

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129142/FO/2021

Date registered valid: 25 January 2021

Proposal: Erection of a two storey dwellinghouse (Use Class C3a) together with associated boundary treatment following demolition of existing garage

Address: 227 Moston Lane East, Manchester, M40 3HY

Ward(s): Moston Ward

Applicant: Mr Josh Heavens 227 Moston Lane East, Manchester, M40 3HY

Agent (if any): Mr Gregory Oldham Spence & Oldham Architects Ltd 25 Cosgrove Crescent, M35 0JX

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 15 March 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 16 February 2021 Expired: 9 March 2021

Neighbour notifications

Printed: 26 January 2021 Expired: 16 February 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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

The application site relates to land to the side of an existing dwellinghouse no. 227 Moston lane East, within the residential curtilage is located to the which is located at the end of an existing terraced row. There is an existing single detached garage and driveway within the existing garden to the side which is to be demolished to make way for the proposed development. To the rear there is a small garden / yard with artificial grass and paving flags which extend to the front of the property and driveway. The existing boundary treatments to the rear and side consist of timber panel and concrete post fences, 1.9m high dropping to 1.1m height 6m back from the public highway. The front boundary treatment is a low level red brick wall with cast iron railings and gates for pedestrian and vehicular access to the property.

Description of Development

The submitted application seeks planning permission for the erection of a two storey dwellinghouse (Use Class C3a) together with associated boundary treatment following demolition of existing garage.

Relevant Planning History

- 086800/FO/2008/N1 - Land Adjacent To 229 Moston Lane East - Erection of a two storey end terraced house, with additional accommodation in the roof space, with car parking to the rear - APPROVED 25 September 2008

Consultations & Notification Responses

Local residents were notified and a total of 4 representations were received. Comments raised can be summarised as follow:

-Request a planning condition included on the permission which maintains unobstructed vehicular access down the route between properties 227 and 229 Moston Lane East. There is currently a white H-bar road marking in front of the access road and the driveway to 227 Moston Lane East

-The white H-bar road markings will need to be altered to allow parking on street to allow for this and we have no objections to this. However, request to see the white H-bar remain across the entrance to the vehicular access route between properties 227 and 229 Moston Lane East

- Concerns raised with regards to other applications which are currently under consideration which would cause issues with parking for the whole street if approved in terms of on street parking if approved.

- Appeal of a refused planning application across the road within Oldham council a for change of usage (care facility) that if allowed would increase demand for car parking.

- Safety risk to residents going their car on a different road and risk of damage to vehicles.

- The development would lead to an increase in vehicular trips and traffic in the general area

- Concerns the property would lead to overdevelopment of the site leading to excess strain of the infrastructure of the street.

-Increased risk of flooding with an additional property added to the existing drainage system

Comments on representations received:

Highways were consulted with regards to the existing H bar marking and advised that these are advisory and can't be enforced. Highways have advised that this can be dealt with along with the dropped kerb reinstatement is undertaken via S184 agreement.

With regards to other planning applications and appeals that are under consideration in the area, as these have not been approved or implemented the proposal will be assessed on its own merits with and on the basis of existing property and surrounding area.

With regards to the issues raised concerning parking, traffic impacts and drainage these are dealt with within the issues section of this report.

Environmental Health - recommendation of a contaminated land pre-commencemnt condition and a condition requiring the waste strategy to be implemented in accordance with the submitted information.

Highways Comments

Car parking/Access

Access is from Moston Lane East, any boundary treatment adjacent to the access between 227-229 should be visually permeable from 600mm upwards.

No on-site car parking is proposed and the development will remove the existing garage and driveway, therefore vehicles associated with the existing dwelling and new dwelling will add to existing on street car parking demand.

Other

- The addition of 1 dwelling is not expected to generate trips that impact highway safety or operation.
- A cycle shed is proposed in the back garden - this is welcomed.
- Bins are stored at the property, within the front curtilage. It is expected that residents will bring the bins to the highway on collection days. This arrangement is considered appropriate.
- Should the planning application be approved, the applicant will be required to enter into a Section 184 agreement to reinstate the existing dropped kerb to footway. This will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Flood Risk Management Team

Condition 1:

Development shall not begin until a surface water drainage layout for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details.

This shall include:

- o Surface water drainage layout showing components, connectivity and levels.
- o CCTV and condition surveys of existing drainage to understand connectivity and condition.
- o Consideration of infiltration (e.g. soakaway) or attenuation components if practicable.
- o Consideration of installing green SuDS components e.g. rain gardens or rainwater harvesting systems.
- o Where connection to the public sewer is proposed, evidence of acceptance of flows/connection from United Utilities is required (email evidence will suffice).

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.

Condition 2:

Where resurfacing of a front garden is proposed, any resurfacing area >5m² must be designed and constructed using permeable materials (e.g. permeable paving or permeable asphalt).

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

United Utilities - Recommendation of a drainage condition as well as information for the applicant with regards to United Utilities assets and infrastructure which were forwarded to the applicant for information.

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Policies DM1, SP1, H1, H3, T2, EN4, EN14, EN14, EN16-19 of the Core Strategy;
- Saved policy DC26 of the UDP;
- Guide to Development in Manchester (SPD);
- Residential Quality Guidance;
- Greater Manchester Spatial Framework;

- National Planning Policy Framework (NPPF) - Relevant to this application are Sections 12 'Achieving Well Designed Places'

Issues

Principle of Development

Having regard to the existing planning policy framework, City Council policy and national planning guidance, the principle of the development is considered acceptable.

Policy H1 outlines the strategic approach to housing growth in the City. Approximately 60,000 new homes need to be provided in the City between 2009 and 2027. This growth is expected to be accommodated principally within the North, East, City Centre and central areas of Manchester which fall within the Regional Centre and inner areas of Manchester. This is as a direct response to Manchester's growing economy and population growth the later which is expected to rise significantly over the next 20 years.

New developments in the City will therefore be expected to contribute towards this growth strategy ensuring that development takes place within the right areas to meet demands along with creating high quality places and neighbourhoods of choice.

Policy H4 states further that North Manchester will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained. The policy also makes reference to the Housing Need and Demand Assessment 2010 which shows there is a need for 3-4 bed family homes.

Furthermore, policies SP1 and H1 which seek to encourage development on previously developed, whilst the NPPF advocates a presumption of sustainable development particularly where existing resources can be utilised and shared.

In this case, the proposal would add one unit to the housing mix in the locality. The site is also appropriately situated within a sustainable location. On this basis, the principle of the proposed development is considered acceptable.

Design, Scale and Appearance

The proposed dwellinghouse is designed to provide a principal frontage to Moston Lane East, the dwelling will match the existing terraced row which it adjoins to in terms of scale and mass. The two storey section will match the depth of the existing houses on the row, minus the various out riggers to the rear of these properties which vary in size and shape. The eaves height and ridge height of the roof will match the existing terraced row also.

The external appearance of the proposed dwelling is to closely match the terraced houses which it will adjoin in terms of material used, layouts and sizes of external doors and windows, and the size of the proposed bay window to the front elevation. The proposed dwelling is to be 5.8 metres wide, retaining a minimum 900mm clearance to the side boundary.

To the rear the property will use similar materials to the front with white uPVC framed windows, red brick external walls and grey slate effect roof tiles.

Boundary treatments are to match the existing with concrete post and timber panel fences, 1.9m high to match and 1.1m high to the front garden boundaries, with a new low brick wall to the front matching the existing

The layout makes efficient use of the land available, to provide a centrally positioned dwellinghouse which incorporates front and rear garden areas and which respects the amenity of neighbouring occupiers, whilst providing a strong frontage to the road.

It is considered that the layout reflects the pattern of development in the area and the development will assimilate effectively into its immediate context.

In terms of appearance, the applicant has adopted a simple, relatively traditional approach incorporating two storey, pitched roofs to mirror the scale and roof line of neighbouring properties. It is therefore believed that the proposed houses can be satisfactorily accommodated, without being over-dominant or at odds with the streetscape.

The proposed use of materials utilises a simple palette, including brick work, UPVC window frames and interlocking concrete tiles. The proposal incorporates a bay window at the front as well as masonry headers and cills to all proposed windows in the front elevation. The exact specification will be controlled by way of planning condition to ensure the materials reflect the colour and texture of neighbouring properties.

Residential Space Standards

The proposed development would deliver a single two storey, three bedroom unit with an internal floor area of 140 sqm. The proposed floor plans show a 4 bed 7 person house, the Residential Space Standards for Manchester state a minimum of 115sqm for 2 storey dwellings of this many bedrooms. The proposed dwelling would comply with the space standards and, it is considered that the development secures a satisfactory configuration of accommodation whilst responding to the site boundaries and the prevailing character of neighbouring residential development.

Within this urban context it is considered that a satisfactory quality accommodation has been achieved, the proposal also provides external amenity space to the front and rear

Residential Amenity

In this instance, the proposed development will introduce a residential use into the context of an established residential area.

Whilst it is acknowledged that there will be a marginal increase in activity at the site due to an the likely number of proposed occupiers and as the site is currently used in conjunction with the existing dwelling at 227 Moston Lane, the relatively limited amount of prospective occupiers, is unlikely to significantly undermine the amenity of existing residents in terms of coming and goings, noise and disturbance.

In terms of any impact as a result of the physical presence of the proposed houses, including any potential over-dominance, overshadowing or overlooking, it is believed that given the interface distances, relationship with neighbouring properties and proposed window positioning, there is unlikely to be any significant, adverse impact upon living conditions.

The dwelling incorporates single storey lean-to this, the rear projection of this would not come forward of the existing outrigger at no. 227 and impacts the least on the neighbour at 229 with the lower shadows it casts.

A Class C3 use restriction will also prevent any potential over-intensification of use, by preventing the properties from being occupied as HMOs.

Highways Impacts

It is noted there are no kerbside restrictions in the vicinity of the site.

The site is suitably accessible by public transport, Moston Train Station is 300 metres away and there are bus services operating along Moston Lane East.

Highways note moderate/high level of on street car parking was observed on Moston Lane East. There is a driveway between 227-229 Moston Lane East leading to properties to the rear.

No on-site car parking is proposed and the development will remove the existing garage and driveway, therefore vehicles associated with the existing dwelling and new dwelling will add to existing on street car parking demand.

- The addition of 1 dwelling is not expected to generate trips that impact highway safety or operation.
- A cycle shed is proposed in the back garden - this is welcomed.
- Bins are stored at the property, within the front curtilage. It is expected that residents will bring the bins to the highway on collection days. This arrangement is considered appropriate.
- Should the planning application be approved, the applicant will be required to enter into a Section 184 agreement to reinstate the existing dropped kerb to footway. This will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Car Parking

No off street car parking has been provided as part of the development and the development will removed 1 off street car parking space. Whilst this is not ideal, given that the development is for 1 family dwelling, it is not considered that the proposal would give rise to a significant increase in competition for on-street car parking spaces within the immediate area to the detriment of residential amenity.

Cycle Storage

The development includes a secure rear amenity space, where a cycle storage unit can be provided. A condition has been included to ensure that the cycle storage space is in situ prior to first occupation

Waste Management

The proposed waste provisions and storage are acceptable to both highways and Environmental Health, a condition will be added to ensure the development is carried out with the approved waste strategy.

Affordable Housing

Due to the low number of units proposed there is no requirement to provide any units on an affordable basis, pursuant to policy H8 of the Core Strategy.

Drainage

A pre commencement condition has been included to ensure that a surface water drainage is submitted and approved in writing by the City Council prior to above ground works commencing.

Sustainability and Climate Change

As the proposal would result in a single residential unit within the context of a principally residential environment, the impact upon Climate Change is considered negligible.

The site is located near to a busy, main arterial route and transport corridor, and is therefore unlikely that there would be any significant or harmful contribution to air quality or climate change as a consequence of vehicular movements or ongoing activity. It is not possible to include electric car charging points due to lack of off street parking however, the inclusion of secure bike storage within the rear garden encourages the use of an environmentally sustainable mode of transport.

A condition will be added to ensure an Environmental Standards Statement is submitted to demonstrate measures to be incorporated into the development to achieve energy efficiency and in order to minimise the environmental impact of the development.

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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning 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:

- Location Plan received by the City Council as Local Planning Authority on 19 January 2021.
- Proposed Plans and Elevations drawing no. 01 003 received by the City Council as Local Planning Authority on 19 January 2021.
- Existing Plans and Elevations drawing no. 02 002 received by the City Council as Local Planning Authority on 19 January 2021.
- Design and Access statement received by the City Council as Local Planning Authority on 19 January 2021.
- Waste management proforma received by the City Council as Local Planning Authority on 19 January 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) No above ground development works above ground shall take place unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials. The development shall only be implemented in accordance with the agreed details.

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, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

4) The development shall be carried out in accordance with the Waste Management Strategy received by the City Council as Local Planning Authority on 19 January and indicated on the Proposed Plans and Elevations drawing no. 01 003 received by the City Council as Local Planning Authority on 19 January 2021. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation. No bins shall be stored outside the curtilage of each property, other than on the day of collection.

Reason - In the interests of amenity and public health, pursuant to policies DM1 and SP1 of Manchester's Core Strategy.

5) Prior to the commencement of development, a surface water drainage layout for the site, based on sustainable drainage principles, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall be constructed and completed in accordance with the approved details.

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.

6) a) Prior to the commencement of development, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to

and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

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

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

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

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development in each phase is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to EN18 of the Manchester Core Strategy.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwellinghouse hereby approved shall not be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

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

8) The dwellinghouse hereby approved shall not be occupied until the space and facilities for bicycle parking have been provided in accordance with details shown on the Proposed Plans and Elevations drawing no. 01 003 received by the City Council as Local Planning Authority on 19 January 2021. The approved space shall thereafter 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

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any legislation amending or replacing the same, no windows or doors shall be inserted within the exterior of the dwellinghouse, or any other boundary treatment to the road frontages, other than expressly authorised by the granting of this planning permission.

Reason - In the interests of residential amenity, since any additions to the approved dwelling may adversely impact upon visual amenity or the amenity of neighbouring occupiers, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

10) Notwithstanding details submitted, prior to above ground development commencing, an Environmental Standards Statement shall be submitted to, and approved in writing by, the City Council, as Local Planning Authority. The statement shall demonstrate measures to be incorporated into the development to achieve energy efficiency and approved measures shall be implemented in the construction of the approved development.

Reason - In order to minimise the environmental impact of the development, pursuant to policies DM1, EN6 and SP1 of the Manchester Core Strategy and National Planning Policy Framework.

11) Notwithstanding details submitted, the dwellinghouses hereby approved shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of all boundary treatment to be erected. The boundary treatment shall be completed prior to first occupation of the dwellinghouses hereby approved. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

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

Informatives

1) The surface water drainage layout shall include:

- Surface water drainage layout showing components, connectivity and levels.
- CCTV and condition surveys of existing drainage to understand connectivity and condition.
- Consideration of infiltration (e.g. soakaway) or attenuation components if practicable.
- Consideration of installing green SuDS components e.g. rain gardens or rainwater harvesting systems.
- Where connection to the public sewer is proposed, evidence of acceptance of flows/connection from United Utilities is required (email evidence will suffice).

2) The applicant will be required to enter into a Section 184 agreement to reinstate the existing dropped kerb to footway and amendment to white H bar markings. This will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

3) Where resurfacing of a front garden is proposed, any resurfacing area >5m² must be designed and constructed using permeable materials (e.g. permeable paving or permeable asphalt).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
United Utilities Water PLC
Oldham Metropolitan Borough Council

229 Moston Lane East, Manchester, M40 3HY
225 Moston Lane East, Manchester, M40 3HY
300 Moston Lane East, Manchester, M40 3HZ
298 Moston Lane East, Manchester, M40 3HZ
10 Chelston Avenue, Manchester, M40 3LD
9 Chelston Avenue, Manchester, M40 3LD

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH1