
Application Number	Date of Appln	Committee Date	Ward
092151/OO/2010/N2	1st Mar 2010	8th Apr 2010	Gorton North Ward

Proposal OUTLINE APPLICATION for the erection of a single detached dwelling house involving matters of layout and access

Location Land Adjacent To, 97 Chapman Street, Gorton

Applicant Electricity North West Limited , C/o Agent

Agent Mr Tony Hatton, A A Hatton & Associates, 19 Green Lane, Higher Poynton, Stockport, Cheshire, SK12 1TJ

Description

This application, for outline planning permission, relates to a grassed open area of land, in a mostly residential area. On the corner of this largely squared shaped piece of land, but outside the site edged red, is a fenced area containing an electricity sub-station. There is a previous outline planning application on the site (091249/OO/2009/N2), for the erection of two linked detached houses, which was withdrawn in November 2009.

It is now proposed to erect a single detached dwellinghouse on the site with approval of access and siting sought at this time, with all other matters reserved for later approval. The land is owned by Electricity North West Limited (formerly United Utilities) and due to modern technology advances, over the years, making electricity generating equipment smaller, the substation on this plot is now contained within metal palisade fencing, and the remainder of the land has therefore become surplus to their operational needs.

The proposed house would have front and rear elevations in line with the adjoining properties, on Chapman Street, and would have an in-curtilage parking space, reached by a new vehicular access point, from Chapman Street, and associated garden areas. Indicative drawings show that the house would be 2 storey with 4 bedrooms. The proposed boundary treatment comprises a 0.9 metre high brick wall to the front, with 2 metre high concrete post and timber panel fence, around the side and rear boundaries, and around the garden side of the sub-station.

Consultations

Local residents - 27 letters of objection have been received, for the following reasons:

(1) The proposed housing development would adversely affect neighbouring properties by encroaching upon the rights of light and air, creating a loss of light/overshadowing, overlooking and a loss of privacy.

(2) The proposed dwelling would detract markedly from the scenic and amenity value of the area, and would lead to the loss of a green space.

(3) The proposal would impact on the day-to day parking situation, on-road and locally, and should be properly taken into account. The parking situation at present,

and no doubt in the future, is that there is not adequate car parking, and expansion will only make matters worse. Concern also expressed about road access to the site.

(4) The site is in a flood plain and has flooded in the past and may suffer further flooding in the future.

(5) Concern expressed about layout and density of building, feeling that the proposal represents overdevelopment of a small site in a sensitive area.

(6) Trees, shrubs and vegetation would require clearing and the local residents have proposed plans for a village green on the site. If Consent is granted, the applicants should erect tree covering and screening in the interests of amenity.

(7) There will be noise and disturbance resulting from the use and possible smells from the site.

(8) Possible hazardous materials on site.

(9) Concern about design, appearance and materials and the landscaping of the site and it is felt that the proposed development does not look like existing homes in the area

(10) Public access to Tesco will be affected.

(11) There are vacant properties on the nearby Sheerness Street and building a new one is wasteful in the current economic climate.

Local Councillors - Ward Councillor Jackie Pearcey has indicated an objection to the proposal, as it is considered that the proposed house is very tall and will affect the light on the properties immediately to the north, on Jessop Street, and as a result it would have an adverse effect on local residents

Head of Engineering Services - Considers that boundary treatments either side of the driveway are low enough to allow reasonable pedestrian visibility, and there are no objections to the proposal.

Head of Street Management and Enforcement - No objections.

Head of Regulatory Services (Contaminated Land) - Considers that there are possible significant levels of contamination on the site, and recommends that an appropriate condition is attached to any planning permission.

New East Manchester - No objections.

Greater Manchester Police - Strongly recommends that the development is designed in line with the principles of Secured by Design and recommends that an appropriate condition is attached to any planning permission.

Issues

National policy guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development

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. The principle of the development proposed is clearly in accordance with the aims and objectives of PPS1.

Planning Policy Statement 3 (PPS3): Housing

This government guidance provides advice on achieving a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community, to widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, and to create sustainable, inclusive, mixed communities in all areas. The guidance includes specific objectives such as the provision of high quality housing that is well designed and built to a high standard, a mix of market and affordable housing, particularly in terms of tenure and price, to support a variety of households, and housing developments in suitable locations with good access to jobs, key services and infrastructure.

The Regional Spatial Strategy (RSS) for North West England - The RSS was adopted in September 2008 and replaces the previously published Regional Planning Guidance. The RSS provides a framework for development and investment in the region over the next fifteen to twenty years. It contains policies that address core principles of development, including the following:

DP2: Promoting sustainable communities - Ensuring development contributes to a high quality of life for existing and future residents;

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

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

Unitary Development Plan - The site lies within a residential area in the north of Gorton. There are no specific allocations for this site.

Relevant housing policies include H1.2, H2.2 and H2.7. Policy H2.1 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. 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.

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.

Guide to Development in Manchester 2

Recognises the importance of an area's character in setting the context for new development; New development should add to and enhance the area's distinct sense of place; Each new development should be designed having full regard to its context and the character of the area; Seeks to ensure high quality development through good and inclusive design; Buildings should front onto streets; Site boundaries and treatment should contribute to the street scene; There should be a clear definition between public and private space; The impact of car parking areas should be minimised; New developments will be expected to meet designing out crime principles; The impact of development on the global environment should be reduced.

The scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings.

Manchester City Council has recently published its Open Space, Sport and Recreation Study. This study undertook an assessment of open spaces, sport and recreation facilities within the City Council boundaries in accordance with the requirements of Planning Policy Guidance Note 17 (PPG17) and its Companion Guide published in September 2002. The study will form part of the evidence base for the Local Development Framework (LDF) and the development of the Core Strategy DPD, which will be the key spatial plan for Manchester.

The application site falls within the East Manchester area, as identified in the strategy, although the site was not audited, being of insufficient size. The strategy

states that there are high levels of open space provision in the area, in comparison to other parts of the city, and only the quality of sports facilities is lacking in the area. It is not therefore considered that the loss of this piece of land would be contrary to this strategy.

Principle - The site has been vacant for some time and has perhaps come to be considered as an informal piece of open space. However there is no evidence that it is used as a recreational area, and there is a long strip of open land which adjoins the site. The site lies in a predominantly residential area and it is therefore considered that the development of this site for residential use is acceptable in principle.

Siting - Approval of the siting of the building is sought at this time. The front and rear elevations of the proposed are in line with those of the adjoining properties and the building footprint is of a similar size, and a gap of approximately 11 metres is maintained between the side of the building and the Jessop Street Boundary of the site, to maintain a degree of openness, in line with adjoining properties to the rear, on Hinstock Crescent. The building has also been positioned so as big a gap as possible, is achieved, between the house and the existing sub station. It is recommended that a condition is attached to any planning permission, which removes permitted development rights from the property, to allow the City Council the opportunity to assess any further built form proposed on the site.

Means of access - Approval of the vehicular access is sought at this time. This is directly onto Chapman Street, and allows access to a driveway for a single vehicle. The Head of Engineering has no objections to the proposal, and the means of access is therefore considered acceptable.

Scale - The proposed 2 storey building is in keeping with surrounding properties.

Design/appearance/landscaping - Approval of these matters is not sought at this time.

Boundary treatment - There is some concern about concrete posts, proposed at the side and rear of the site, although this is also subject to consideration at a later date.

Security - An appropriate condition is recommended, in accordance with the requirements of Greater Manchester Police

Refuse - Four bins are indicated on the submitted plans, within the garden area. These arrangements are considered satisfactory.

Residents Comments -

(1) The proposed housing development would adversely affect neighbouring properties by encroaching upon the rights of light and air, creating a loss of light/overshadowing, overlooking and a loss of privacy - The proposed house is close to the adjoining property at 97 Chapman Street and the gap between the properties would be approximately 4 metres, but this relationship would be of a hallway window in the existing property looking out onto a blank gable of the proposed house. The

nearest property on Hinstock Crescent would be approximately 18-20 metres away, and not directly facing, properties on Jessop Street would be approximately 35 metres away and properties on the opposite side of Chapman Street would be approximately 22 metres away. It is considered that these separation distances are such that there will be no problems of loss of light, overshadowing or loss of privacy and are no worse than separation distances between properties, in the surrounding area.

(2) The proposed dwelling would detract markedly from the scenic and amenity value of the area, and would lead to the loss of a green space - The proposal would lead to the loss of an open space, and although it is grassed it is quite rough land that does not appear to be utilised for any recreational purpose. Also there is a long strip of open grassed land to the side of the site along Jessop Street, and it is not considered that the loss of this space would have a significant harmful effect on the amenity of the area. The proposal would result in a built form on the site, but this would be a two storey property in keeping with the style of property in the area. An initial scheme, for 2 houses was considered unacceptable, and the current scheme has been reduced in width and set back further into the site, from Jessop Street, so that there is now a gap of approximately 11 metres, between the side of the proposed property and the side (Jessop Street) boundary of the site. This is comparable to the distance between the adjoining properties on Hinstock Crescent, which have their rear boundary onto Jessop Street, and which have gaps between the rear of the properties and rear boundary of the site, varying from 9-12 metres. It is therefore considered that the reduction secured, in the building footprint, and location of the building on site, preserves the openness of this part of the area and the visual amenity of the area would be largely unaffected

(3) The proposal would impact on the day-to day parking situation, on-road and locally, and should be properly taken into account. The parking situation at present, and no doubt in the future, is that there is not adequate car parking, and expansion will only make matters worse. Concern also expressed about road access to the site - The vehicular access point is considered acceptable by the Head of Engineering, and the off-street car parking space proposed is an acceptable level of provision, for a single house. Other vehicles, in the area, park on-street and it is not considered that there are significant on-street parking problems in this location.

(4) The site is in a flood plain and has flooded in the past and may suffer further flooding in the future - The site does not lie in a flood zone.

(5) Concern expressed about layout and density of building, feeling that the proposal represents overdevelopment of a small site in a sensitive area - The size of the house proposed is comparable to the size of the adjoining semi-detached properties and has a garden area which is larger than that at the majority of surrounding houses. It is not therefore considered that the proposal represents overdevelopment of the site.

(6) Trees, shrubs and vegetation would require clearing and the local residents have proposed plans for a village green on the site. If Consent is granted, the applicants should erect tree covering and screening in the interests of amenity - There is planting on the rear edge of the site, but no trees are planted in the heart of the site,

and no trees would therefore be affected by approval of the siting of the building, or means of access to the site, subject of this appeal. Should permission be granted, landscaping is reserved for approval at a later date, and retaining and securing new planting would be assessed at that time, including any screening of the site. There is no record of any plans to secure village green status for the site.

(7) There will be noise and disturbance resulting from the use and possible smells from the site - Undoubtedly there may be some impact on residents, during construction works, but it is not considered that a house, on this site, would create any harmful effects in the area beyond those, which are currently generated by existing housing.

(8) Possible hazardous materials on site - The site adjoins an electricity sub-station, which is in close proximity to the site, but which is secured. There is no evidence to suggest that there would be hazardous materials on site.

(9) Concern about design, appearance and materials and the landscaping of the site and it is felt that the proposed development does not look like existing homes in the area - Approval of design, appearance, materials and landscaping is not sought at this time, and if outline planning permission is granted, approval of these matters would be sought in a Reserved Matters application. Adjoining residents would be notified about such an application, and given the opportunity to comment on these matters.

(10) Public access to Tesco will be affected - Although an individual can presently walk across the site, it is not a right of way, and a pedestrian route is provided around the site, and the area has many links to Tesco. It is not therefore accepted that the development of this land would affect public access to Tesco, or have any adverse impact on pedestrian routes in the area generally.

(11) There are vacant properties on the nearby Sheerness Street and building a new one is wasteful in the current economic climate - Although there are vacant terraced properties on Sheerness Street, allowing a house here, of the type proposed allows for a larger family home with significant garden space and off-street parking. It is therefore a different property type, which would meet the general council objective of providing a sustainable community in the area, and its provision here is supported by the regeneration body for the 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 APPROVE

on the basis that the proposal is in accordance with the City Council's Unitary Development Plan in particular policies E3.5, H1.2, H2.2, H2.7, T2.4 and with other material considerations of material weight, in particular the Guide to Development in Manchester 2: Supplementary Planning Document and Planning Guidance policies, The Manchester City Council Open Space, Sport and Recreation Study (2009), the Regional Spatial Strategy (RSS) for North West England, Planning Policy Statement Note 1 (PPS1): Delivering Sustainable Development and Planning Policy Statement Note 3 (PPS3): Housing, in that the development would: positively contribute to the local environment through securing an active use for the site to the benefit of the visual and residential amenities of the area; improve the diversity of housing tenure in the local area; provide a sustainable development which would be beneficial to the broader community thereby promoting the continuing regeneration of the locality.

Conditions and/or Reasons

1) Applications for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2) Approval of the details of the appearance and scale of the building, and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Plans and particulars of the reserved matters shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason - To ensure the satisfactory development of the site and because this application is in outline only.

3) The development hereby approved shall be carried out in accordance with the drawings numbered AAH/CS/ENW/02B rev Feb 2010, stamped as received by the City Council, as Local planning Authority, on 1st March 2010, unless otherwise agreed in writing by the City Council as Local Planning Authority.

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

4) 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 **** of the Unitary Development Plan for the City of Manchester.

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

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

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

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City 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, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is 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, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the house is first occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

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 in order to comply with Policies H2.2 and E3.5 of the Unitary Development Plan for the City of Manchester.

7) 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.

8) 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".

9) The wheels of contractor's 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.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no garages or extensions shall be erected other than those expressly authorised by this permission.

Reason - In the interests of residential amenity pursuant to 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: 092151/OO/2010/N2 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:

Greater Manchester Police
Engineering Services
Environmental Health
Contaminated Land Section
New East Manchester
90 Chapman Street, Manchester, M18 8UA
12 Hinstock Crescent, Manchester, M18 8UU
95 Chapman Street, Manchester, M18 8UA
92 Chapman Street, Manchester, M18 8UA
97 Chapman Street, Manchester, M18 8UA
94 Chapman Street, Manchester, M18 8UA
96 Chapman Street, Manchester, M18 8UA
98 Chapman Street, Manchester, M18 8UA
100 Chapman Street, Manchester, M18 8UA
39 Jessop Street, Manchester, M18 8TZ
35 Jessop Street, Manchester, M18 8TZ
33 Jessop Street, Manchester, M18 8TZ
37 Jessop Street, Manchester, M18 8TZ
101 Chapman Street, Manchester, M18 8UA
102 Chapman Street, Manchester, M18 8UA
16 Hinstock Crescent, Manchester, M18 8UU
14 Hinstock Crescent, Manchester, M18 8UU

Representations were received from the following third parties:

Relevant Contact Officer : Ian Jarvis
Telephone number : 0161 234 4079
Email : i.jarvis@manchester.gov.uk