although the current plans provide improvements for vehicle access and parking for some residents, this is not the case for residents on Pinfold Avenue and suggests more off the road parking be found. He has asked whether it would be appropriate to have some pedestrian access to the White Walk and the Clough at the south west corner of the site. He also suggests that secure and robust boundary treatment would be appropriate. Mature trees in the gardens would be a benefit to wildlife as would good management of the area around the site and flats, where a little sympathetic landscaping and some planting of bulbs would be beneficial.

G Stringer M.P. - has forwarded a letter received from a constituent and wishes to be kept informed of progress regarding the development.

Head of Engineering Services - The carriageway widths have been increased to 5.5m in line with previous requests which are now acceptable. The driveway for plot 12 appears to have been amended and is now satisfactory. New roads are required to be designed for speeds of 20mph or less and should be self-enforcing and therefore it may be necessary to include traffic calming measures on the S38 (Highways Act) agreement. A routing strategy for construction traffic will be required to be conditioned.

Chief Executive's Landscape Practice Group - A comprehensive tree survey has been submitted which is in accordance with BS 5837:2005. Some of the more attractive trees on the site are in the south east corner near Dalham Avenue most of which are to be marked for retention on the tree survey report. Most of the Lombardy Poplars which provide a strong visual link to the southern boundary of the site have also been marked for retention. The proposal in the tree survey for retention and removal of existing trees on the site is therefore approved. A condition requiring protection for retained trees is recommended. The size on new trees near to Raycroft should be increased to at least 12-14 cm girth. Following submission of revised landscape details it has been confirmed that the proposal are now supported.

Environmental Health - no objections

Contaminated Land Section - a desk study has been received and the information was found to be adequate. However, historical information relating

to the site indicates significant levels of contamination and it is therefore recommended that a condition is attached requiring a scheme to be submitted to deal with the contamination of land and groundwater is submitted to be approved by the City Council.

Environment & Operations (Trees) - the proposed development will require the removal of a number of trees from the site. The trees listed for removal are in fair condition but will require removal if the development is to proceed. A number of mature trees are to be retained on the site and the proposed replacement planting will compensate for the tree losses and therefore has no objection to the proposed development.

North Manchester Partnership - broadly support the scheme which will introduce housing for sale into this area which is dominated by social housing. House types are relatively large and predominantly 3 bedrooms. It is considered that the two cul de sacs should be linked to create a fully permeable route through the site. It is vital that the tarmac footpath skirting the south side of the site is linked to the footpath in front of 21-23 Pinfold Avenue by a new surfaced path alongside the garden of plot 1, at present, it is just a muddy desire line which lies outside the boundary line.

Environment Agency - have confirmed that they have removed their objection but request that the following condition is attached:

No development approved by this permission shall be commenced until a scheme for the provision and implementation, of surface water regulation system has been approved by the Local Planning Authority in consultation with the Environment Agency. The maximum rate of discharge of surface water from the development site shall not exceed 14.4 litres per second as detailed in the Flood Risk Assessment dated 25-05-2007 prepared by JPA Ltd. The scheme shall be completed in accordance with the approved plans.

Greater Manchester Police - the proposal was the subject of a pre-application consultation and provided the work is done to the standards set out in the Crime Impact Statement they can see no problem with it. Since the Crime Impact Statement was originally written there have been developments with the secure by design specification and have asked that the following measures are incorporated into the scheme, dwellings should have fencing/lockable gates with bolts at least 4000mm from top of gate, to a height of 1800mm, to each side close to front building line to prevent unauthorised access to rear. All glazing at ground level should be to a minimum thickness of 6.8 mm. Any vegetation should be kept at a maximum height of 800mm and any foliage on trees should be kept at a height exceeding 2000 mm, so as not to create potential hiding places or impeded natural surveillance. Lighting should be provided to front and rear of the properties operated by photoelectric cell or passive infrared detectors.

Sport England (NW Region) - the comments to the application are based as a non-statutory consultee as it does not affect a statutorily defined playing field. The development would introduce additional public demand for new or improved sport and recreation facilities that would place an increased burden on the operation of existing facilities. The need for additional formal outdoor sport facilities ought ideally to be addressed in the context of an Open Space Sport

and Recreation Strategy/ Playing Pitch Strategy where a contribution to known deficiencies within the catchment area of the site can be addressed.

Greater Manchester Ecology Unit - the site supports regenerating willow and birch scrub and unmanaged neutral grassland around areas of remaining hardstanding. There are more mature trees to the site boundary, including sycamore and hawthorn. The site appears to be well used by the public.

Although the application site is adjacent to Boggart Hole Clough Site of Biological Importance (SBI) the development will not significantly affect particular interest of the SBI. Further, the site does not have the potential to support protected species. Therefore there are no objections to the proposal on nature conservation grounds.

It is recommended additional planting is carried out to compensate for the loss of the green space currently present on the site and that the following conditions are attached :

No clearance of vegetation should take place during the optimum period for nesting birds(March to July inclusive) unless nesting birds have been shown to be absent.

During the construction a "buffer zone" or robust fencing should be established between the development site and the SBI to prevent damage to the SBI , for example, use of heavy machinery, spillage of materials, damage to the trees on the boundary.

Late representations

A number of late representations were received prior to committee on the 21<sup>st</sup> August 2008.

The applicant had submitted information to show that it was not financially feasible to achieve affordable housing on this site and therefore ask that this be considered as an exemption to provision on this particular site.

The Head of Engineering had investigated the potential of a scheme to cover a scheme incorporating speed cushions, plateaux's and implementation of a 20mph zone including signing.

A letter had been received from a resident suggesting that there would be inadequate local amenities such as shops in the area to support the proposed development and the proposals for 200-250 properties nearby on the Booth Hall hospital site.

### **Issues**

Unitary Development Plan - As the site is situated within Blackley, Area policy BM1 applies. Policy BM1 states,

In deciding its attitude to proposals within Blackley, Charlestown and Moston, the Council will have regard to the general policies in Part 1 of the Plan in order to:-

a. protect and improve the quality of the formal and informal open space;

- b. retain the primarily residential character of the area;
- c. improve the housing stock and housing environment;
- d. provide adequate and accessible shopping and other community facilities for all members of the community, particularly those with special needs;
- e. increase accessibility to employment opportunities and shopping centres located outside the area;
- f. maximise the benefits to the area of the proposed Manchester Outer Ring Road (M66), but in a way which is not damaging to the quality of life of established communities.

BM5 b) and c) The City Council will prepare, and subsequently implement, area development briefs intended to enhance the character and ecological value of, most of Shackliffe Green and Boggart Hole Clough.

Other relevant policies in this case specifically relate to housing, the environment and transport, as follows.

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 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 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.

Policy E3.5 states 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 :-  
ensuring that the layout of new development is designed with safety in mind and does not lead to the creation of isolated areas;  
designing landscaping schemes so as to minimise the risk of attack;  
that community facilities are located where they are safe to get to;  
providing safe places for children to play;  
improving road safety.

Policy T2.4 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 T2.6 explains how the Council expects an adequate car parking provision to be made for disabled people, and T3.1 states that the Council will ensure that the particular needs of both pedestrians and cyclists are catered for in new development schemes.

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

National Planning Policy Guidance - Planning Policy Statement 1 (PPS1): Delivering Sustainable Development, advises that planning should facilitate and promote sustainable and inclusive patterns of urban development by making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life, contributing to sustainable economic development, protecting and enhancing the natural and historic environment, ensuring high quality development through good and inclusive design and efficient use of resources, and ensuring development supports existing communities and contributes to the creation of safe, sustainable, liveable mixed communities with good access to jobs and key services for all members of the community.

Planning Policy Statement 3 (PPS3): Housing, advises, in deciding Planning Applications, local planning authorities should have regard to achieving high quality housing, ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular families and older people, the suitability of a site for housing including its environmental sustainability, and using land effectively and efficiently, and ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in an area.

Planning Policy Guidance Note No.17 Planning for Open Space, Sport and Recreation

Open spaces, sport and recreation all underpin people's quality of life. Well designed and implemented planning policies for open space, sport and recreation are therefore fundamental to delivering broader Government objectives. These include supporting an urban renaissance, supporting a rural renewal, promotion of social inclusion and community cohesion, health and well being and promoting more sustainable development.

Paragraphs 41 and 42 state that all playing fields, whether school playing fields or those owned by other public, private or voluntary organisations, are of special significance both for their recreation and amenity value and in towns and cities, and for their contribution to the green space in an urban environment. When not required for their original purpose, they may be able to meet the growing need for recreational land in the wider community. The PPG also advises that

playing fields should normally be protected. There were no formal facilities previously on the site and its location has the benefit of having sport facilities and large areas of open space nearby and therefore generally accords with PPG17.

Regional Planning Guidance - RPG13 - policy DP1 advises that economy in the use of land and buildings is required. New development and other investment in infrastructure and services should be located so as to make the most effective use of land, promote appropriate mixes of uses within a site and its wider neighbourhood, make efficient use of transport facilities and assist people to meet their needs locally. Policy DP3 advises that new development must demonstrate good quality design and respect for its setting.

Draft Regional Spatial Strategy - DP1 states, proposals and schemes must demonstrate excellent design quality, sustainable construction, efficiency in resource use and respect for their physical and natural setting.

Principle - The principle of the scheme is considered to be acceptable. The scheme is for a brownfield site within a residential area which is currently vacant and with a neglected appearance. Development of the site will aid regeneration and bring about visual improvements. The area is already well provided for in terms of open space both in quantity and quality and whilst many residents wish to see the site being retained as an area of open space it is considered that this is not warranted given the circumstances.

Means of Access The use of Pinfold Avenue and Raycroft Avenue that are presently short cul de sacs as the means of access is an issue of concern for residents. Amendments to the layout haven been made to provide four off-street parking spaces for use by nos 9-15 Raycroft Drive that do not have any dedicated provision at present. There are ten houses on Pinfold Avenue between the new housing development and Clough Top Road some of which currently have garages/driveways. Some limited parking does take place on-street, however, it is considered that this will not cause any major difficulties for vehicles wishing to gain access to the new developments as the roads accord with current technical guidance. The Head of Engineering is looking at possible traffic calming measures including introduction of a 20mph zone and this will be reported further at Committee.

Layout Revised plans showing increase in width of the estate road to 5.5 m have been received. The development now takes the form of a loop road and creates a permeable form of housing development and meets the principles of the Guide to Development in Manchester Supplementary Planning Document. The density of the development is considered to be satisfactory in terms of government advice and the houses will have good sized gardens for children to play in. It is considered that the development will be in keeping with the surrounding houses.

A distance of about 13 m is achieved between the gable ends of existing houses and habitable rooms of the new houses. There is 17 m gap between no 15 Raycroft and the nearest house on the estate though the habitable rooms in these are not directly facing.

Impact on Boggart Hole Clough

The Greater Manchester Ecology Unit have looked at this issue and have stated that whilst the application site is adjacent to Boggart Hole Clough Site of Biological Importance the development will not significantly affect the particular interests of the SBI. However, in order to give protection to the site the conditions recommended by the Environment Agency and Ecology Unit should be attached to any approval.

Heras fencing is to be erected around the site during the construction period. The rear of the houses at the southern end of the site, next to the clough will have a 2.1 m high close boarded fence and these measures should provide good protection for Boggart Hole Clough.

Footpath Links to Boggart Hole Clough The proposal includes improvement to the present partly unmade footpath link from Pinfold Avenue to Boggart Hole Clough which is to be tarmaced and it is recommended that implementation of the improvements are secured by means of a condition. There is also an existing footpath next to Pevesney Court that provides a route to Boggart Hole Clough to the south west and it is considered that the current network is adequate to serve the area without the need to create new duplicate links. The creation of new pedestrian links may have impact on existing trees and raise security problems.

Impact on Residential Amenity due to Construction Work.

A Considerate Contractors Statement has been submitted by the applicant and states that access to the site will be strictly controlled via existing entrance at Pinfold Avenue where the site compound will be situated. There will be a water point installed to enable vehicles leaving the site to have their wheels washed. It is also intended that regular sweeps of traffic routes through the estate will take place. Drivers will be advised of speed limits whilst driving through the estate. The site will be fenced off using heras fencing and dangers of the site posted. Site working will be from 8.00am to 4.00 or 4.300pm. with Saturday working only employed as a last resort.

The site will involve construction vehicles using residential streets from Charlestown Road to gain access to the site. In view of this a condition requiring submission of routeing strategy for construction vehicles and appropriate speed limits is considered appropriate together with conditions to cover wheel wash facilities and hours of working are considered necessary to protect residential amenity during the construction period.

Access for Disabled People

No issues of concern are raised in relation to DFA2 all properties are fully accessible.

Secure by Design

The Greater Manchester Police do not see any problems with the development provide it is done to the standards set out in the Crime Impact Statement a condition to achieve Secure by Design accreditation is therefore recommended.

Affordability

The proposal involves the introduction of private houses in an area dominated by social housing and is supported by the North Manchester Partnership. The site is in an area where people are trying to get on the housing property ladder

and there would be demand for shared equity. Achievement of 20 % affordable housing is considered appropriate in this location and that they should all be intermediate housing (10 units). It is understood that a Social Registered Landlord is in discussion with the applicant in relation to the provision of intermediate housing.

#### Sustainability

The applicant has confirmed in writing that the development will comply with the Sustainable Homes three star rating and a condition to cover this will be attached.

#### Landscaping/ Trees

A good quality landscape scheme has been submitted and efforts have been made to retain the most attractive trees. A total of sixteen trees will require to be removed, however, thirty eight new replacement trees will be planted within the site. Conditions to cover protection of trees during the construction period and implementation of the planting should be attached.

#### Impact on Outdoor Sports and Recreational Facilities

The proposed development is likely to involve an increase in demand and use of existing facilities. One of the key issues emerging from the open space study currently underway is that North Manchester has higher quantities of open space provision than other parts of the city but is sometimes of poorer quality. However, the application site is less than 200m from the Green Flag Status Bogart Hole Clough, one of the largest parks in the city featuring sports pitches, athletics track, fishing pond, fitness trails, extensive woodland walks and a childrens' play though this is at the western end of the Clough over half a mile from the proposed housing development. Overall it is considered that there are extensive facilities nearby and are adequate to meet the extra demand that may be placed on them.

#### Comments made by Local Residents and Residents Association

Traffic has been seen as a major issue together with the lack technical details accompanying the submission. The Head of Engineering has been able to assess the traffic impact of the development on the basis of the information submitted without need for additional information given the limited scale of development and likely traffic that will be generated by 50 houses. Concern about impact on Bogart Hole Clough has also been raised. This has been assessed by the Greater Manchester Ecology Unit who have said that it will not significantly affect the interests of this Site of Biological Interest and that the site does not have the potential support protected species.

Conclusion. This proposal involves the development of a brownfield site which will be brought back into an active use. It is a scheme for family houses that meets City Council policies and will be in keeping with the surrounding area.

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

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all

material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these articles on the applicant(s)/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 MINDED TO APPROVE**

Minded To Approve subject to appropriate measures to secure affordable housing through the development brief or a section 106 Agreement being approved, on the basis that the proposal accords with the development plan in particular policies H2.2 and H2.7 of the City Council's Unitary Development Plan and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance 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 achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'very good' or 'excellent' and at least three star sustainability rating under the code for sustainable homes for those elements of the development which are residential in nature. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before any of the buildings hereby approved are first occupied.

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

3) 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.

Any further development must not compromise any existing remedial measures previously installed at the site as part of planning permission 082039/fo/2007/n1. Upon completion of the works, a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority, to ensure that the existing remedial measures have not been compromised.

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. Additionally, that the current works shall not compromise the protection afforded by earlier remedial measures the existing development has had installed as part of planning permission 082039/fo/2007/n1. Pursuant to H2.2 of the Unitary Development Plan for the City of Manchester.

4) The development hereby approved shall be carried out in accordance with the following drawings unless otherwise agreed in writing by the City Council as Local Planning Authority:- 212311K stamped as received on 2 June 2008, and house types

2123/14B, 2123/15C, 2123/16C, 2123/17C, 2123/18D, 2123/19B stamped and received on 26 June 2007.

#### Reason

In order 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.

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

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

6) 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.

7) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref 3055.02C stamped as received on 30 October 2007., 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.

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

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning

authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

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

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

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

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) No development approved by this permission shall be commenced until a scheme for the provision and implementation, of surface water regulation system has been approved by the Local Planning Authority in consultation with the Environment Agency. The maximum rate of discharge of surface water from the development site shall not exceed 14.4 litres per second as detailed in the Flood Risk Assessment dated 25-05-2007 prepared by JPA Ltd. The scheme shall be completed in accordance with the approved plans.

Reason - In order to protect the quality of the City's watercourse pursuant of policy E1.3 of the Unitary Development Plan for the City of Manchester.

11) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 - Recommendations for Tree Work but no work shall be undertaken in the bird breeding season March to July, unless the area has been inspected by a qualified ecologist and declared free of nesting birds.

Reason - In order protect any nesting birds pursuant to policy E2.3 of the Unitary Development Plan for the City of Manchester.

12) The hours of construction of the development hereby approved shall be restricted to 8.00am to 4.30pm on Monday to Friday, 8.00am to 1.00pm on Saturdays, with no work at any other time including Sundays and Public Holidays, unless otherwise agreed with the local planning authority.

Reason - In interests of residential amenity in order to reduce disturbance during construction in accordance with Policies H2.2 of the Unitary Development Plan for the City of Manchester.

13) The details of an emergency telephone contact number for the building contractor 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.

14) Before the development hereby approved commences, the applicant shall submit a routing and signing strategy for vehicles gaining access to and egress from the site during construction and which shall also be restricted to the hours 8:00 am to 4:30 pm Mondays to Fridays (but excluding Bank Holidays and other Statutory Holidays) unless otherwise previously approved in writing by the Council as LPA. No development shall commence until the submitted strategy (addressing the restricted hours) has been approved in writing by the Council as LPA.

Reason - To provide improved conditions for pedestrians pursuant to policies H2.2 and T2.1 of the Unitary Development Plan of the City of Manchester.

15) No unit of residential accommodation shall be occupied until 20mph speed restrictions and a scheme for on and off site traffic calming measures have been submitted to and approved in writing by the City Council as local planning authority and the development shall take place in accordance with the approved details.

Reason - To provide improve conditions for pedestrians pursuant to policies H2.2 and T2.1 of the Unitary Development Plan of the City of Manchester.

16) No unit of residential accommodation shall be occupied until the footpath linking Boggart Hole Clough and Pinfold Avenue has been surfaced to the satisfaction of the City Council.

Reason - In order to ensure improved pedestrian links are provided between Pinfold Avenue and Boggart Hole Clough pursuant to policy E3.4 of the Unitary Development Plan for the City of Manchester.

17) Prior to development commencing on the site details of existing and proposed levels of the site including cross-sections at a suitable scale shall be submitted to and approved in writing by the City Council as local planning authority and the development shall only be implemented in accordance with the approved details.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

### **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: 082039/FO/2007/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:**

Engineering Services  
Chief Executive's Landscape Practice Group  
North Manchester Regeneration Team  
Graham Stringer MP  
Charlestown Tenants & Residents Committee  
Chief Executive's Landscape Practice Group  
Engineering Services  
Head Of Valuation & Property Services  
Environmental Health  
Contaminated Land Section  
Director Of Housing  
Environment & Operations (Trees)  
Environment & Operations (Refuse & Sustainability)  
Environment Agency  
GMPTE  
Greater Manchester Police  
Sport England (NW Region)  
Greater Manchester Ecology Unit  
114 -120 Charlestown Road, Manchester, M9 7DF  
1 -53 Inchfield Road, Manchester, M40 5QH  
198 Charlestown Road, Manchester, M9 7ED  
269 - 319 Charlestown Road, Manchester, M9 7BB  
251 -267 Charlestown Road, Manchester, M9 7BD  
1 8 -24 Wenfield Drive, Manchester, M9 7BE

1 -40 Belthorne Avenue, Manchester, M9 7DD  
42 -66 Belthorne Avenue, Manchester, M9 7DD  
122 - 192 Charlestown Road, Manchester, M9 7DE

30 - 80 Southdown Crescent, Manchester, M9 7DG  
1 -27 Weybourne Avenue, Manchester, M9 7DH

1 -28 Dalham Avenue, Manchester, M9 7DL

1-8, 10, 12 Rimmington Close, Manchester, M9 7DP

21- 99 Southdown Crescent, Manchester, M9 7DQ  
outhdown Crescent, Manchester, M9 7DQ

1, -49, Evesham Road, Manchester, M9 7DS

1 –6 , 8-20 Ambleside Walk, Manchester, M9 7DT  
1 -23 Pinfold Avenue, Manchester, M9 7DW  
251A Charlestown Road, Manchester, M9 7BD  
46 -56 Clough Top Road, Manchester, M9 7DN

1-17,22 Manton Avenue, Manchester, M9 7BA  
30 Belthorne Avenue, Manchester, M9 7DD  
1- 6 Elaine Avenue, Manchester, M9 7BF

321- 343 Charlestown Road, Manchester, M9 7BS  
1 -17 Fay Avenue, Manchester, M9 7BT  
1-4 Pilkington Road, Manchester, M9 7BX  
2,.4 Southdown Crescent, Manchester, M9 7DY  
1-9, 11-15. Raycroft Avenue, Manchester, M9 7EA  
1- 8 Torrington Avenue, Manchester, M9 7EB  
202- 238 Charlestown Road, Manchester, M9 7ED  
49 –59, 58-64 Clough Top Road, Manchester, M9 7EE  
2 -28 Evesham Road, Manchester, M9 7EH  
1- 16 Lake View, Manchester, M9 7EJ  
30 -40 Evesham Road, Manchester, M9 7ER  
Flat 1,-12 Clough House, Charlestown Road, Manchester, M9 7ES  
Charlestown Health Centre, Charlestown Road, Manchester, M9 7ED  
47 Clough Top Road, Manchester, M9 7DN  
185 – 249 Charlestown Road, Manchester, M9 7BD  
1- 28 Wenfield Drive, Manchester, M9 7BE  
1 - 20 Dantall Avenue, Manchester, M9 7BH  
1 –20, 22-32 Penistone Avenue, Manchester, M9 7BN  
229A –249A Charlestown Road, Manchester, M9 7BD  
2 – 98, Booth Hall Road, Manchester, M9 7BL  
St Marks Rectory, 70 Booth Hall Road, Manchester, M9 7BL  
18, 20 Manton Avenue, Manchester, M9 7BA  
2 –24, 25 , 27 Wanstead Avenue, Manchester, M9 7BU  
6-12, 5-11 Pilkington Road, Manchester, M9 7BX  
Flat 1, Dr Pigott Lodge, 70A Booth Hall Road, Manchester, M9 7BZ  
White Moss Post Office, 239 Charlestown Road, Manchester, M9 7BD  
229 Charlestown Road, Manchester, M9 7BD  
Flat 2 -30,inc Dr Pigott Lodge, 70A Booth Hall Road, Manchester, M9 7BZ

The Charlestown Public House, Charlestown Road, Manchester, M9 7ED  
1 –71 inc Pevensey Court, Dalham Avenue, Manchester, M9 7DX  
1- 11 The Coppice, Manchester, M9 7FH  
1- 71 Rushcroft Court, Weybourne Avenue, Manchester, M9 7DU

1 Doctor Piggott Lodge, 70 Booth Hall Road, Manchester, M9 2BL  
School Bungalow, Pinfold Avenue, Manchester, M9 2DW  
Rear Of, 251 Charlestown Road, Manchester, M9 7BD  
North Manchester High School For Boys, Charlestown Road, Manchester, M9 7BS  
Dr Pigott Lodge, 70A Booth Hall Road, Manchester, M9 7BZ  
Clough House, Charlestown Road, Manchester, M9 7ES  
Pevensey Court, Dalham Avenue, Manchester, M9 7DX

Rushcroft Court, Weybourne Avenue, Manchester, M9 7DU  
42 –56, 45- 57 Whernside Avenue, Manchester, M40 9PW  
369 Charlestown Road, Manchester, M9 7BS  
School Bungalow, 1 Brookside Road, Lightbowne, Manchester, M40 9GJ  
North Manchester High Girls School, Raycroft Avenue, Manchester, M9 2DL  
North Manchester High School For Girls, Brookside Road, Manchester, M40 9QJ  
Manchester Care Ltd, Thornlea Residential Care Home, 198 Charlestown Road, Manchester, M9 7ED  
1 -27 Whitemoss Gardens, Manchester, M9 7DR  
1 -71 Rushcroft Court, Manchester, M9 7DU

1- 71 Pevensey Court, Manchester, M9 7DX  
251a, Charlestown Road, Manchester, M9 7BD66

1a, Whitemoss Gardens, Manchester, M9 7DR  
Belthorne Children Centre, 30 Belthorne Avenue, Manchester, M9 7DD  
Charlestown Hotel, 204 Charlestown Road, Manchester, M9 7ED  
Thirst Quench, 233 Charlestown Road, Manchester, M9 7BD  
229a, -249a Charlestown Road, Manchester, M9 7BD  
70 Booth Hall Road, Manchester, M9 7BL  
Post Office, White Moss Post Office, 239 Charlestown Road, Manchester, M9 7BD  
St. John Bosco Presbytery, Charlestown Road, Manchester, M9 7BD

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

Engineering Services  
Ward Councillors  
Graham Stringer MP  
Charlestown Tenants & Residents Committee  
Chief Executive's Landscape Practice Group  
Environmental Health  
Contaminated Land Section  
Environment & Operations (Trees)  
North Manchester Partnership  
Environment Agency  
Greater Manchester Police  
Sport England (NW Region)  
Greater Manchester Ecology Unit  
Kathy Morrison, 20 Pinfold Avenue, Blackley, Manchester  
Mrs Anita Cooper, 33 Evesham Road, Manchester, M9 7DS  
Mrs Mary Whetham, 14 Pinfold Avenue, Blackley, Manchester, M9 7DW  
Mrs Jane O'Toole, 4 Pinfold Avenue, Blackley, Manchester, M9 7DW  
Mr John Biggs, 7 Pinfold Avenue, Blackley, Manchester, M9 7DW  
Mr J A Biggs, 44 Clough Top Road, Manchester, M9 7DN  
E Kelly, 59 Clough Top Road, Blackley, Manchester, M9 7EE  
Gareth Rogers & Tina Wright, 15 Raycroft Avenue, Blackley  
Charlestown Tenants' And Residents' Association, Chair - Mr John Biggs, 7 Pinfold Avenue, Blackley, M9 7DW  
Charlestown Tenants' And Residents' Association, Secretary - Mr G McCaffery, 8 Dalham Avenue, Blackley, Manchester, M9 7DL  
Karen Dale, 7 Raycroft Avenue, Blackley, Manchester  
Kathleen Morrison, 20 Pinfold Avenue, Blackley, Manchester

Kathleen Morrison, 20 Pinfold Avenue, Blackley, Manchester  
Miss Karen Galston, 19 Longdell Walk, Harpurhey, Manchester

Relevant Contact Officer : David Hughes  
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Email : d.hughes3@manchester.gov.uk