

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130920/JO/2021

Date registered valid: 1 July 2021

Proposal: Variation of Conditions 2 (Specified Plans), 8 (tree replacement), 11 (Birds and Bats), 12 (Landscaping), 16 (Boundary Treatments) & 19 (Obscure Glazing) attached to planning permission 126076/FO/2020 due to alterations due to location of utilities, including alterations to apartment layout and removal of tree. Amendments to also address loss of ground floor window to apartment, introduction of obscure glaze to windows, boundary treatment amended to allow railing posts to be fixed directly into the ground

Address: Land Between Nell Lane And Brookstone Close, Manchester,

Ward(s): Chorlton Park Ward

Applicant: Emma Litchfield, Southway Housing Trust, Southern Gate, 729 Princess Road, Manchester, M20 2LT

Agent (if any): Miss Madeleine Mooney, Triangle Architects, Raven House, 113 Fairfield Street, Manchester, M12 6EL

Case officer: Robert Griffin
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Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 14.09.2021

Application details

Type of application: Variation or Removal of Condition

Development type: Smallscale Major Dwellings

Date of site visit: 13.07.2021

Standard consultations:

Printed: 12 July 2021 Expired: 2 August 2021

Neighbour notifications

Printed: 12 July 2021 Expired: 2 August 2021

Site notice

Posted: 13 July 2021 Expired: 3 August 2021

Press advert

Published: 20 July 2021 Expired: 10 August 2021

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 area is predominantly residential with a mixture of semi-detached, terraced and flatted properties located to the north and west of the application site that fronts onto Nell Lane a busy east - west link road connecting to Princess Road to the east and Mauldeth Road West to the west. To the west and south of the site is land and burial grounds associated with Southern Cemetery and grade II Registered Park and Garden. Loreto High School is also located in close proximity to the west along Nell Lane. There are a number of incidental grassed spaces at junctions of roads and grassed and treed verges along Nell Lane. The application site comprises such a space containing 10 trees and 2 hedges set back beyond the verge and pavement on the northern side of Nell Lane together with areas of hardstanding which is utilised as unallocated car parking for surrounding residential properties.

The area of the site is approximately 1702 m² and the boundary is formed to the South and West by Nell Lane. To the North and East it is bounded by residential properties along Arrowfield Rd and Brookstone Close. Vehicular access is enabled by the road on Brookstone Close and there are two existing pedestrian footpaths: on the South East boundary, which connects Nell Lane to the site and the North East boundary coming from Brookstone Close.

Description of development

Planning approval was granted under reference 126076/FO/2020 for the erection of a three-storey apartment block to form 12no. (2 bedroom) apartments with associated car parking and landscaping. The proposals see the development of the site for the erection of a three-storey apartment block to form 12no. (2 bedroom) apartments with associated car parking and landscaping.

The proposed building would be of facing brickwork with corbelled and soldier course brick detailing together with balconies on corners and to the front and rear elevations. The building presents windows and balconies to Nell Lane with the main entrance to the building accessed via Brookstone Close.

Following the undertaking of further site surveys a number of utilities have been discovered crossing the site and has resulted in the need to review the siting of the previously approved building in order to move building away from an existing gas main and electric cable. The amendments also seek the removal of ground floor window from Plot 1; windows to bedrooms on the west elevation obscured to a height of 1.7m; and railing post fixings altered.

The applicant has confirmed that apartments layouts have been adjusted to be longer and thinner whilst still retaining the required floor areas to meet Manchester Space Standards. The amended change requires the removal of tree no. T2 from the Arboricultural Impact Assessment.

Consultations & Notification Responses

Nearby occupiers were notified of the proposals, a site notice was posted and an advertisement was placed in the Manchester Evening News the same level of notification was undertaken for the original planning approval. Two objections were received in response to this notification and the following points were made:

On behalf of the residents of this community on Brookstone Close, we are collectively expressing our objection of this planning application for the following reasons:

1. No consideration for the reduced number of parking spaces for the existing residents of Brookstone close. There are a total of 19 parking spaces proposed but there will be 12 two bedroom apartments plus the current nearby houses there will not be enough for 1 car per household.
2. Removing a much loved open green space which is enjoyed by the existing residents and neighbours of Brookstone close. This open green space is used by residents in the Summer time and is a safe space for children to play on the grass close to their homes.
3. Erecting a 3 storey building block of apartments will not complement the existing terraced house and semi-detached houses, will block the view of the main road and will block light, especially for houses 9,11,13,15.
4. In the original application for planning permission it states the existing use is a 'vacant, grassed site' but does not take into account the existing parking spaces used by residents, plus the continuation of the road and pathways.
5. not considering the access needed for deliveries and other vehicles who come to the close, the creation of a larger car park doesn't consider how deliveries will be made to the flats at numbers 28 and 30.
6. there will be a complete lack of privacy for current residents especially, 28-30, 8-10 and 11-15 where the planned site will be directly next to it.
7. There are plans to erect metal railings around the development, supposedly to keep thieves/burglars out but this doesn't protect the existing residents directly next to the development.

Creating this development in such a small space and so close to existing residents will also create more pathways and smaller spaces that will not be visible to all residents. What reassurance does the council have for the safety of current residents in Brookstone Close? There will be more opportunities for criminals to not be in sight to commit crimes, no proposals of CCTV to be put in place and thieves will have greater opportunities to escape. There are already safety concerns in the neighbourhood.

During the first round of planning application, not all residents received letters notifying them of the planning application The Site Notice which was attached to a lamp post on the 18th Feb 2020 - not clearly visible to all residents, most of who would never pass that lamp post because of its location and how they would enter or exit Brookstone Close.

Has there been a consideration for safety implications of disturbing the underground pipes for existing residents? Overall it feels like there have been a lot of considerations for future residents of this development block, I understand there is a commitment to creating more affordable housing but given the numerous points above there has been limited consideration for the existing residents and the potential risks that it poses for them I am so disappointed in this development as is everyone on Brookstone Close. I don't think you care about the residents that already exist on Brookstone Close. The street is a quiet street with little disruption. After they develop this the crime is literally going to shoot up. The disgusting rats and mice will invade our properties. Not to mention the mess. And not being able to park outside our houses.

Greater Manchester Ecology Unit - Are satisfied with the details of landscaping and ecological mitigation proposed in the form of bat and bird boxes. These should be completed as part of the development.

MCC Flood Risk Management Team - The applicant should ensure any proposed amendments under 130920/JO/2021 do not impact on deliverability of the accepted / outstanding drainage criteria currently being considered under CDN/21/0290 - Condition 3 (drainage).

The applicant should ensure further submissions for CDN/21/0290 - Condition 3 (drainage) account for the proposed amendments, and any revised documents are issued as necessary.

MCC Highway - Raise no concerns or objections to the amendments proposed from a highway perspective.

MCC Arborist - Do not object to the removal of the additional tree but seek suitable replacements for these. It has been confirmed that the tree replacement scheme includes for additional tree replacements to mitigate the loss of T2.

Policy

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The adopted development plan consists of the Core Strategy (adopted 2012) and the saved policies of the Unitary Development Plan. Due consideration in the determination of the application will also need to be afforded to national policies in the National Planning Policy Framework (NPPF) which represents a significant material consideration.

Manchester Core Strategy

The adopted Core Strategy contains a number of planning policies relevant to the consideration of the application proposals. These are set out below:

Policy H1 - Housing Provision

This policy identifies that approximately 60,000 new dwellings will be provided in Manchester between March 2009 and March 2027 equating to an average of 3,333 units per year although this rate will vary across the identified period. The policy identifies that the emphasis outside of the City Centre and the City's Inner areas is to increase the availability of family housing. It is expected that 90% of residential development will take place on previously developed land and sites in close proximity to centres and high frequency public transport routes.

The application proposals would contribute to the overall provision of new residential units in the City on previously developed land in a sustainable location close to services and public transport routes including Metrolink and Bus network. The proposals incorporate dwellinghouses. On this basis the proposals are considered to accord with the policy H1 of the Core Strategy.

Policy H6 - Housing in South Manchester

This policy indicates that 5% of new residential development will take place in South Manchester over the lifetime of the Core Strategy. High density development will generally only be appropriate within district centres. Outside the district centres priorities will be for housing meeting identified shortfalls, including family housing and provision that meets the needs of elderly people with schemes adding to the stock of affordable housing.

The application proposals would provide residential accommodation across the site including larger family housing which is identified as required in South Manchester. On this basis the proposals are considered to be in general accordance with policy H6.

Policy H8 - Affordable Housing

Sets out the Council's approach to assessing applications of greater than 15 residential units and provision of affordable housing or an equivalent financial contribution.

The application does not meet the threshold requiring consideration against Policy H8.

Policy T1 - Sustainable transport

This policy embeds the delivery of a high-quality integrated transport system to encourage modal shift away from car travel to public transport, cycling and walking. It indicates support for proposals that: improve choice by delivering alternatives to the car; promote regeneration and economic vitality by relieving traffic congestion and improving access to jobs and services; improve access to transport services and facilities for all; improve pedestrian routes and the pedestrian environment; facilitate modes of transport that reduce carbon emissions; reduce the negative impacts of road traffic.

Policy T2 - Accessible areas of opportunity and need

This policy indicates that the Council will actively manage the pattern of development to ensure that new development is located to ensure access to the City's main economic drivers; is easily accessible by walking, cycling and public transport; have regard to the need for disabled and cycle parking and the maximum car parking standards set out in the Core Strategy; and, includes proportionate traffic impact assessments and travel plans for all major applications.

The application site is located within a sustainable location close to Burton Road local centre, and the Metrolink and bus networks. It is also accessible by bicycle and on foot enabling future residents to access areas of economic activity in the city by a full range of sustainable transport modes. The level of car parking is considered to be adequate for the site's location and the needs of future residents whilst also providing cycle parking to broaden the range of sustainable transport modes available to future residents. It is considered that the proposals continue to accord with policies T1 and T2 of the Core Strategy.

Policy EN1 - Design Principles and Strategic Character Areas

Developments in Manchester are expected to follow the seven principles of urban design and have regard to the strategic character area in which the development is located. The application site is located in the southern character area where development is expected to retain the identity and focus of activity associated with the historic district centres and along the radial routes should be commensurate in scale with the prominence of its location.

The application proposals have been designed to reflect the context and residential character of the area. Consideration of this matter is set out in more detail within the issues section of this report.

Policy EN 4 - Reducing CO2 Emissions by Enabling Low and Zero Carbon Development

The Council will seek to reduce fuel poverty and decouple growth in the economy, growth in CO2 emissions, and rising fossil fuel prices, through the following actions:

All development must follow the principle of the Energy Hierarchy, being designed to reduce the need for energy through design features that provide passive heating, natural lighting and cooling to reduce the need for energy through energy efficient features such as improved insulation and glazing to meet residual energy requirements through the use of low or zero carbon energy generating technologies. Wherever possible new development and retrofit projects, including energy generation plant, must be located and designed in a manner that allows advantage to be taken of opportunities for low and zero carbon energy supplies. Where possible new development and retrofit projects will be used as a mechanism to help improve energy efficiency and provide low and zero carbon energy supplies to existing buildings.

Where appropriate new development and retrofit projects will be required to connect to and/or make contributions to low or zero carbon energy schemes and/or to incorporate provision to enable future connection to any existing / potential decentralised energy schemes.

Policy EN6 - Target Framework for CO2 reductions from low or zero carbon energy supplies. This policy sets out that major developments are expected to meet the targets set out in the policy which are to be demonstrated through an energy statement.

The applicant had prepared an Environmental Standards Statement to accompany the original planning approval which set out the energy strategy for the development based upon a 'Be Lean, Be Clean, & Be Green' approach including building fabric first approach. The ESS recommends that a photovoltaic array is used to reduce grid-electricity usage. There is confirmation that the development would achieve a 15% improvement over 2010 Building Regulations.

The development is considered to comply with policies EN4 - EN6 in that clear consideration has been given to how the buildings function and through a building fabric first approach to reduce overall energy demands.

Policy EN9 - Green infrastructure

This policy indicates that new development will be expected to maintain existing green infrastructure in terms of quantity, quality and function. Opportunities to encourage developers to enhance the quality and quantity of green infrastructure, improve the performance of its functions and create and improve linkages to and between areas of green infrastructure. The application site contains existing trees and the revised development proposals would result in the loss of 10 trees on site. The applicant has submitted a landscaping scheme to mitigate the loss of trees and enhance the green infrastructure and ecology of the site and wider area. This has been confirmed as acceptable by MCCs arborist and Greater Manchester Ecology Unit.

Policy EN14 - Flood Risk

The policy reflects national planning policy to direct development away from sites at greatest risk of flooding, and towards sites with little or no risk of flooding. Site specific flood risk assessments are required for all development proposals on sites greater than 0.5 hectares. As part of a separate condition discharge the Councils Flood Risk Team have agreed the surface water drainage for the site and this is to be reflected in conditions attached to this approval.

Policy EN15 - Biodiversity and Geological Conservation

This policy indicates that the Council will seek to maintain or enhance sites of biodiversity and geological value throughout the city. Developers are expected to identify and implement reasonable opportunities to enhance, restore or create new biodiversity, either on site, contributing to linkages between valuable or potentially valuable habitat areas where appropriate.

Policy EN16 - Air Quality

This policy indicates that the Council will seek to improve the air quality within Manchester and particularly Air Quality Management Areas, located along Manchester's principal traffic routes and at Manchester Airport. Developers are expected to take measures to minimise and mitigate the local impact of emissions from traffic generated by the development, as well as emissions created by the use of the development itself. When assessing the appropriateness of locations for new development the Council will consider the impacts on air quality this includes cumulative impacts, particularly in AQMAs.

The applicant provided an Air Quality Assessment with the original planning approval of the air quality impact of the proposed development and the potential to expose future users to elevated pollution levels. The site was considered suitable for a residential development, measures to incorporate electric vehicle charging points and cycle storage remain part of the proposals for the site.

Policy EN18 - Contaminated Land

The policy outlines that the Council gives priority for the remediation of contaminated land to strategic locations. Proposals for development of contaminated land must be accompanied by a health risk assessment.

The applicant has submitted details to discharge the contaminated land condition. This has been reviewed as part of that process and subject to a site verification report no further details on contamination are required at this stage.

Policy DM1 - Development Management

All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

Appropriate siting, layout, scale, form, massing, materials and detail.

Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

Community safety and crime prevention.

Design for health.

Adequacy of internal accommodation and external amenity space.

Refuse storage and collection.

Vehicular access and car parking.

Effects relating to biodiversity, landscape, archaeological or built heritage.

Green Infrastructure including open space, both public and private.

The use of alternatives to peat-based products in landscaping/gardens within development schemes.

Flood risk and drainage.

Existing or proposed hazardous installations.

Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply):-

a) For new residential development meet as a minimum the following Code for Sustainable Homes standards. This will apply until a higher national standard is required:

Year 2010 - Code Level 3;

Year 2013 - Code Level 4;

Year 2016 - Code Level 6; and

(b) For new commercial developments to demonstrate best practice which will include the application of the BREEAM (Building Research Establishment Environmental Assessment Method) standards. By 2019 provisions similar to the Code for Sustainable Homes will also apply to all new non-domestic buildings.

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

The Unitary Development Plan for the City of Manchester was adopted in 1995. However, it has now been largely replaced by the Manchester Core Strategy. There are some saved policies which are considered relevant and material and therefore have been given due weight in the consideration of this planning application. The relevant policies are as follows:

Saved policy DC26, Development and Noise, states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise. Conditions will be used to control the impacts of developments. The proposal has been designed to minimise the impact from noise sources. It is considered that the proposal is consistent with the policies contained within the UDP.

The National Planning Policy Framework (2021)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Residential Quality Design Guide

Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester and was approved by the Executive at its meeting on 14 December 2016. The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been applied to an assessment of the size and quality of the proposed houses. The applicant has confirmed that the proposed apartments meet the internal space standards and sets out the design considerations undertaken in coming to the final design intent of the proposals.

South Manchester Regeneration Framework

South Manchester is identified as an area with a rich and diverse group of neighbourhoods, with a wide range of issues and needs. Some areas are already successful, so the SRF is needed to help continue and build on this success. Other areas, in contrast, have particular issues that the SRF will help to tackle, such as poor housing and high levels of deprivation and worklessness. The opportunity for the SRF is to build on and improve its assets - the distinctive, successful neighbourhoods and centres, the high quality parks and the strong heritage and character of South Manchester - and use these as a model to drive forward the future of the area. These qualities should be applied across South Manchester to raise the quality of the built environment and expand the number of successful neighbourhoods.

The SRF identifies a key issue for the area as providing a wider choice of housing to attract and retain residents. The SRF states future housing developments need to focus on providing high-quality family accommodation. It identifies that high-quality sustainable new housing developments should meet the housing needs of the existing and future population of South Manchester.

The Manchester Green and Blue Infrastructure Strategy (G&BIS) -

The G&BIS sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is:

By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow. Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers

2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
 3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
 4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.
- The proposals would result in the loss of 11 trees on the site, the applicant is proposing mitigation tree planting on site and off site tree planting on land within their ownership, together with environmental enhancements in the vicinity of the site.

Guide to Development in Manchester Supplementary Planning Document and Guidance

The SPD recognises the importance of an area 's character in setting the context for new development; New development should add to and enhance the area's distinct sense of place; Each new development should be designed having full regard to its context and the character of the area; Seeks to ensure high quality development through good and inclusive design; Buildings should front onto streets; Site boundaries and treatment should contribute to the street scene; There should be a clear definition between public and private space; The impact of car parking areas should be minimised; New developments will be expected to meet designing out crime principles; The impact of development on the global environment should be reduced. The scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings.

Issues

Principle – The principle for the development of the site for a residential apartment block have previously been considered acceptable through the granting of planning approval. In this instance the applicant seeks alterations to the siting of the building as a result of the identification of on-site servicing cables and pipework and inclusion of obscure glazing to a number of windows to a height of 1.7m. In addition to this the applicant is seeking variations to a number of conditions to reflect further details provided. Consideration is required of the impacts of this altered siting together with the requirement for the loss of a further tree on the site.

Revised siting – As a result of on-site buried serving cables and pipeworks the proposed building requires to be re-sited. The re-siting has moved the building further south and east (see comparison plan below). The element of the building closest to the Nell Lane frontage has moved further south east by approximately 1m. The proposed gable end sited behind the bin store has been sited further south east by approximately 400mm at its most southern extent and by 200mm at its northern edge.

The proposed buildings have been sited to front Nell Lane and are forward of the end gable of number 15 Brookstone Close. It was noted that in the original approval this distance was relatively close but reflective of the layout of the surrounding residential properties that have distances as low as 3.5 metres between them in some circumstances. As such this minor adjustment to the siting is considered acceptable.

The proposed building would result in the loss of daylight in the late afternoon and early evening in the summer months when the sun is higher to the west facing front windows of this property. Whilst these impacts are likely to lead to a loss of daylight to these windows given their orientation and the context of the site and other relationships between residential properties it is not considered that this is sufficient to warrant refusal of the application proposal.

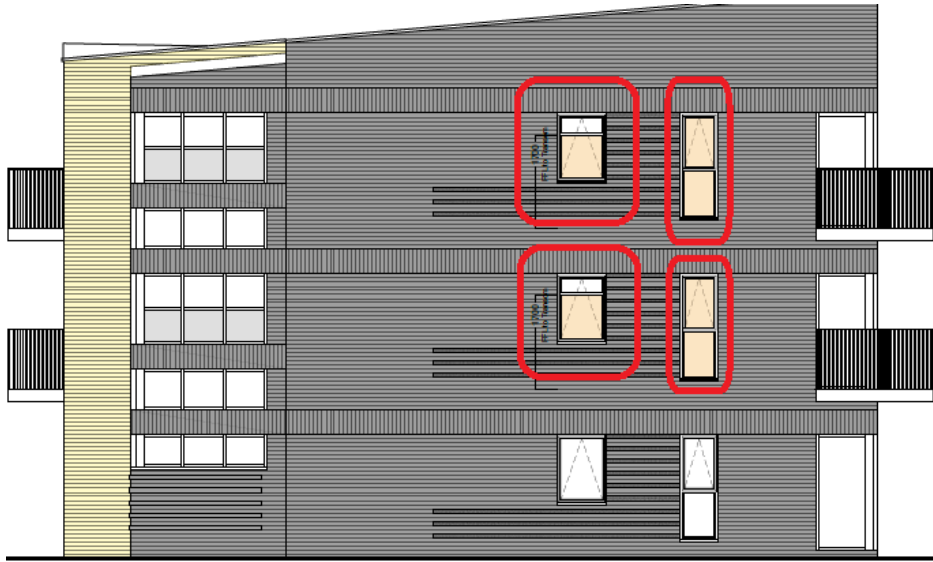


Proposed site plan with original approved position dashed red line

The north western gable elevation of the proposed building has been amended to move approximately 400mm closest to the existing properties at number 28 and 30 Brookstone Close. This amendment to the siting is not considered to be significantly different to that previously approved.

The proposed building would result in the loss of daylight to the east facing front windows of the closest property. Whilst these impacts are likely to lead to a loss of daylight to these windows given their orientation and the context of the site and other relationships between residential properties it is not considered that this is sufficient to warrant refusal of the application proposal.

The closest proposed windows to residential properties on Brookstone Close are narrow windows serving the kitchen/living space and a bedroom window. The applicant is proposing to obscurely glaze the secondary window to the kitchen/living space and obscurely glaze the bedroom window to 1.7m above floor level with the top opening element of the window being clear glazed. This revised arrangement is considered acceptable and a suitably worded condition is proposed to be attached to protect the amenity of existing residential properties.



Proposed obscure glazed window arrangement to north west facing elevation

The south east elevation contains obscure windows to secondary windows to living/kitchen space at first and second floors, and this arrangement is considered acceptable.

Pedestrian rights of way -As with the original approval the proposals do allow for suitable alternative pedestrian routes as such the impacts on any routes across the site remain as per the original approval.

As such it is noted that due to the nature of the site a number of pathways cross the site providing access for pedestrians between Brookstone Close and Nell Lane. Whilst the proposals would result in the loss of diagonal routes there would be access maintained around the building between Nell lane and Brookstone Close as indicated on the submitted drawings. It is considered that these would maintain safe and direct access providing suitable alternatives to the routes currently on the site. The applicant was made aware that separate legal matters are required to confirm the closure of any public rights of way as part of the original approval.

Open Space – Comments received objecting to the proposals raise concerns with the loss of the open space on the site. Similar objections were made to the original planning approval. The most recent assessment of Open Space in Manchester used to inform the production of the Core Strategy was the Open Space and Needs Assessment undertaken in 2009. That assessment does not identify this land as open space. Whilst it does provide an incidental green area to the nearby residents which would be lost as a result of the development the proposals include landscaping proposals to replace trees lost through the development on site where possible with the remainder being planted on land in the applicants ownership, this reflects the approach approved as part of the original approval.

Trees - The original proposals resulted in the loss of 9 category B trees to facilitate the sites development. A further tree would need to be removed to accommodated the re-sited building. The loss of trees is always regretted. The applicant since the original approval has devised a scheme of tree replacements and this has been assessed by both the Councils arborist and specialist ecology advisers who accept the provision of trees on and off site. The scheme submitted has been agreed and timescales for its implementation are indicated within the conditions relevant to these.

Highways -Highway Services raised no objection to the original proposals on highway grounds nor to this variation. As such the principle for the number of car parking spaces and cycle parking facilities remains unchanged through these proposals. As with the original approval further details of EV charging points, allocated parking for residents and a disabled space are to be provided for the development via an unamended condition for these final details to be agreed is proposed.

Crime – The original proposals were supported by a Crime Impact Statement that raised no objections to the proposals on crime and disorder grounds. Whilst there would be a loss of an incidental area of amenity grassed area the application proposals would introduce more activity and natural surveillance of the area. A suitably worded condition is continued over into this variation of condition application to ensure the development achieves SBD accreditation.

Boundary treatments – The proposed amendment has been considered as acceptable. The proposals include a litter trap and metal railings of a height of 1.5m around the development and height of 900mm between garden plots. This allows separation between public and private spaces.

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 and proactive manner, issues that have arisen during consideration have been discussed with the applicant and suitably worded conditions are 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 from the date of planning permission 126076/FO/2020, that date being 7th May 2020.

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:

Bin and Cycle Store 1.07 Rev B

Noise Impact Assessment prepared by E3P

Drainage Strategy Ref 19-4245/JM dated 19th August 2019 prepared by ADS Structural and drawing 19-4245-500 Rev P1

P.1206.19 Preliminary Ecological Appraisal prepared by Ascerta

Preliminary Desk Top Study and Intrusive Report prepared by Worms Eye Ref: Nell Lane/M21 7UH/2019
Crime Impact Statement 2019/0453/CIS/01 VERSION A: 05.08.19
Waste Management Strategy
Transport Technical Note prepared by Mode
Air Quality Assessment 2887-1r1 Date: 1st July 2019 prepared by Redmore Environmental
Energy Statement & Low or Zero Carbon (LZC) technology feasibility study AG-73080-LZCR-Rev A prepared by Anderson Goddard Ltd

All received by the City Council as local planning authority on the 31st January 2020

Documents submitted to discharge conditions from planning approval reference 126076/FO/2020 and given reference CDN/21/0290

Proposed block plan and elevations 18-021/20-057 1.05 Rev C
Proposed floor plans 18-021/20-057 1.04 Rev C
Proposed roof plan 18-021/20-057 1.03 Rev C
Proposed site plan 18-021/20-057 1.02 Rev D
Landscape proposals drawing reference 311 01 Rev C
Replacement Tree Proposals drawing reference 311 02 Rev F
Updated Arboricultural Impact Assessment November 2019 prepared by Ascerta
Proposed boundary treatment section drawing 18-021/20-057/ 1.06 Rev D
All received by the City Council as local planning authority on the 1st July 2021

Litter trap detail as received via email on the 30th 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) The development shall be carried out in accordance with the approved surface water drainage scheme as agreed under condition discharge reference CDN/21/0290.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of national policies within the NPPF and NPPG and local policies EN08 and EN14.

4) The Construction Management Plan submitted under condition discharge application CDN/21/0290 shall be implemented in full during the construction phase of the development.

Reason - In the interests of residential amenity, highway safety pursuant to policy DM1 of the Core Strategy.

5) The remediation of the site shall be carried out in accordance with the details submitted under condition discharge reference CDN/21/0290.

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.

6) 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.

7) No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by 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.

8) The submitted and approved tree replacement scheme shall be planted between November 2022 and March 2023. 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 tree replacement scheme for the development is carried out to that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

9) The hereby approved development shall be constructed using materials approved under condition discharge request reference CDN/21/0290.

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 policies SP1 and DM1 of the Core Strategy.

10) 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.

11) The development hereby approved shall be carried out in accordance with the submitted and approved biodiversity enhancements.

Reason - To enhance the biodiversity of the site pursuant to policy EN9 of the Core Strategy.

12) The development hereby approved shall be carried out in accordance with the approved hard and soft landscaping treatment. 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.

13) Notwithstanding the approved plans within three months of the commencement of development details of the car parking and road layout for the site including provision of the following shall be submitted to and approved in writing by the City Council as local planning authority:

- accessible car parking space;
- electric vehicle charging points;
- details relating to the allocation of car parking spaces to residents; and,
- details of the measures to protection of turning heads to avoid obstruction.

The development shall be subsequently carried out in accordance with the agreed details and the approved car parking spaces shall be provided prior to the first occupation of the development and retained thereafter for the sole use of residents.

Reason - To ensure that there is adequate car parking available for residents of the development and neighbouring residential properties and in the interests of sustainability and air quality pursuant to policy DM1 and EN16 of the Core Strategy.

14) The storage and disposal of waste shall be undertaken in accordance with the approved Waste Management Strategy and drawings submitted with the application and shall remain in situ whilst the development is in operation.

Reason - In the interests of visual and residential amenity, pursuant to Policy DM1 in the Core Strategy Development Plan Document.

15) No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the approved drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- Verification report providing photographic evidence of construction as per design drawings;
- As built construction drawings if different from design construction drawings;
- Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development pursuant to policies EN8 and EN14 of the Core Strategy.

16) The boundary treatment details as set out on drawing reference 18-021/20-057/ 1.06 Rev D together with the litter trap detail received via email on the 30th September 2021 shall be carried out in accordance with the agreed details and the boundary treatment to each residential unit shall be completed prior to their first occupation.

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 development is located in order to comply with policy DM1 of the Core Strategy.

17) The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime, pursuant to policy DM1 in the Core Strategy Development Plan Document for the City of Manchester.

18) 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).

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.

19) The kitchen/living room windows on the first and second floors of the east elevation of the building together with the kitchen/living room narrow/slot windows and bedroom windows on the first and second floors of the west elevation shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent as arranged and identified on approved drawing 'Proposed block plan and elevations 18-021/20-057 1.05 C' and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

20) The construction of the development hereby approved shall be carried out in accordance with the local labour agreement submitted under condition discharge request reference CDN/21/0290.

Within one month prior to construction work being completed, a detailed report which takes into account the information and outcomes about local labour recruitment pursuant shall be submitted for approval in writing by the City Council as Local Planning Authority.

Reason - The applicant has demonstrated a commitment to recruiting local labour pursuant to policies SP1, EC1 and DM1 of the Manchester Core Strategy (2012).

21) The development shall be undertaken in accordance with approved energy statement and a verification report confirming that the measures contained within it have been incorporated into the development shall be submitted and approved in writing by the City Council as local planning authority prior to first occupation of the development hereby approved.

Reason - In the interests of sustainability pursuant to policy DM1 and EN6 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
Corporate Property
MCC Flood Risk Management
South Neighbourhood Team
Greater Manchester Police
Greater Manchester Ecology Unit
Arrowfield Estate Residents Association

13 Brookstone Close, Manchester, M21 7UH
11 Brookstone Close, Manchester, M21 7UH
5 Brookstone Close, Manchester, M21 7UH
47 Foxbench Walk, Manchester, M21 7RE
30 Brookstone Close, Manchester, M21 7UH
24 Brookstone Close, Manchester, M21 7UH
18 Brookstone Close, Manchester, M21 7UH
12 Brookstone Close, Manchester, M21 7UH
15 Brookstone Close, Manchester, M21 7UH
9 Brookstone Close, Manchester, M21 7UH
1 Brookstone Close, Manchester, M21 7UH
49 Foxbench Walk, Manchester, M21 7RE
45 Foxbench Walk, Manchester, M21 7RE
43 Foxbench Walk, Manchester, M21 7RE
28 Brookstone Close, Manchester, M21 7UH
26 Brookstone Close, Manchester, M21 7UH
22 Brookstone Close, Manchester, M21 7UH
20 Brookstone Close, Manchester, M21 7UH
16 Brookstone Close, Manchester, M21 7UH
14 Brookstone Close, Manchester, M21 7UH
10 Brookstone Close, Manchester, M21 7UH
8 Brookstone Close, Manchester, M21 7UH
4 Brookstone Close, Manchester, M21 7UH
2 Brookstone Close, Manchester, M21 7UH
7 Brookstone Close, Manchester, M21 7UH
3 Brookstone Close, Manchester, M21 7UH
69 Claridge Road, Manchester, M21 9WQ
24 Brookstone Close, Manchester, M21 7UH

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
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH