
Application Number	Date of Appln	Committee Date	Ward
089194/FO/2009/S2	3rd Mar 2009	28th May 2009	Didsbury West Ward

Proposal Erection of two 3 storey detached dwelling houses with basement parking and associated landscaping

Location Jessiefield, Spath Road / Lancaster Road, Didsbury, Manchester, M20 2TZ,

Applicant Hillcrest Homes Ltd, Knutsford Road, Grappenhall, Warrington, Cheshire, WA4 3LA

Agent Fallows Gowan Partnership, 16a Davyhulme Circle, Davyhulme, Manchester, M41 OSS

Description

This application relates to a rectangular plot of land, 0.28 hectares (0.7 acres) in size, which currently comprises part of the rear garden of Jessiefield, a large 2 storey detached dwellinghouse which is located on the western corner of the Spath Road and Lancaster Road junction. While Jessiefield is located to the north of the application site, dwellinghouses are located to the south and west, namely nos. 23 and 25 Holme Road and 16 Lancaster Road respectively. To the east of the site, on the opposite side of Lancaster Road, stands Lancaster House, a large detached dwellinghouse in extensive grounds. The northern half of the site is lawned while the remainder consists of mature woodland. The curtilage of the site consists of mature hedges and trees. Eleven of the trees within the site are protected by a tree preservation order, the majority of these are located in the mature woodland at the southern end.

The applicant is proposing to erect a pair of 3 storey detached dwellings on the site. Vehicular and pedestrian access to the dwellings would be via Lancaster Road, with the proposed driveways leading to basement parking in both properties. To facilitate the development the applicant is proposing to fell 12 trees (1 has been designated as *excellent* in the submitted tree survey, 3 as *good*, 4 as *fair*, 2 as *fair-poor* and 2 as *poor*).

A previous application for a part 3/part 4 storey building to provide a total of 13 apartments was refused in November 2006 and was then subsequently dismissed at appeal by the Planning Inspectorate.

Consultations

Local Residents – Seven letters of objection, along with a petition of 11 signatures from the residents of Beechwood Court, have been received. The comments are as follows:

- The proposed dwellings are too large and too close to the existing house.
- The undercroft parking is ugly and the rear gardens are too small.

- While the plans are an improvement over the previously refused apartment scheme, the proposal still represents an overdevelopment of the site. One detached dwelling, further away from Jessiefield would be acceptable.
- The proposal would have a detrimental impact upon the levels of privacy and residential amenity enjoyed by the residents of the adjoining properties on Holme Road.
- The dwelling on plot 1 is too close to the protected trees and the subsequent building would impact upon the root protection zone.
- The style of houses is out of keeping with the area.
- The development will ruin the magnificence of the existing house.
- The proposal is backland development with is discouraged by planning guidelines.
- This area of Didsbury has a lot of character, a character which will be lost if the application is approved.

Holme Road Residents Association – The residents association have raised the following concerns:

- The proposed development is far too large for the site and very close to the mature woodland.
- The overdevelopment of the site creates small amenity space for the future occupants of the properties.
- The proposal would have a detrimental impact upon the setting of Jessiefield which is an outstanding feature of the area.
- The development would impact upon the levels of residential amenity and privacy enjoyed by the residents of nos. 23 and 25 Holme Road. A condition preventing the removal of the mature hedge between the site and those two dwellings should be imposed if the application is approved.
- The proposed dwellings are located behind the building line established by Jessiefield, this results in a large area of hardstanding to the front of the proposed dwellings. Bringing the properties forward would reduce this area and increase privacy for all residents without impacting upon the street scene of Lancaster Road.
- The TPO'd trees in the woodland should be adequately protected during construction. The tree designated as *excellent* should be retained.
- A revised application for a single dwelling with more garden space and the retention of more mature trees might be more acceptable.

Didsbury Civic Society – The civic society object to the application on the following grounds:

- The proposal represent overdevelopment and backland development.
- The proposal is too close to the existing dwelling.
- It is City Council policy to retain gardens of large houses so as to continue to reflect the character of the area.

Greater Manchester Police (Design for Security) – The proposed properties could provide some welcome addition to the natural surveillance of the street; due to the location and nature of the development it is strongly recommended that the development is constructed to *Secured by Design* standards.

Environment and Operations Technical Services (Green Spaces Manager) – A small number of trees will be lost from the site but the proposed replacements will compensate for their loss. The proposed building works are outside the Root protection Area of the remaining trees on the site. The proposed development is considered acceptable.

Landscape Practice Group – The soft landscaping plan shows limited detail of soft materials, therefore a more detailed landscaping plan should be submitted.

Head of Regulatory Services – Historical information relating to the site indicates the possible presence of significant levels of contamination. It is therefore recommended that a suitable condition be attached requiring the adequate testing of the site prior to construction.

Issues

Unitary Development Plan (UDP) – There are no site specific policies. However when dealing with an application of this nature consideration is given to policies H2.2, H2.7 and E2.6, in Part 1 of the UDP and policies DC7, DC7a.1 and DC16.1 which are located in Part 2 of the UDP.

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

Policy H2.7 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.

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

Development Control Policy DC7 (New Housing Development) 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 wheelchair, wherever this is practicable.

Development Control Policy DC7a.1 (Large Buildings of Historic and/or Architectural Interest) states that the re-development of large buildings of local historic/architectural interest in extensive grounds will only be permitted where there is no loss to the visual character and amenity value of the site, nor to the visual quality and interest of the local area.

Development Control Policy DC16.1 (Street Landscapes) states that in considering development proposals for any site, the retention of existing trees and the planting of new trees within the public highway and along the public frontages of the site will be encouraged by the Council. The policy states further that the Council will not normally permit development proposals which involve the loss of significant trees and would thereby change the visual character of the street.

North West of England Plan Regional Spatial Strategy (RSS) to 2021 (adopted September 2008) – The following policies are considered to be of relevance:

Policy DP1, 'Regional Development Principles', states that proposals and schemes should be located so as to make effective use of land, buildings and infrastructure and a sequential approach to development should be adopted to meet development needs.

Policy DP2, "Promote Sustainable Communities", states that 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, particularly by:

- taking into account the economic, environmental, social and cultural implications of development.

Principle of the Proposal – The principle of erecting a pair of detached dwellings on this residential site is potentially considered acceptable. Notwithstanding this, consideration must be given to the proposal's impact upon the character of the area, the current levels of residential and visual amenity enjoyed in the vicinity of the site and the relative proportion of the overall site given over to built form, garden and tree cover.

Backland Development – As the site has direct access to a road frontage, i.e. Lancaster Road, the proposal is not considered to be backland development.

Access for Disabled People – Both dwellings are capable of adaptation for occupation by disabled people.

Design – The proposed dwellings have been designed in a traditional style to compliment the predominantly Edwardian and Arts and Craft style detached dwellings in the area. The dwellings would have a dominant gable pitched roof with a layered front elevation in a palette of brick, render and tile hanging. The main body of the dwellings would be rendered, with brick edge detailing to openings, while the main projecting ground and first floor bays and the front gable would be tile hung.

Overall the design of the proposal is considered acceptable.

Scale and Massing – Given the fact that the second floor is partially contained within the roof space it is considered that both the scale and massing of the proposal is consistent with the character of the area.

Siting – In order to allow the installation of the correct gradient of ramp to the basement parking, the proposed dwellings would be sited approximately 2 metres (6 feet) behind the building line established by Jessiefield and no. 16 Lancaster Road. Given this, the siting of the proposal is considered acceptable in this instance.

Residential Amenity – The rear elevations of the proposed dwellings would be 27 metres (88½ feet) away from the rear elevations of nos. 23 and 25 Holme Road. Given this and the fact that the applicant is proposing to retain the existing hedging along the common boundary, it is not considered that the proposal would have a detrimental impact upon the current levels of residential amenity enjoyed by the residents of those dwellings.

The side elevation of the northern most dwelling would be situated 13.2 metres away from the main rear elevation of Jessiefield. This elevation would have no habitable room windows in it, only a stairs landing window running from ground to first floor. A condition requiring this landing window to be maintained in obscure glazed is suggested in this instance. In light of this, it is not considered that the development would have a detrimental impact upon the residential amenity of the occupants of Jessiefield.

Visual Amenity – Given the design and siting of the proposed dwellings it is not considered that they themselves would have a detrimental impact upon the levels of visual amenity enjoyed in the area. However, the inclusion of undercroft parking and the required ramped driveways mean a considerable area at the front of the proposed houses would be hardstanding.

Amenity Space – Adequate private amenity space would be provided for the future occupants of the proposed dwellings in the form of the rear garden areas and the adjoining wooded area. The area of garden remaining for Jessiefield is similarly adequate but significantly reduced.

Landscaping – A condition, requiring the submission of a detailed landscaping plan, would be attached to any approval granted.

Trees – To compensate for the loss of the existing trees, none of which are protected by Tree Preservation Orders, the applicant is proposing to plant 3 replacement trees. As this falls considerably short of the City Council's Tree Strategy which would require a 10% net gain, i.e. 14 trees, it is proposed to enter into a Section 106 Agreement to secure tree planting in the locality.

Pedestrian and Highway Safety – It is not considered that the proposal would have a detrimental impact upon the current levels of pedestrian and highway safety experienced within the vicinity of the site.

Renewable Energy – The applicant has stated a willingness to investigate the inclusion of photovoltaic cells within the development, along with a rainwater harvesting system.

Car Parking – The level of parking proposed is considered acceptable.

Crime and Disorder – At present the boundary of the site with Lancaster Road offers little natural surveillance. It is believed that the siting of a pair of detached dwellings in this location will improve the level of natural surveillance that currently exists along this section of Lancaster Road.

The comments of GMP are noted and as a result the standard *Secured by Design* condition is suggested in this instance.

Conclusion

While the result of two houses on the site is a larger footprint than would be ideal it is felt that the balance between buildings and open space is satisfactory and the development of two high quality large family homes would be a positive addition to the locality.

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** (subject to a Section 106 agreement to secure off-site tree planting) on the basis that the proposal is in accordance with the City Council's Unitary Development Plan, in particular the following policies and there are no material considerations of sufficient weight to indicate otherwise:

Policy H2.2 states that the City Council will not normally allow development which will have an unacceptable impact on residential areas. It is not believed that the proposed development will have a detrimental impact in terms of noise, vibration, traffic generation, road safety and air pollution or through its scale and appearance.

Policy H2.7 states that new housing schemes will be expected to be of a high standard of design and make a positive contribution towards improving the City's environment. It is considered that the proposal complies with this policy.

Policy DC7 states that the Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people, the proposed dwellings would be fully accessible.

Policy DC7a.1 states that the re-development of large buildings of local historic/architectural interest in extensive grounds will only be permitted where there is no loss to the visual character and amenity value of the site, nor to the visual quality and interest of the local area. It is not considered that this proposal will have a detrimental impact upon existing levels of visual amenity and quality or the character of the area.

Policy E2.6 and DC16 states that the Council will prevent where possible the loss of existing trees and, in addition, will encourage extensive broadleaved tree planting schemes. The proposal will adequately compensate for the loss of existing trees on the site through the combination of on-site and off-site tree planting, the latter through the signing of a Section 106 agreement.

Conditions and/or Reasons

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: P1-01, 02, 03 and 04; the tree survey plan and report stamped as received on 3rd March 2009.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 and policy H2.7 of the Manchester Unitary Development Plan.

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

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policy H2.2 and Policy H2.7 of the Unitary Development Plan for the City of Manchester.

4) No development shall commence until a hard and soft landscaping treatment scheme has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. 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 agree in writing by the City Council as local planning authority.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policy E2.6 of the Unitary Development Plan for the City of Manchester.

5) In this condition "retained tree" means an existing tree, shrub and hedge which is to be retained as shown on the approved plans ref. P1-03; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the last building on site is occupied.

(a) No retained tree shall be cut down, uprooted or destroyed. No retained tree shall be topped or lopped without the written approval of the local planning authority and any topping or lopping approved shall be carried out in accordance with British Standard 5387:2005

(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, pursuant to Policies DC16 and E2.6 in the Unitary Development Plan for the City of Manchester.

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

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

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

When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

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 safety, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

7) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how Secured 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".

8) The development hereby approved shall achieve at least a four star sustainability rating under the Code for Sustainable Homes. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before the dwelling hereby approved is first occupied.

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

9) All windows in the northern elevation of the northern most dwellinghouse hereby approved shall be fitted with and thereafter maintained with obscure glazing, unless otherwise agreed in writing by the City Council as local planning authority.

Reason – To protect the levels of residential amenity enjoyed by the residents of Jessiefield, pursuant to Policy H2.2 in the Unitary Development Plan for the City of Manchester.

10) 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.

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: 089194/FO/2009/S2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

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

Didsbury Civic Society
Greater Manchester Police
Holme Road Resident Association
Lancaster Road & Spath Road Residents
Lynwood, Holme Road, Manchester, M20 2TX
8-30, 9-19, Lancaster House, Lancaster Road, Manchester, M20 2TY
Flats 1- 16, Cairncroft, Holme Road, Manchester, M20 2UP
Jessiefield, Spath Road, Manchester, M20 2TZ
15-17 Spath Road, Didsbury, Manchester, M20 2QT
1-10 Canterbury Park, Manchester, M20 2UQ
23-25, 29-31 Holme Road, Manchester, M20 2UP
3 Canterbury Park, Manchester, M20 2UQ
Flats 1-12, Beechwood Court, Holme Road, Manchester, M20 2UA

Representations were received from the following third parties:

Greater Manchester Police
Holme Road Resident Association
Didsbury Civic Society
2 Willowbank Court, 570 Parrs Wood Rd, Didsbury
7 Clothorn Road, Didsbury
15 Lancaster Road, Didsbury
Flat 4 135 Lapwing Lane Didsbury
15 Spath Road, Didsbury,
23 Holme Road, Didsbury
25 Holme Road, Didsbury,
Petition of 11 signatures from the residents of Beechwood Court, Holme Road,
Didsbury.

Relevant Contact Officer : David Lawless
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Email : d.lawless@manchester.gov.uk