

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129882/FO/2021

Date registered valid: 30 March 2021

Proposal: Erection of two storey four bedroom dwelling, and associated car parking and landscaping

Address: 23 Crimsworth Avenue, Manchester, M16 0EB

Ward(s): Chorlton Ward

Applicant: Mr John O Hare, The Egerton (Property) Partnership Ltd, Chorlton, Manchester

Agent (if any): Mr Simon James, Simon James Arq Ltd Flat 1, 346 Barlow Moor Road, Manchester, M21 8AY

Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 24 05 2021

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Standard consultations:

Printed: 7 April 2021 Expired: 28 April 2021

Neighbour notifications

Printed: 14 April 2021 Expired: 5 May 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

This application relates to the side garden of a two storey interwar style semi detached house. There is a single storey lean to kitchen extension and the site is adjacent to a turning head at the top of a cul de sac. There is a small copse of ornamental trees within the site and a number of trees adjacent to but outside of the site.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is located within a predominantly residential area. To the east is the gable wall of 23 Crimsworth Road. Adjoining to the north is the side garden of 37 Crimsworth Road. To the west is the Didsbury Metrolink Line which at this point is in a cutting, beyond which are some allotments. To the south are a block of three lock up garages belongs to Queens Court and three storey modern block of flats.

Description of development

Consent is sought to erect a two storey detached dwelling with additional accommodation in the roof space. The building has a similar footprint to the existing properties and adopts the same building line. The eaves and ridge heights match the adjoining properties and the front elevation reflects the vernacular of the existing properties. The west and south elevations the property appears to have a second floor with a flat roof. The west gable would be clad in timber.

The accommodation comprises an open plan living area on the ground floor, three bedrooms and a bathroom on the first floor and a master bedroom and en suite in the roof. Gardens are provided to the front and rear. Two parking spaces are proposed for the front gardens together

with a secure cycle store and a refuse enclosure. Access will be taken off the turning circle to the cul de sac. Parking will be provided for the existing property in the front garden.

Consultations & Notification Responses

Local residents

Four letters have been received. The issues raised are summarised below.

- A multi occupancy house will generate an unacceptable level of traffic.
- The development will disturb residents.
- The design of the house should reflect others in the street
- There is a family of foxes in the area.
- There is already a parking issue in the area and this will make it worse.
- The share a fence with the site and agreement should be reached before any works are done to the fencing.
- There is nowhere to park for the tradesmen during construction.

Highways

- The site is not expected to generate sufficient traffic to impact on the highway network.
- There is good access to public transport.
- No issues in respect of cycle or refuse storage.
- EV charging points should be provided.
- Applicant should contact highways regarding any off site works.

Arboriculture

- The offsite trees which are listed as category B positioned on the railway embankment are unlikely to have many roots established within the proposed footprint of the new development.
- The root protection zones submitted in the tree survey would suggest the property would cause minimal impact, however, even though they are offsite the trees will need adequate roof protection of the application is approved.

Environmental Health

- The refuse storage is acceptable-
- EV charging point is required.
- A watching brief is required for contamination
- Verification reports required for any imported soil
- An insulation scheme is required for noise from Metrolink.

TfGM

The original site edged red appeared to include land not in the applicants control.

Conditions are requested in respect of drainage, vehicle incursion protect, tree protection and earthwork stability.

United Utilities

Have commented on Surface and foul water drainage and water supplies. The comments have been forwarded to the applicant.

Policy

The relevant Core Strategy policies are SP1, H1, H6, DM1, EN1, and EN15

Policy SP1 - sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including: creating well designed places, making a positive contribution to health, safety and well-being, considering the needs of all members of the community, and protecting and enhancing the built and natural environment.

Policy H1 - seeks to ensure that new residential development contributes to creating mixed communities by providing house types to meet the needs of a diverse and growing population. The design and density of a scheme should contribute to the character of the local area and should include usable amenity space and be designed to give privacy to both residents and neighbours. The guidance also refers to the delivery of policies that will result in significant increases to the supply of housing, specifically stating that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should, subject to a range of specified criteria, seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

Policy H6 - states that South Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

Policy EN1 - relates to design principles and strategic character areas and states that development in Manchester will be expected to have regard to the strategic character area in which the development is located and opportunities for good design should be fully realised.

Policy EN 15 - Biodiversity - This policy seeks to maintain or enhance sites of biodiversity. Developers need to take into account the potential effect of proposals on biodiversity, including in the construction period.

Policy DM1 (Development Management) - seeks to ensure that new development contributes to the overall aim of the Core Strategy. The issues which should be considered are those which will ensure that detailed aspects of new development complement the Council's broad regeneration priorities in particular by contributing to neighbourhoods of choice. Issues relevant to this scheme are: siting, layout, scale, form, massing; impact on surrounding area in terms of design, scale and appearance and effects on amenity.

Issues

Principle

The proposed development is located in a residential area, it has a road frontage and does not therefore constitute backland. On that basis the principle of a residential development is considered acceptable.

Site edged red

As submitted the site included land within the site edged red that is controlled by TfGM. The applicant was made aware of this and has amended the SER.

Site Layout

The proposed development places the building in line with the adjacent property so it would not appear out of place in the street scene. The parking is provided at the front of the property as is the refuse store and cycle store. Amenity space is to the side and rear.



Scale

Viewed from the street the proposed dwelling is the same scale as the other properties and is on balance therefore considered to be acceptable.

Metrolink operates in a cutting at this point and this will have implications for the development of the site. However, they have not objected to the principle of the development and the conditions requested by TfGM will be attached to any consent.

Residential amenity

In terms of its position the proposed development will not have an overbearing impact on any of the adjacent properties. The rear elevation is approximately 27 metres from the rear face of Queens Court and therefore there are no privacy or overlooking issues in this direction. The front elevation faces the side garden of the property opposite which is about 10 metres away. On balance it is considered that there will be no substantive privacy issues with the development.

Concern has been expressed about the impact of parking however, the development meets the Council's current requirements.

Impacts during construction are temporary and controlled by the construction management plan condition to be imposed.

On balance it is considered that there will be no significant impact on residential amenity.

Trees

All the trees bar one are outside of the site and the Arborist has indicated that they should not be affected by the works although a condition is proposed regarding tree protection. The one group of trees within the site is lost to development is however, an ornamental species, which is easily replaced according to the arborist. The landscaping scheme includes tree planting

Conclusion

On balance it is considered that this is an acceptable scheme that accords with Council policy.

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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this application.

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:

155-PL-GL1 revision A received 23 April 2021

155-PL-GA1 received 30 March 2021

155-PL-GA2 received 30 March 2021

155-PL-GA3 received 30 March 2021

155-PL-EL1 received 30 March 2021

155_PL-EL2 received 30 March 2021

155-PL-EL3 received 30 March 2021

155_PL-EL4 received 30 March 2021

155-PL-OS1 revision A received 23 April 2021

Design and Access Statement received 30 March 2021

Planning Statement Dated March 2021 received 30 March 2021

Tree Survey reference LT0072.PAA.02 dated 8 September 2020 received 30 March 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 hereby approved shall be constructed using the materials specified in the design and access statement.

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.

4) No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

o 24 hour emergency contact number;

o Hours of operation;

o Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);

o Routes for construction traffic;

o Locations for loading/unloading and storage of plant, waste and construction materials;

o Method of preventing mud being carried onto the highway;

o Measures to protect vulnerable road users (cyclists and pedestrians) o Any necessary temporary traffic management measures;

- o Arrangements for turning vehicles;
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development, pursuant to Core Strategy policy DM1

5) Before the development hereby approved commences a Method Statement for working in close proximity to the trees adjacent to the site shall be submitted to and approved in writing by the City Council. The Approved scheme shall be adhered to in full.

Reason to protect the trees adjacent to the site from damage during construction, pursuant to Core Strategy policies DM1 and EN9

6) No development shall take place, until the detailed design for the drainage of the development has been submitted to and approved in writing by Manchester City Council, the Local Planning Authority.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

7) No development shall take place until the scope and specification of vehicle incursion protection to be installed along the boundary of the development which is shared with Metrolink has been submitted to, and approved in writing by Manchester City Council, the Local Planning Authority (approval to be in consultation with Transport for Greater Manchester).

Reason: To ensure the safety and security of members of the public using the adjacent Metrolink Station pursuant to Core Strategy policy DM1.

8) 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.

9) No development shall take place until a geotechnical report to confirm that the works will not adversely affect the stability of the Metrolink cutting slope has been submitted to, and approved in writing by Manchester City Council as the local planning authority (approval to be in consultation with Transport for Greater Manchester). Developer to pay for slope monitoring during works to ensure that construction works do not adversely affect the Metrolink cutting slope stability."

Reason: To protect integrity of Metrolink infrastructure pursuant to Core Strategy policy DM1

10) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from the Metrolink shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data must include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria will be required to be achieved:

Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not exceed 45 dB L_{Amax,F} by more than 15 times)

Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq

Gardens and terraces (daytime) 55 dB LAeq

Due to the proximity of the development to a Metrolink line it will be necessary for vibration criteria to apply which can be found in BS 6472: 2008 "Guide to evaluation of human exposure to vibration in buildings". Groundborne noise/re-radiated noise must/shall also be factored into the assessment and design.

b) Prior to first occupation of the residential units, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance pursuant to Core Strategy policy DM1.

11) The approved scheme for the storage and disposal of refuse 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 Core Strategy policy DM1

12) 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 policies DM1 and EN18 of the Unitary Development Plan for the City of Manchester.

13) Any soils imported for use in the gardens/landscaping areas shall be validated as suitable for use and a minimum of 600mm subsoil and topsoil shall be placed. A post completion report shall be submitted to the LPA for approval 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 policies DM1 and EN18 of the Unitary Development Plan for the City of Manchester.

14) The parking spaces shown on the approved drawings shall be provided with an Electric Vehicle charging point before the development hereby approved is first occupied.

Reason - To secure a reduction in air pollution from traffic in order to protect existing and future residents from air pollution pursuant to core Strategy policies EN16, SP1 and DM1

15) 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.

16) No part of the development shall be occupied until the cycle storage provision shown on the approved drawings have been provided. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

17) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref 155-PL-GL1 revision A received on 23 April 2021, shall be implemented not later than 12 months from the date of commencement of works. 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.

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 garages or extensions shall be erected other than those expressly authorised by this permission.

Reason - In order to allow the City Council as Local Planning Authority to assess the impact of any extensions pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC1.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
Transport For Greater Manchester

23 Crimsworth Avenue, Manchester, M16 0EB
Flat 3, Queens Court, Manchester Road, Chorlton, Manchester, M16 0EA
149 Manchester Road, Chorlton, Manchester, M16 0FE
Flat 8, Queens Court, Manchester Road, Chorlton, Manchester, M16 0EA
Flat 6, Queens Court, Manchester Road, Chorlton, Manchester, M16 0EA
Flat 12, Queens Court, Manchester Road, Chorlton, Manchester, M16 0EA
Flat 10, Queens Court, Manchester Road, Chorlton, Manchester, M16 0EA
19 Crimsworth Avenue, Manchester, M16 0EB
13 Crimsworth Avenue, Manchester, M16 0EB
151 Manchester Road, Chorlton, Manchester, M16 0FE
Flat 4, Queens Court, Manchester Road, Chorlton, Manchester, M16 0EA
Flat 9, Queens Court, Manchester Road, Chorlton, Manchester, M16 0EA
Flat 7, Queens Court, Manchester Road, Chorlton, Manchester, M16 0EA
Flat 5, Queens Court, Manchester Road, Chorlton, Manchester, M16 0EA
Flat 2, Queens Court, Manchester Road, Chorlton, Manchester, M16 0EA
Flat 11, Queens Court, Manchester Road, Chorlton, Manchester, M16 0EA
Flat 1, Queens Court, Manchester Road, Chorlton, Manchester, M16 0EA
27 Crimsworth Avenue, Manchester, M16 0EB
25 Crimsworth Avenue, Manchester, M16 0EB
21 Crimsworth Avenue, Manchester, M16 0EB
17 Crimsworth Avenue, Manchester, M16 0EB
15 Crimsworth Avenue, Manchester, M16 0EB

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH