

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131740/FO/2021

Date registered valid: 24 September 2021

Proposal: Erection of a two storey 3 bed dwellinghouse with rear dormer to the side of no. 133 Nesfield Road

Address: 133 Nesfield Road, Manchester, M23 0HR

Ward(s): Brooklands Ward

Applicant: Ms Joan Morgan, 133 Nesfield Road, Manchester, M23 0HR

Agent (if any): Mr Peter Morgan, 17 Hensington Close, Woodstock, OX20 1LZ

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 14.01.2021

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 07.10.2021

Standard consultations:

Printed: 30 September 2021 Expired: 21 October 2021

Neighbour notifications

Printed: 30 September 2021 Expired: 21 October 2021

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site relates to the side and rear garden of 133 Nesfield Road which is a two storey end terraced dwellinghouse. The surrounding area is residential in nature.

There are residential properties to the north, south, west and east of the application site.

Metrolink and the Northern Moor tram stop are located to the north and north east of the site.

Description of development

Planning permission is sought to erect a two storey 3 bed dwellinghouse to the side of no. 133 Nesfield Road incorporating a rear roof dormer and front porches to both the proposed and existing property.

This is a resubmission of a previous scheme that was approved under planning approval reference 111916/FO/2016/S2 approved in June 2016. The proposals replicate this previous approval albeit the proposed dormer is slightly large in size and incorporates a Juliet balcony but would still sit within the roof space of the proposed property

Consultations & Notification Responses

Neighbouring properties were notified of the proposals one response was received the comments made are set out below:

The intended plans will cause some sort of disruption. The proposal would obstruct a lot of vision to our household and also a security risk. We are already quite hidden which is also even more hidden at night. So in erecting a property this could be used as a hiding site making us sensitive to thieves among other unwanted guests. This again would make us prone to thieves and unnecessary attention, which would make surrounding homes and neighbours vulnerable to unwanted possibly negative attention.

GMP Design for Security - Have the following recommendations:

The proposed development should be designed and constructed to Secured by Design standards including laminated glazing; security-certified windows and doors (please see www.designforsecurity.org/secured-by-design/ or www.securedbydesign.com for more information). Developments that are built to this standard are less likely to be susceptible to crime.

- All garden boundary treatments adjacent to publicly accessible land in particular the rear boundary should be 2100mm.

- Entrance gates should be installed that lead to the rear of the property and should be set forward as close to the building line as possible.

- Dusk til Dawn lighting should be installed on all external doors

Any external bin store should be a secure, lockable and fire resistant enclosure

Highway Services - The existing dropped kerb needs widening, and a new dropped kerb provided. Their position as shown on the submitted drawings is acceptable to Highways and, should planning approval be granted, then they will need to be constructed in accordance with MCC standards under a Section 184 vehicle crossing licence/agreement. A dropped crossing application would be made by the applicant and processed via the following online link:

https://secure.manchester.gov.uk/forms/form/749/en/dropped_kerb

Driveways should be a minimum of 3 x 6m to allow for pedestrian access and to ensure that vehicles do not overhang the footway.

The boundary treatment proposals are acceptable to us.

Waste is stored to the rear and taken through the ginnel for collection from Nesfield Road. This arrangement is acceptable to Highways.

Should the planning application be approved it is recommended that a Construction Management Plan be conditioned.

Environmental Health - No objections, it is recommended that conditions be attached to any approval relating to waste management, construction hours, contaminated land and inclusion of electric vehicle charging point.

United Utilities - We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy.

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is

in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer may be necessary. All costs associated with sewer diversions must be borne by the applicant.

Local Policies

Manchester Core Strategy (2012)

SP1 - Spatial Principles

DM1 - Development Management 1

EN1 - Design Principles and Strategic Character Areas

EN18 - Contaminated Land and Ground Stability

H1 - Overall Housing Provision

H7 - Wythenshawe

T2 - Accessible area of opportunity and need

Unitary Development Plan for the City of Manchester (1995)

DC7 - New Housing Development

DC26 - Development and Noise

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)

This document provides guidance to help develop and enhance Manchester. In particular, the SPD seeks appropriate design, quality of public realm, facilities for disabled people (in accordance with Design for Access 2), pedestrians and cyclists. It also promotes a safer environment through Secured by Design principles, appropriate waste management measures and environmental sustainability.

National Policy

National Planning Policy Framework 2021

The National Planning Policy Framework (NPPF), (July 2021) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'. The Framework has been related to the proposed development, with particular emphasis given to the following:

- o Chapter 8: Promoting healthy and safe communities.
 - o Chapter 12: Achieving well-designed places.
- Other material policy considerations

Issues

The Principle - The principle of a detached dwelling house is considered acceptable and has been previously considered acceptable in this location.

In terms of policy within Manchester extant policy DC6 provides the criteria for building dwellinghouses on "backland" sites, that is, sites with limited access to a road because they are surrounded by housing or other uses.

The site in this case is within the side and rear garden of 133 Nesfield which is a rectangular shape and shares boundaries with the side garden of No.2 Sedgefield Walk a public footpath and open space.

The site is not considered backland as it already has access onto Nesfield Road and it is the intention of the applicant to utilise this existing access to form the access for the existing dwelling and create a new access for the proposed dwelling house.

It is clear that there is a distinctive character with street scene which are mostly two storey terraced properties. Although the area also contains three storey blocks of flats.

Matters that will require consideration, in order to assess the acceptability of any proposal are siting/site layout, scale and massing, design and appearance, car parking and refuse.

These matters will be considered below.

Siting/Site Layout - The proposed development has been arranged to provide a two storey, three bedroom, end terraced property of a similar footprint to that of the adjoining property 133 Nesfield Road although it is noted the inclusion of the ginnel to allow access to the rear of the existing property would give the impression of a slightly wider end property.

The site will contain both front and rear gardens and a driveway which will provide two off road car parking space for both the future occupiers of the new dwelling and the existing occupiers of 133 Nesfield Road. The parking spaces measure 2.4 metres by 4.8 metres which is generally considered acceptable.

The dwelling would present its main face and pedestrian entrance to Nesfield Road to contribute to its vitality and interest within the street. Furthermore, the position of the windows and entrances would ensure that the street is overlooked to promote informal surveillance.

The proposal will continue the pattern of development of terraced properties. The property would be set back from the footpath in a similar manner to the other properties within the terrace.

It is therefore considered that the layout is appropriate for this location and occupies a similar footprint to the original dwellinghouse.

Scale and Massing - Policy EN1 of the Core Strategy and the Guide to Development in Manchester SPD seek to ensure that scale of new development is informed by its context. In this case the defining character of the street scene is predominantly two storey brick built terraced properties, although as mentioned there a number of three storey apartments blocks in the vicinity. It is not considered that the result of the proposals be an overdevelopment of the area that results in an unacceptable level of density.

The proposal dwelling is two storeys, measuring approximately 8 metres in overall height with the eaves height set at 5.6 metres.

These are the same dimensions as the existing terraced properties and therefore in considering the heights and type of properties along Nesfield Road the scale and massing of the proposal is acceptable.

Design and Appearance - In terms of appearance the property consist of a mostly brick structure. It is clear that in terms of it design the proposal has taken reference from the properties within the street scene. The application form states that the materials will be of brick and a condition is to be appended to any approval that the materials used match those of the existing house with window and other details as set out on the approved drawings.

Ensuring good design is an integral part of policies EN1 and DM1 of the Core Strategy, Guide to Development in Manchester SPD and the NPPF. In this case it is considered that the proposal would be in accordance with these policies.

Refuse Storage - Policy DM 1 requires a suitable location for the refuse storage and collection. There would remain space and access to rear gardens for refuse bins to be stored at the rear of the proposed property and at the rear of existing property with access to the front provided by a new ginnel. Further details of bin storage are required and a condition is proposed to deal with this matter.

Boundary Treatment - The site layout plan indicates the proposed boundaries and in terms of details the drawings indicate that the vast majority of existing boundaries will be retained. In principle this is acceptable however, further details are required regarding the front boundary treatment and heights of the boundary treatment therefore it is recommended that this is conditioned as part of any approval given the comments of GMP in respect of the development achieving Secured By Design Accreditation.

Landscaping - There are no trees affected by this development therefore no conditions are required. It is recommended that a scheme soft and hard landscaping is agreed by the means of a planning condition to ensure a satisfactory scheme is provided to private amenity space.

Crime and Disorder – No objection has been raised to the proposals by GMP Secured By Design on crime and safety grounds. The comments of a neighbour are acknowledged however, the proposals are considered to assist in introducing natural surveillance to the street and public realm. To ensure the safety and security of prospective occupiers, a condition has been included which will require the development to attain 'Secured by Design' accreditation together with final boundary treatment details to ensure the recommendations of GMP Secured by Design are incorporated, this reflects the position on the previous approval of the scheme.

Car Parking – The proposals incorporate off street car parking for both the existing and proposed dwellinghouses these will have a depth of at least 4.8m and width of 2.4m. There will be a requirement for a widening of the dropped kerb and an informative is proposed to be attached to any approval. Highway Services raise no objections to the proposals on highway safety grounds.

Amenity Space - It is considered that the development would comply with policies DM1, H7 and the Guide to Development in Manchester SPD as it would provide adequate amounts of private amenity space for both properties.

Residential Amenity - The proposal includes a rear dormer, the previous approval incorporated a dormer whilst the current proposals include for a slightly larger dormer with Juliet balcony. Given the distance to the rear boundary of 10 metres and that angles between the dormer window and windows in 2 Sedgefield Walk would be at an acute angle it is not considered that

this would give rise to unacceptable impacts on residential amenity in terms of overlooking or loss of privacy to occupiers of that property.

Given the proposals are for residential accommodation within a residential area it is not considered that the development would generate activity such as noise in the form of comings and goings that would be significantly different from the current context. Whilst there would be more activity on the site as a result of the development this is comparable to the existing relationships and environment in which the site is located.

A further related condition is required to remove the Permitted Development rights normally enjoyed under the Town and Country Planning (General Permitted Development) (England) Order 2015, in order that the houses are not extended, and structures are not constructed/sited within the curtilages, without Planning Permission. This is in the interests of visual and residential amenity, due to the relationships to residential properties, as advocated within policies DM1 and DC1.

In addition and to accord with the article 4 and policies contained within the Core Strategy to increase the provision of family type accommodation a condition is proposed to ensure the property is used as a C3 dwellinghouse.

Contaminated Land – Environmental Health have recommended a contaminated land to investigate the potential for land contamination and the need for any remediation. Following clarification of this requirement the applicant has agreed to this condition.

Sustainability - As requested by Environmental Health in the interests of air quality a condition is proposed for the new dwelling to be served by an electric vehicle charging point an appropriately worded condition is proposed to deal with this matter. The site is well located in relation to the Metrolink network which provides a non-car based transport mode to future occupiers of the property.

Construction - Construction is a temporary and necessary result of development, in this instance it is not considered reasonable to impose a construction management plan condition on this proposal but an informative is to be appended relating to construction hours as recommended by Environmental Health.

Other Matters/Public Sewer - United Utilities have confirmed that a public sewer crosses the site and that an access strip of 3 metres either side will be required. An informative has been attached providing further information to the applicant and agent regarding this matter.

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 application has been determined in a positive manner in this instance appropriately worded conditions have been proposed.

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

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

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

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawing JHS_PL011, JHS_PL010, JHS_PL009, JHS_PL008 and JHS_PL007 stamped as received by the City Council as Local Planning Authority, on the 24th September 2021

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) 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 policies DM1 and EN18 of the Core Strategy.

4) The materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture and as set out on the approved drawings.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

5) Notwithstanding the details submitted, prior to the first occupation of the dwellinghouse hereby approved, a plan indicating the positions, design, materials and type of all boundary treatments to be erected shall be submitted to and approved in writing by the City Council as local planning authority. The approved boundary treatments shall be completed prior to first occupation of the development hereby approved 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 and in the interests of crime and safety, in order to comply with policies SP1 and DM1 of the Core Strategy.

6) Notwithstanding the details submitted, within three months of the commencement of works a hard and soft landscaping treatment scheme shall be 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.

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 policies SP1, EN9 and DM1 of the Core Strategy.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the dwellinghouse hereby approved shall not be extended, and no structures or outbuildings shall be erected within the curtilage areas, without the benefit of planning permission.

Reason - In the interests of residential amenity, and to safeguard the character of the area, pursuant to policies SP1 and DM1 of Manchester's Core Strategy.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

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.

9) Prior to first occupation of the development hereby approved, details of the measures to be incorporated into the development to allow for the provision of electric vehicle charging points shall be submitted in writing to the local planning authority for approval and shall be implemented in full and made available for use. The approved scheme shall remain available for use whilst the development is occupied.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy (2012).

10) The new dwellinghouse 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 secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

11) Details of bin stores within the rear gardens for both the approved and existing dwellinghouses shall be submitted to and approved in writing by the City Council as local planning authority. The bin store shall be installed within 1 month of the completion of building works and shall remain there in perpetuity.

Reason - To maintain the quality of the street environment in the locality of the development in order to comply with policies SP1 and DM1 of the Core Strategy.

Informatives

1) United Utilities have raised that a public sewer crosses this site and they may not permit building over it.

United Utilities will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

To establish if a sewer diversion is feasible, United Utilities advised that the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees shall not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees

should not be planted directly over sewers or where excavation onto the sewer would require removal of the tree.

For advice regarding protection of United Utilities' assets, the applicant should contact the teams as follows:

Water assets - DeveloperServicesWater@uuplc.co.uk

Wastewater assets - WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

2) Construction work should only take place:

Monday to Friday: 7.30am to 6pm

Saturday: 8.30am to 2pm

No work should be done on Sundays or Bank holidays.

3) The provision of a new dropped kerb will need to be constructed in accordance with MCC standards under a Section 184 vehicle crossing licence/agreement. A dropped crossing application would be made by the applicant and processed via the following online link: https://secure.manchester.gov.uk/forms/form/749/en/dropped_kerb

4) The proposed development should be designed and constructed to Secured by Design standards including laminated glazing; security-certified windows and doors (please see www.designforsecurity.org/secured-by-design/ or www.securedbydesign.com for more information). Developments that are built to this standard are less likely to be susceptible to crime.

- All garden boundary treatments adjacent to publicly accessible land In particular the rear boundary should be 2100mm.

- Entrance gates should be installed that lead to the rear of the property and should be set forward as close to the building line as possible.

- Dusk till Dawn lighting should be installed on all external doors

- Any external bin store should be a secure, lockable and fire resistant enclosure.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Greater Manchester Police

137 Nesfield Road, Manchester, M23 0HR
115 Nesfield Road, Manchester, M23 0HS
16 Rathmell Road, Manchester, M23 0JH
127 Nesfield Road, Manchester, M23 0HS
121 Nesfield Road, Manchester, M23 0HS
1 Marsett Walk, Manchester, M23 0HJ
18 Rathmell Road, Manchester, M23 0JH
17 Rathmell Road, Manchester, M23 0JH
15 Rathmell Road, Manchester, M23 0JH
46 Nesfield Road, Manchester, M23 0JD
44 Nesfield Road, Manchester, M23 0JD
42 Nesfield Road, Manchester, M23 0JD
40 Nesfield Road, Manchester, M23 0JD
38 Nesfield Road, Manchester, M23 0JD
36 Nesfield Road, Manchester, M23 0JD
34 Nesfield Road, Manchester, M23 0JD
131 Nesfield Road, Manchester, M23 0HS
129 Nesfield Road, Manchester, M23 0HS
125 Nesfield Road, Manchester, M23 0HS
123 Nesfield Road, Manchester, M23 0HS
119 Nesfield Road, Manchester, M23 0HS
117 Nesfield Road, Manchester, M23 0HS
141 Nesfield Road, Manchester, M23 0HR
139 Nesfield Road, Manchester, M23 0HR
135 Nesfield Road, Manchester, M23 0HR
3 Marsett Walk, Manchester, M23 0HJ
4 Sedgefield Walk, Manchester, M23 0HH
2 Sedgefield Walk, Manchester, M23 0HH

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

Area Team Boundary - Name: SOUTH