

Application Number	Date of Appln	Committee Date	Ward
088231/FO/2008/S1	12th Nov 2008	15th Jan 2009	Rusholme Ward

Proposal Erection of single detached dwellinghouse with associated garden and parking

Location Land Adjacent To 506 Claremont Road, Rusholme, Manchester, M14 5WA,

Applicant Miss Hajar Karami, 506 Claremont Road, Rusholme, Manchester, M14 5WA,

Agent Mr Hiall Jerveys 19 Whitehall Road, Didsbury, Manchester, M20 6RY

Description

Site

The application site is the side garden of an existing detached dwelling, within the residential area of Claremont Road to the immediate west of Wilmslow Road. The site is surrounded by two storey modern housing and extends to the back of the pavement. The site boundary is formed by a high brick wall which adjoins the public footpath. Fishbourne Square is a small area of landscaped public open space to the immediate rear of the site.

Proposal

The proposal is to erect a two-storey detached dwelling house, with a front and rear garden, and off-street car parking to the side. A rear garden and side driveway would be retained for the existing dwelling. The application has arisen from an earlier application which was refused due to lack of off-street car parking. The applicant has worked with officers to formulate a scheme which is considered appropriate.

Consultations

Neighbouring residents and businesses
Standard letter. No representations received.

See list at end of report.

Consultees

Ward members - The proposal would seem a regrettable loss of space and over-development of the site.

Environmental Health -
No objections.

Contaminated Land Section -
Land investigation and remediation condition requested.

South Manchester Regeneration -
No objections.

Greater Manchester Police -
Secured by Design specifications noted. The applicant has incorporated previous recommendations into the scheme.

Issues

Policies

Regional Spatial Strategy

Seeks development to promote sustainable communities; make the best use of existing resources and infrastructure; manage travel demand, reduce the need to travel, and increase accessibility; and promote environmental quality. Also to improve the built environment and community safety and security. New development should use suitable infill opportunities within settlements, where compatible with other RSS policies.

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

DC7 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. All new developments containing family homes will be expected to be designed so as to be safe areas within which children can play and, where appropriate, the Council will also expect play facilities to be provided.

E3.5 The Council will promote measures which will lead to a safer environment for all people living in and using the City.

H2.2 The Council will not 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.

H2.7 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. They should not create areas of incidental open space outside the curtilage of dwellings unless there are proper and enduring arrangements for its maintenance.

RF1 seeks to retain the character of Rusholme and Fallowfield as a predominantly residential area; and to promote the use and exploit the potential of recreational facilities, particularly open spaces, for leisure activities, giving priority to the enhancement and security of existing amenities.

Supplementary Planning Document 'Guide to Development in Manchester'
Development should respond appropriately to its context, and should address the street appropriately.

Site history

Planning permission was refused on 12 November 2007 (083476) for the erection of two dwellings at the site. The application was refused on the basis

that there was no off-street car parking incorporated, and that the proposal would be likely to lead to on-street parking problems.

While the Ordnance Survey map appears to show the site as part of Fishbourne Square, it appears clear on site from the age and arrangement of soft and hard landscaping that the garden is long-established separately from the Square. There is however no record of a planning permission for change of use from public open space to private garden. In the absence of any other evidence as to the lawfully established use of the land, and in light of the evidence on site it is considered appropriate that the claimed use as private garden is taken at face value.

Principle of development

The proposal would make use of a brownfield site within the existing urban area, and would lead to a higher density residential environment. While the site is an existing garden, the development would make more efficient use of previously developed land. In these respects the proposal would accord to the aims of the Regional Spatial Strategy. The effect of the loss of some of the garden is considered below.

Character and appearance

The scale and detailed design of the building would be appropriate in its context. The layout of the building would respond appropriately to its surroundings, generally following the staggered building line at this part of Claremont Road. A setback from the footpath allows some defensible space in accordance with the recommendations of the Greater Manchester Police Architectural Liaison Unit. Additionally this would allow the retention of some modest green space at this point in the street.

The proposal would lead to the loss of the large private garden associated with 506 Claremont Road. However, the effect of the development would be the formation of two domestic gardens of a size commensurate with the existing character of the surrounding residential area. On this basis, it is considered that an appropriate amount of outdoor amenity space would remain for the use of occupiers and as a setting to the buildings.

The existing Fishbourne Square to the rear would not be significantly affected by the development, other than the use of an existing path to the rear. The proposed development would not affect the established layout of the streets or of the area in general. In respect of these considerations, it is considered that the proposal would meet the policies of the development plan including the Guide to Development in Manchester 2.

Trees

Three existing trees would be retained at the rear of the site following the development. These trees contribute to the soft landscaped character of Fishbourne Square and would provide a setting to the proposed building. Three trees within the site which would be removed as part of the development have been established as of limited viability and/or poor quality.

The large willow to the frontage is prominent in the street scene, but was concluded as being a risk factor to adjacent buildings and services. The City

Council tree officer has previously confirmed no objections to the proposal, further to receipt of the submitted tree survey.

There is limited scope for the applicant to carry out full replacement tree planting, given the size of the site, therefore it is proposed that any further tree and shrub planting at the site is required by a soft landscaping condition. While it is unlikely that the full four replacement trees can be incorporated into the scheme, it is not considered that the net loss of trees in this case would warrant refusal of the application.

Accessibility

The applicant has considered the City Council's Design for Access 2 document as part of the proposal. Level access and an accessible ground floor WC have been incorporated.

Vehicular access and car parking

Off-street car parking would be available for occupiers. This would be situated at the side of the house in a driveway arrangement. This layout is considered appropriate from a design point of view. The amount of off-street car parking is acceptable. Off-street car parking at the existing dwelling would not be affected.

The applicant has shown sight lines on the submitted site layout plan.

Security and safety

The applicant has incorporated earlier recommendations from the Greater Manchester Police Architectural Liaison Unit in the layout and design of the development. On this basis the proposal is considered acceptable from this perspective.

Neighbour amenities

Overlooking

The proposed dwelling would look out to Fishbourne Square at the rear and Claremont Road to the front. Two first floor bedroom windows would face to the side of the neighbouring house, and could allow oblique views of the rear garden. Therefore an obscure glazing condition is to be attached to any permission granted. There would therefore not be a significant increase in direct overlooking such as to cause disamenity to neighbouring occupiers. Window to window distances to the front and rear would be similar to existing, and as a result are considered acceptable.

Daylight

The building would extend approximately 3.6m rearward of the building line of no. 512. As it is situated away from the common boundary, and given the size and consequent open aspect of the rear gardens, it is not considered that daylight to no. 512 would be significantly affected.

Shadowing

The proposal would not lead to significant shadowing to the adjacent dwellings at east and west of the site, by virtue of the relative orientation of the buildings.

Waste storage and collection

The submitted details are considered acceptable, as they accord sufficiently with the City Council's guidance on waste storage and collection strategy.

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

Approve in light of the development plan, including the Regional Spatial Strategy, policies DC7, H2.2, H2.7, E3.5 and RF1 of the Unitary Development Plan for the City of Manchester (adopted 1995) and the Supplementary Planning Document 'Guide to Development in Manchester' on the basis that the proposal would not have a significant detrimental effect on neighbouring occupiers or visual amenity, while making appropriate use of previously developed land, and there are no material planning considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

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

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

2) The development hereby approved shall be carried out in accordance with the drawings and statements date stamped as received by the Local Planning Authority on 12 November and 13 November 2008, 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.

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

using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

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

4) 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 initial occupation of the development. 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, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

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

The Desk Study shall be prepared by a suitably qualified person whose competence to carry out the Desk Study has been approved in writing by the City Council as local planning authority (an "Expert").

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

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

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

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any

time before the development is occupied, then development shall cease and/or the development shall not be occupied until, an Expert has prepared a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy Site Investigation Report) which shall be submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy Site Investigation Report, which shall take precedence over any Remediation Strategy Site Investigation Report or earlier Revised Remediation Strategy Investigation Report.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to E3.5 of the Unitary Development Plan for the City of Manchester.

6) 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 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.

7) 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.

8) Details and samples of obscure glazing to the first floor side windows shall be submitted to and approved in writing by the local planning authority prior to commencement of the development. The approved details shall be implemented as part of the development and retained permanently thereafter unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason

In the interests of the amenities of neighbouring occupiers, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

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: 088231/FO/2008/S1 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
Environmental Health
Contaminated Land Section
South Manchester Regeneration
Greater Manchester Police
520 Claremont Road, Manchester, M14 5WA
479 Claremont Road, Manchester, M14 5WU
481 Claremont Road, Manchester, M14 5WU
6 Fishbourne Square, Manchester, M14 5WY
4 Fishbourne Square, Manchester, M14 5WY
8 Fishbourne Square, Manchester, M14 5WY
2 Fishbourne Square, Manchester, M14 5WY
496 Claremont Road, Manchester, M14 5WA
498 Claremont Road, Manchester, M14 5WA
500 Claremont Road, Manchester, M14 5WA
502 Claremont Road, Manchester, M14 5WA
504 Claremont Road, Manchester, M14 5WA
506 Claremont Road, Manchester, M14 5WA
459 Claremont Road, Manchester, M14 5NU
461 Claremont Road, Manchester, M14 5NU
463 Claremont Road, Manchester, M14 5NU

465 Claremont Road, Manchester, M14 5NU
467 Claremont Road, Manchester, M14 5NU
469 Claremont Road, Manchester, M14 5NU
10 Fishbourne Square, Manchester, M14 5WY
14 Fishbourne Square, Manchester, M14 5WY
12 Fishbourne Square, Manchester, M14 5WY
18 Fishbourne Square, Manchester, M14 5WY
16 Fishbourne Square, Manchester, M14 5WY
22 Fishbourne Square, Manchester, M14 5WY
20 Fishbourne Square, Manchester, M14 5WY
516 Claremont Road, Manchester, M14 5WA
518 Claremont Road, Manchester, M14 5WA
514 Claremont Road, Manchester, M14 5WA
512 Claremont Road, Manchester, M14 5WA
471 Claremont Road, Manchester, M14 5WU
473 Claremont Road, Manchester, M14 5WU
475 Claremont Road, Manchester, M14 5WU
477 Claremont Road, Manchester, M14 5WU

Representations were received from the following third parties:

Environmental Health
Contaminated Land Section
South Manchester Regeneration
Greater Manchester Police

Relevant Contact Officer : Robert Lilburn
Telephone number : 0161 234 4166
Email : r.lilburn@manchester.gov.uk