

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132902/FO/2022
Date registered valid: 10 February 2022
Proposal: Erection of a two storey dwelling house following demolition of existing property
Address: 44 Kingston Road, Manchester, M20 2SB
Ward(s): Didsbury East Ward

Applicant: Ian Weinstock, 44 Kingston Road, Manchester, M20 2SB
Agent (if any): Ms Alexa Burns, Emery Planning, Regus House, Herons Way, Chester Business Park, CH4 9QR
Case officer: Linda Marciniak
Tel: 0161 234 4636
Email: linda.marciniak@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 11 April 2022



Application details

Type of application: Full Application Consent
Development type: Minor Dwellings
Date of site visit: 7 March 2022
Standard consultations: Printed: 16 February 2022 Expired: 9 March 2022
Neighbour notifications: Printed: 16 February 2022 Expired: 9 March 2022
Site notice: Posted: 7 March 2022 Expired: 28 March 2022
Press advert: Published: 22 February 2022 Expired: 15 March 2022
Departure from Development Plan: No
Environmental Statement: Not required
Listed building: Not applicable
Conservation area: Didsbury St James Conservation Area 1970
Tree Preservation Order: Not applicable

Description of site/building

The application site is a 2 storey 1970 detached dwelling house situated on the western side of Kingston Road in the Didsbury St. James Conservation Area (Designated 1970). It is situated approximately in the centre of a rectangular garden plot which has elevations to both Kingston Road and Millgate Lane on account of being close to the corner of Kingston Avenue. It was built on the site of the former Kingston House that occupied the site, built between 1848 and 1895; a pair of named gateposts on Millgate Lane are all that remain of the original built form on the site.

The gable profile dwelling has a projecting, flat-roof garage at the front which wraps around the northern boundary and rear where it forms a small single storey rear extension.



The elevations comprise of buff brick with horizontal timber cladding at first floor on the front elevation and large picture windows. The roof has a relatively shallow pitch that is covered in grey clay interlocking tiles.

The property is relatively well screened at the front on account of the set back in the plot, and 1.8-metre high hedging along Kingston Road. From Millgate Lane, the topography and a retaining garden wall with trees and shrubs planted on the boundary give very little visibility of the property from this vantage point.

Parking for up to 4no. cars is taken from the front tarmac driveway. Bins are currently stored on the gap to the northern boundary, running alongside the extended flat roof garage.

Description of area

The property sits within a mixed typology street scene that is defined by residential dwellings. These span some 150 years and are set on a tree-lined road which slopes south off Wilmslow Road. Immediately south is a similar 1970 detached dwelling (numbered No.21) which sits back 2.95 metres off the front building line of the site. To the north is an imposing 2.5 storey Victorian semi-detached dwelling (No.42 Kingston Road and No.2 Millgate Lane) that has the appearance of a back to back. Facing the site to the east are 2 storey modern infill dwellings.



Elsewhere along Kingston Road there are inter-war detached houses, a Grade II listed converted C19 stable block (No.62), terraced Victorian houses, a Grade II listed C20 house (No.40) and recent detached houses. Overall, the prevailing impression of Kingston Road is that of C19 houses.

The wider character is made up of Fletcher Moss park which fronts onto Millgate Lane to the west. This slopes south and west following the course of the River Mersey. East of the houses facing the site is the Towers Business Park including C19 Shirley Institute and lodge fronting Wilmslow Road whilst the core of the Conservation Area and original Didsbury Village is centred around several listed public houses further north-west along Wilmslow Road.

There is a mixed palette of materials evident in the street scene, with red brick being most common, but also buff brick, stone dressings, timber bracketing and bargeboards; slate and concrete tile. Mature trees, shrubs and hedges along plot boundaries and gardens give the street a pleasant arcadian character which extends beyond Kingston Road to much of the Conservation Area boundary and beyond.

Description of development

Erection of a two storey dwellinghouse following demolition of existing property.

A previous application on the site for a replacement dwelling was withdrawn in June 2021 on account of it not meeting the Council's expectations for a new dwelling in the Conservation Area (Ref: 129790/FO/2021).

The present application is accompanied by both Design and Access and Heritage Statements justifying the revised design approach.

Consultations & Notification Responses

The application was advertised by way of a public site notice and letters to 9no. residents. The following responses were received.

Neighbour comment

We would like to offer our support to the proposed plan in general terms but have some concern as to the scale and how this may dominate the site and surrounding plots.

The planned footprint extends significantly further forwards (east) and is double storey. The height of the proposed building is also increased. Given the increased mass, we have some concern that this may be overbearing to the neighbouring properties and gardens.

City Arborist

The development will be using the footprint of the existing building and therefore there should be minimal impact on the existing trees.

I have viewed the comments provided by the arboricultural consultant and I confirm that I agree with the comments.

We would expect the protective fencing to be put in place and not altered once in position. All work must be carried out in accordance with BS:5837.

The mitigation planting proposals are adequate replacements for T3.

Councillor Andrew Simcock

Cllr Simcock raised a question on behalf of a resident to understand whether the proposed house should be described as 2-storey or 3-storey.

Didsbury Civic Society

The DCS would request confirmation that this proposal conforms to all MCC Green policies regarding this type of proposal for demolition and rebuilding of residential properties. With its comments in compliance towards a net zero carbon increase between old and new building materials being used?

Environmental Health

REF

a) Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health.

**The DAS states that the refuse will be as existing, they just need to submitted the bin and size for each waste stream.*

AIR QUALITY 2

a) Prior to commencement of the development, a scheme for electric vehicle charging and any other considerations, for example boiler emissions, shall be submitted to and approved in writing by the City Council as local planning authority.

b) Prior to occupation of the development any agreed mitigation measures shall be implemented and verified as such in writing by the City Council as local planning authority and shall remain in situ whilst the use or development is in operation.

Reason: To secure a reduction in air pollution from traffic or other sources in order to protect existing and future residents from air pollution, pursuant to policies EN16, SP1 and DM1 of the Core Strategy.

**The developer should refer to MCC's AQ Guidance Note re EVC and also IAQM guidance for further information reboilers etc if relevant.*

CLAND01

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 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 within each phase 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 in each phase 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 [INSERT] of the Unitary Development Plan for the City of Manchester.

DEMOLITION/CONSTRUCTION MANAGEMENT PLAN

Prior to the commencement of development, a demolition and construction management plan outlining working practices shall be submitted to and approved in writing by the City Council as Local Planning authority, which for the avoidance of doubt shall include as a minimum:

Measures to control noise and vibration;
Dust suppression measures;
Sheeting of construction vehicles.

The development shall only be carried out in accordance with the approved management plan.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

**The applicant should refer to our noise from building sites webpage for further information/guidance and also IAQM/EPUK Construction Guidance*

DEMOLITION/CONSTRUCTION HOURS

Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm
Saturday: 8.30am - 2pm
Sunday / Bank holidays: No work

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

Highway Services

In relation to on-site parking it is indicated that the same number of spaces is being provided (4 no.) as existing. Whilst such numbers are acceptable to us, no specific parking layout has been provided.

In terms of pedestrian access, it would appear that these are being retained to both Kingston Road and Millgate Lane which is acceptable from a highway perspective.

With regard to vehicle access, it would appear that the existing entrance point off Kingston Road is being retained. The proposed offset electric sliding gate arrangement to the driveway is acceptable to Highways.

Regarding boundary treatments, it is not clear whether these are being amended. It is noted that the existing arrangement comprising of high hedges is likely to impact on driveway visibility.

In the absence of any specific waste management information, we are unable to provide any detailed comments. It is assumed that waste is collected from Kingston Road which is an acceptable arrangement to Highways.

Should the planning application be approved it is required that a Demolition and Construction Management Plan be conditioned which shall include, where appropriate the following details:

- o The routing of construction traffic;
- o Detail the vehicular activity associated with the construction including appropriate swept-path assessment;
- o Details of the location and arrangements for contractor parking;
- o The identification of the vehicular access points into the site;
- o Identify measures to control dust and mud including on the surrounding public highway including details of how the wheels of contractor's vehicles are to be cleaned during the construction period;
- o The details of an emergency telephone contact number for the site contractor to be displayed in a publicly accessible location;
- o For large schemes a highway dilapidation survey including photographs and commentary on the condition of carriageway/footways on construction vehicle routes surrounding the site.

The applicant is advised that any requirements for licensing, hoarding / scaffolding, building maintenance and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

SUGGESTED PLANNING CONDITION(S): -

1. Demolition and Construction Management Plan.

United Utilities

United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.

Issues

Policy

Assessment of the application is made within the following policy framework:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy Framework (2021) – Chapters 2 'Achieving Sustainable Development' 12 'Achieving Well Designed Places' and 16 'Conserving and Enhancing the Historic Environment'.

Manchester Core Strategy (2012) - Policies EN1, EN3, EN4, EN8, EN14, EN16, EN18, EN19, H1, H6, T2, SP1 and DM1

Unitary Development Plan for the City of Manchester (1995): Extant policies DC1 and DC18

Residential Quality Guidance for Manchester

Nationally Described Space Standards

Principle

The proposal replaces an existing dwelling house erected in 1970 which has stood on the site at or close to the time of designation of the Conservation Area. It is in a residential area where new houses have received approvals within the life of the current Planning regulatory framework and makes use of the existing building footprint to create a dwelling house which

better meets the needs of the applicant, whilst improving the thermal qualities, design and layout over the original.

A previous application was considered by the local planning authority in 2021 but was withdrawn on the advice of the planning officer based on the proposal not meeting the Council's expectations of a new house in the historic context.

The principle is acceptable on the site. The current Planning regulatory framework supports the provision of new housing in Manchester with an estimated 60,000 new homes forecast to be provided over the life of the plan period (policy H1), 5% of which is expected to be mainly infill development accommodated within south Manchester (policy H6). Development is expected to meet current standards for sustainability, space standards, parking, waste management and reducing CO2 emissions.

The applicant is now seeking the determination of the local planning authority for a new dwelling to create a 5-bedroom family home. Accommodation is arranged over 2.5 floors including 2no. bedrooms in roof dormers.

Matters which require consideration as part of this application are the impacts on residential and visual amenity, including the impacts upon the Conservation Area.

Residential Amenity

The application is considered to have an acceptable impact on residential amenity.



Development is contained within the existing footprint of the property formed of the garage and flat roof elements along the northern side and rear together with a small amount of development towards the southern gable end. This brings two-storey development closer to the south-facing side elevation of No.42 Kingston Road and No.2 Millgate Lane (see above).

There are 4no. windows on this elevation, one of which, to the lower right at No.42 is obscurely glazed. No.42 and No.2 to a lesser extent, is the property most likely to be affected by the redevelopment of the site. In considering the impacts on this property, first floor development is sited to come off the existing northern gable end and projects 2.3-metres over the flat roof ground floor footprint, terminating in a gable end similar to the original. This will result in a small degree of shading of the first and possibly second floor window at No.42 for the middle part of the day as the sun is directly south.

There will also be some shading over rooflights within the ground floor garage at No.42 which acts as a buffer between this property and the site. It is considered that the temporary nature of the shading of these windows is acceptable and does not constitute grounds for refusal of the scheme or for amendments to be made.



In terms of any overbearing impacts, the existing 1.2-metre gap to the boundary with No.42 is retained. The gable windows at No.42 are off-set 2.3-metres from the common boundary which means an overall gap of 3.5-metres provides some relief from any overbearing impacts of the proposal on these windows.

The proposal also includes projecting gables at first floor situated towards the southern end of the site. As these are north of No.21 to the south, there will be no shading over this property as a result of any approval. The footprint of the new dwelling leaves a gap of 966mm to the common boundary with this property, against the current gap of 1.44-metres. This slight increase to the southern boundary is considered so modest as to be indiscernible to the occupiers of this property.

There are no new overlooking opportunities in the proposal. Windows on either side elevation at first floor are for bathrooms and so will be obscurely glazed on condition of any approval in the interests of residential amenity.

Visual Amenity

Siting

The proposal sits largely on the footprint of the original dwelling house with some small additions to create the projecting gables. This makes the best use of the site, retaining existing levels of amenity space at the front and rear for parking and gardens and avoids the new dwelling from appearing shoe-horned onto the site. Continuity with the siting of the existing dwelling and its relationships to those to the north and south is seen in the position of the roof ridge line and garage footprint.

Design

The design comprises of a modern interpretation of the dominant C19 design language within this part of the Conservation Area. It responds to the horizontal and vertical elements of the 1970's dwelling to the south and Victorian dwelling to the north, forming a visually congruent bridge between the two.

However, in contrast to the existing 1970's dwelling, the design promotes a greater vertical emphasis to provide the amount of space to accommodate the applicants' needs. This is achieved through a small increase in height, the use of steeply pitched gable roofs to the front and rear projecting gables and the pitch of the dormer roofs. This permits the attic space to be utilised, wherein the dormers also help to relieve the mass of the roof slope.

The fenestration patterns have been significantly reduced in the revised scheme to be more attuned with traditional C19 sash windows. These are more appropriately proportioned to the elevations and character of those found on neighbouring dwellings, principally No.42 which would continue to be read as the dominant dwelling within the street hierarchy. Whilst their proportions reflect C19 sash windows, they are proposed to be aluminium framed to balance the traditional and contemporary design aspects. This design approach has been adopted elsewhere within the Conservation Area, for example at the MMU development on the north side of Wilmslow Road, which also combine a modern and C19 design language.

The design also fully recognises that both the front and rear elevation are publicly visible. However, due to the topography and the extensive levels of vegetative boundary screening, only the first floor and roof of the dwelling will be visible in public views from Millgate Lane, although all floors and elevations are well designed regardless of whether they will be publicly seen.

The existing house includes a projecting double garage to meet the demand to provide secure shelter for 2no. vehicles. As a garage was included in the original 1970's dwelling, the proposal is not introducing an incongruous feature within the Conservation Area. Thought has been given to its design to ensure that it does not appear as an overtly modern integrated garage, by reflecting elements of C19 small domestic coach houses in the design. This ensure that it harmonises with the design of the house and the wider area where such features are relatively common.

Height, Scale and Massing

As noted above the proposed replacement dwelling is designed to step up in height and scale to be read as a bridge between the dwellings either side. In this proposal, the street scene drawing shows that the eaves height is 5.1-metres from ground level, whilst the height to the ridge is 8.8-metres, an increase of 3.4-metres from the current dwelling. In comparing the impact in the street scene, the new dwelling sits comfortably within the parameters of the street. It does not dominate the eaves or ridge height of the Victorian dwelling at No.42 which will stand 3.4-metres above the new dwelling. This is adequate to enable it to remain prominent within the street hierarchy.



In terms of massing, the majority of additional build comes out over the flat roof of the ground floor on the north elevation, and from the increased roof height.

On approaching the dwelling from the north and south, the projecting front gable which comes forward by 3.3-metres adds additional mass. This is however balanced by the forward projecting garage which is an existing feature of the original house, and by the addition of a dormer.

Moreover, the gable feature is justified in helping to add visual interest, introduces articulation to the street and relieves an otherwise flat elevation facing onto Kingston Road.

Overall, the proposal represents a development that is within the height, mass and scale parameters of the plot and local context and is not dissimilar to a number of permissions which have been built out along Kingston Road since 2016. Collectively, they add a modern and visually interesting dynamic to the historic C19-C20 street scene and to which the proposed will respond to appropriately.

Materials

The proposal utilises a traditional red brick, grey roof tile and grey fascia combination for the elevations. Windows and doors propose grey aluminium frames whilst rainwater goods propose black Alumasc heritage Upvc, ogee profile gutters and round downpipes. No details of the composition, dimensions, colour, texture and profile of these materials have been provided. They are therefore required to be submitted by way of a materials sample condition at the end of this report to secure the quality and finish of the final build. This is in the interests of the visual amenity of the street scene and to protect the character of the Conservation Area where a higher standard of materials and finish is required.

Impact on Conservation Area and Listed Building

Extant policy DC18 of the UDP, together with Core Strategy policy EN3 and Chapter 12 of the 2021 NPPF, require that development proposals preserve and enhance heritage assets for the enjoyment of current and future generations. In addition, the NPPF places an emphasis on the setting of heritage assets and states that any harm or loss of significance must be in the public interest.

The existing dwelling is assessed as making a neutral contribution to the Conservation Area. It has no architectural features of any specific merit and makes no significant contribution to the setting of the Conservation Area along this section of Kingston Road. Aside from the rear gate posts signifying the original pedestrian access to Kingston House which previously occupied the site, it plays no historic role in the legibility of the and Conservation Area. These historic elements of the original curtilage are proposed to remain which maintains the historic thread associated with the site.

The replacement dwelling will make a neutral to positive impact on the Conservation Area. It introduces interest and animation to the street scene and continues a trend of modern infill housing to retain much of the original footprint at or around the time of designation.

It creates a modern functional living environment that will enhance the overall impression of this section of the Conservation Area which is a key objective within Chapter 12 of the NPPF, saved UDP policy DC18.1 and Core Strategy policy EN3. There are no listed buildings in the vicinity of the site whose setting is material to the proposal.

On this basis, the proposal is considered to accord with policy EN3 of the Core Strategy, extant policy DC18 of the UDP and Chapter 12 of the NPPF given the appropriateness of the scheme for the redevelopment of the site.

Highways Access / Parking / Cycle storage

The existing vehicular access is retained off Kingston Road. This will lead to the new driveway with parking for 2 no. vehicles as well as 2no. in the projecting garage situated behind a new vehicular gate. Details of this are set out below under Boundary Treatments.

Cycle storage

No provision is made within the site for cycle storage. A condition is appended for details to be provided. It is unlikely that a covered cycle shelter will be appropriate in this location, but a provision in line with recent approvals elsewhere along Kingston Road which balance protection the character of the Conservation Area with increasing sustainable transport options, which could include more discreet cycle hoops, would be more acceptable.

Space Standards / Amenity space

The proposal is for a 5-bedroom home with significant levels of domestic floorspace and storage that are within the Nationally Described Space Standards.

Externally, the proposal retains much of the existing levels of recreational amenity space which adequately caters for the provision as set out in the Residential Quality Guidance document in the delivery of new homes.

Trees and Landscaping

There are 8no. trees noted on the Tree Survey, 2no. of which are Category A trees and 6no. in Category C and all protected by way of the Conservation Area designation.

Trees T2 (Japanese Maple) and T3 (Himalayan Birch) in the front garden and T7 (Maple) at the rear, are all small Category C trees which do not make any obvious contribution to the character of the site or wider street scene and are proposed to be removed to facilitate the build. T1 (Holly) is recommended to be crown-lifted to 2-metres above ground. All remaining trees as shown on the Tree Survey and Planting Plan (Ref: RTS/04022021/TPP 001) are proposed to be protected in accordance with the details as set out in the Tree Appraisal Report.

Two new trees, a Himalayan Birch (12cm to 14cm girth standard) and a Japanese Maple (multi-stemmed 5 litre pot) provide mitigation planting at the locations indicated on the Tree Survey and Planting Plan (Ref: RTS/04022021/TPP 001) which accompanies the application. The City Arborist is satisfied that these are adequate replacements for T3.

The City Arborist has assessed the wider proposal and is satisfied with the Arboricultural Consultant's appraisal. Conditions are recommended that the protective fencing indicated in the Tree Appraisal Report is implemented and that all works are carried out in accordance with BS:5837. A further condition is appended to ensure that works are not carried out which could harm protected bird species during the bird nesting season.

Boundary treatment

Existing hedging and semi-mature trees and shrubs will remain. The addition of a new 2.2-metre high x 5.1-metre wide off-set sliding vehicular gate is acceptable for this scheme. It will be complemented by the 12-metre span of 2.13-metre high hedging. These are considered to be appropriate boundary treatments in this location. The rear boundary, including the historic gate posts and modern wall fronting onto Millgate Lane are not affected by the proposal.

CO2 Emissions / Sustainability / Air Quality

The development does not include specific details of means to reduce CO2 emissions and improve local air quality.

The agent has however indicated a commitment to reducing emissions through installation of an electric car charging point; solar PV panels along the southern elevation and the consideration of grey water recycling and an air source heat pump. Gains can also be made in these areas through incorporating cycle stands and a fabric first approach. An Environmental Standards Statement condition is appended which requires the submission of these details.

Detailed consideration will need to be given at discharge of condition stage to understand the impacts of any proposal to install solar PV panels on the south-facing roof slope, which may not be acceptable within the context of the Conservation Area street scene.

Otherwise, these measures will contribute towards the Council's objective of securing a reduction in air pollution from traffic or other sources, to protect existing and future residents from air pollution, pursuant to policies EN16, SP1 and DM1 of the Core Strategy.

Bin storage

The Design and Access Statement notes that the waste management of the site will be as existing. This is as expected, however details of the bins and their sizes for each waste stream are required to be submitted for approval by Environmental Health. A condition is appended at the end of this report.

Permitted Development

It is considered appropriate in this location to remove permitted development rights to enable the LPA to manage any further additions to the property in the interests of the character of the Conservation Area.

Contaminated Land

The proposal is for a replacement dwelling on a site which has a long occupancy by the existing dwelling house. A full and detailed contaminated land investigation is considered onerous in this instance. Any contamination which may be present can otherwise be monitored via a watching brief condition as appended at the end of this report.

Drainage

Being within close proximity to the Mersey Valley and river basin flood storage area, the site is subject to assessment by United Utilities who request that a sustainable drainage hierarchy model is followed in accordance with the NPPF and NPPG. A condition is therefore appended that no construction shall commence until the detailed drainage design has been submitted to and approved in writing by the City Council as set out in the drainage condition below.

Conclusion

The proposal will have a positive to neutral impact on the character and appearance on the Conservation Area. The siting utilises the footprint of the existing dwelling extending the height and mass of development only marginally to the north and south. The final detail of materials is to be secured by condition to ensure a high quality of finish is achieved that is consistent with the quality and character of materials in the street scene and their appropriateness in the Conservation Area.

The new dwelling will have acceptable impacts on residential amenity, parking, and bin storage. Final details of these and the means to reduce CO2 emissions are required to be submitted on condition of any approval.

On the basis of the above, the proposal complies with policies EN1, EN3, EN4, EN8, EN14, EN16, EN18, EN19, H1, H6, T2, SP1 and DM1 of the Manchester Core Strategy (2012), extant policies DC1 and DC18 of the Unitary Development Plan for the City of Manchester (1995),

Chapters 2 and 12 of the NPPF and to the general principles within the Residential Quality Guidance for Manchester.

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 a right to a fair hearing and to this end the local planning authority 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 Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing 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. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in this delegated report. The consultation process including posting of site notices raised a concern regarding the impacts on neighbouring occupiers, which has been taken into consideration in the assessment and determination of the application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The works to which this consent relates must be begun not later than the expiration of three years beginning with the date of this consent.

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as applied and modified in relation to buildings in conservation areas.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents as received on the 10th of February 2022 or as stated:

Application Form

Drawing - Location Plan Ref: ZT19-196-00

Existing Site Plan Ref: ZT19-196-01

Proposed Site Plan Ref: ZT22-196-04

Site Plan Ref: ZT22-196-09

Existing Floor Plan Ref: ZT19-196-02

Existing Elevation Ref: ZT19-196-03

Existing & Proposed Street Scene Ref: ZT22-196-08

Proposed Floor Plan Ref: ZT22-196-05

Proposed Floor Plan Ref: ZT22-196-06

Proposed Elevation Ref: ZT22-196-07

Design & Access Statement prepared by Thorp Design Services dated: 31 January 2022

Planning Statement prepared by Emery Planning dated 31 January 2022

Tree Survey and Planting Plan Ref: RTS/04022021/TPP 001

Tree Appraisal Report prepared by Rowbottom's Tree Services Ltd Ref: RTS/04022021 Rev 001; dated 4 February 2021

Heritage Statement prepared by Pegasus Group; Ref: P21-3174, dated: February 2022

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy.

3) Above-ground construction works shall not commence until samples and specifications of all materials, including any benefits to reducing CO₂ emissions from each material to be used in the external elevations, have been submitted to and approved in writing by the City Council as local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To ensure that the appearance and sustainability of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, pursuant to policies SP1, EN3, EN16 and DM1 of the Core Strategy.

4) a) Within three months of the commencement of development, a scheme for the storage and disposal of refuse including the size and type of bin container for each waste stream, shall be submitted to and approved in writing by the City Council as local planning authority. New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policy DM1 of the Core Strategy for the City of Manchester.

5) The windows across the development serving bathrooms and WC's, shall be obscure glazed to a specification of no less than 5 of the Pilkington scale and shall be retained at all times thereafter.

Reason - In the interests of residential amenity and to ensure a satisfactory development, pursuant to policy DM1 of the Core Strategy.

6) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the 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 agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this.

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 EN17 of the Unitary Development Plan for the City of Manchester.

7) Prior to first use or occupation of the site, a scheme for the provision of cycle parking within the curtilage of the site shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be implemented and retained in situ and available whilst the development is in use.

Reason - To secure an increase in the modes of sustainable travel options available to the site and to improve local air quality pursuant to Core Strategy policies T1, T2 and EN16.

8) The development hereby approved shall not be occupied unless and until provision for an electric vehicle charging point within the curtilage of the site has been submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be implemented and retained in situ and available whilst the development is in use.

Reason - To promote sustainable development and in the interests of securing a reduction in CO2 emissions, pursuant to policies DM1 and EN16 in the Core Strategy.

9) The scheme for the protection of retained trees and tree replacements in mitigation of tree loss to facilitate the development hereby approved, shall be implemented in accordance with the details as set out in the Tree Survey and Planting Plan Ref: RTS/04022021/TPP 001 and Tree Appraisal Report prepared by Rowbottom's Tree Services Ltd Ref: RTS/04022021 Rev 001; dated 4 February 2021.

Reason – To protect the character of the Conservation Area and to improve the opportunities for biodiversity and air quality gain, pursuant to saved UDP policy DC18.1 and policies EN3, EN16 and DM1 of the Manchester Core Strategy.

10) 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 EN9 and EN15 of the Core Strategy.

11) No works, including works to trees and shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that

there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and to comply with policy EN15 of the Core Strategy.

12) Prior to the commencement of any development a Construction Management Plan shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in accordance with the agreed Construction Management Plan and shall include:

- The routing of construction traffic;
- Detail the quantification/classification of vehicular activity associated with the construction including commentary on types and frequency of vehicular demands together with evidence (appropriate swept-path assessment);
- Details of the location and arrangements for contractor parking;
- The identification of the vehicular access points into the site for all construction traffic, staff vehicles and Heavy Goods Vehicles;
- Identify measures to control dust and mud including on the surrounding public highway including: details of how the wheels of contractor's vehicles are to be cleaned during the construction period;
- Specify the working hours for the site;
- The details of an emergency telephone contact number for the site contractor to be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete
- Identify advisory routes to and from the site for staff and HGVs;
- A highway dilapidation survey including photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site.

Reason - In the interest of pedestrian and highway safety, and to ensure that the proposed development is not prejudicial or a nuisance to adjacent dwellings pursuant to policy DM1 of the Core Strategy. Details are required prior to works commencing on site as the impacts of construction works to deliver the development require mitigation.

13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) none of the apartments hereby approved shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any legislation amending or replacing the same, no garages, extensions or elevational alterations shall be erected other than those expressly authorised by this permission.

Reason - In the interests of the visual and residential amenities of the site and of biodiversity, pursuant to saved policies DC1 and DC18 of the Unitary Development for the City of Manchester and policies EN3, DM1 and SP1 of the Core Strategy.

15) Prior to the erection of the above ground super structure, an environmental standards statement outlining how the development will incorporate sustainable development measures to follow principles of Code for Sustainable Homes including measures to secure predicted carbon emissions and the attainment of specified environmental efficiency and performance, shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months of the completion of the construction of the authorised development a verification statement shall be submitted to and approved in writing, by the City Council as local planning authority, confirming the incorporation of the specified measures at each phase of the construction of the development, including dated photographic documentary evidence of the implementation and completion of required works.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, EN4-EN7 and DM1 of the Core Strategy for the City of Manchester and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

Informatives

1) The applicant is advised that any requirements for licensing, hoarding / scaffolding, building maintenance and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

2) Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

3) The developer should refer to MCC's Air Quality Guidance Note regarding Electric Vehicle Charging and also IAQM guidance for further information re: boilers etc if relevant.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
Didsbury Civic Society

53 Kingston Road, Manchester, M20 2SB
42 Kingston Road, Manchester, M20 2SB
47 Kingston Road, Manchester, M20 2SB
45 Kingston Road, Manchester, M20 2SB
21 Millgate Lane, Didsbury, Manchester, M20 2SW
21A Millgate Lane, Didsbury, Manchester, M20 2SW
3 Kingston Avenue, Manchester, M20 2SP
56 Kingston Road, Manchester, M20 2SB
43 Kingston Road, Manchester, M20 2SB

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Conservation Area - Didsbury St James Conservation Area 1970
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: SOUTH