List No. 2

Cheetham Ward	Application Number	Date of Appln	Committee Date
	084648/FO/2007/N1	4th Feb 2008	29th May 2008

Proposal Erection of a three storey end terraced dwelling house with associated landscaping

Location 303 Cheetham Hill Road, Cheetham, Manchester, M8 0SN

Applicant Ahmed Al-Khafaji, 117 Bury Old Road, Whitefield , Manchester, M45 7AY

Agent B Boucher 5 Alford Avenue, Withington, Manchester, M20 1AQ

Description

The Site - This application relates to a plot of land at 303 Cheetham Hill Road that used to be occupied by an end terraced dwelling. The site has been vacant for a number of years but has a good appearance as it has been tarmaced over and bollards have been erected to demarcate the site from the adjacent public footpath and alleyways to the side and rear. The area surrounding the application site is residential in nature, although the Fort Retail Park is nearby, south of the site along Cheetham Hill Road.

The Proposal - Planning permission is sought for the replacement of the end terraced dwelling at 303 Cheetham Hill Road. The dwelling would match the existing terraced dwellings along this part of the street in terms of its architectural design/style and would be built in materials to match. The front and back doors would have ramps up to them so that the house would be fully accessible at all entrances/exits. The house would be 2 storeys high, although a 3rd level of accommodation would exist in the roof space and would be given natural light through dormer windows and roof lights to the front and rear. The proposed dormer windows are consistent with existing adjacent dwellings that also have dormer windows within the roof to the front and rear. The proposed house would have an single storey outrigger at the rear (as is characteristic of all other houses in the terrace) and this would project 3.65m from the rear of the main part of the house.

Consultations

Neighbours - Occupiers of properties surrounding the application site were notified of the proposal. 4 letters of representation have been received on behalf of the occupier of the adjoining property. The main issues raised relate to:

- Disruption to the foundations of the adjoining house at No. 305 Cheetham Hill Road
- Noise and disruption to neighbours during building work
- The effect of the development on the flow of traffic
- Concerns about why the house was not reinstated when the houses in the area were being renovated
- The proposed house has an outrigger at the back that will cause reduction of light and privacy to neighbours

- Concerns about what would happen to the reinforced gable wall on No. 305 if the development went ahead and if the new house would tie into this
- If the new house does not tie in to No. 305, there are concerns about how gable repairs would be carried out to both properties
- The proposed house would have 6 bedrooms whereas all other houses in the terraced row have 4 bedrooms only. There are therefore concerns about overcrowding and the effect of the new house on the drainage network
- As the proposal involves the installation of ramped access, there are concerns that some of the occupants would have mobility problems and therefore parking outside the property would be an issue (as there are traffic restrictions along this stretch of Cheetham Hill Road).
- Concerns that the utility services in No. 305 would be interrupted during building work
- Fears that the building work would mean closing off the alleyway to the side and rear of the site.

Ward Members - Councillor Pagel has raised concerns verbally that this application will lead to the creation of alleyways to the side and rear of the new property that will not be gated, as they did not form part of the previously approved alley gating scheme.

Contaminated Land Section - Stated that a condition relating to the submission of a contaminated land study and any necessary remediation measures should be applied to any approval granted

North Manchester Regeneration Team - No objections but believe that 6 bedrooms on the site is excessive, especially as the 2 single bedrooms are small

Engineering Services - No objections

Issues

The Unitary Development Plan for Manchester - The development is consistent with policies in the UDP regarding Housing, Environmental Improvement and Protection and New Housing Development, namely policies H2.2, E3.3 and DC7.1, in that the development would not have an adverse impact on the residential area in which it would be located, it would improve the appearance of one of the City's gateway routes (as it would remove a vacant site), and it would be fully accessible at ground level.

Visual amenity - The proposed dwelling is considered to be acceptable in visual amenity terms as it would be built in materials to match the existing houses in this part of Cheetham Hill Road and would be of the same style/architectural character. For these reasons, it is considered that the proposed dwelling would not adversely affect the appearance of adjacent houses or views of the existing terrace within the streetscene. Boundary treatment for the site is proposed, however this has been conditioned so that we can ensure that it matched the existing boundary treatments for adjacent houses.

Residential amenity - As the site at No. 303 is currently cleared, it is inevitable that a new building would have some impact on light and privacy in the area,

however it is the case that the building being proposed for the site would simply be a reinstatement of the house that used to exist on the site. Although the outrigger at the rear would be slightly longer than the outriggers on other houses in the terrace, it is narrower in width so would not come as close to the boundary with No. 305 as the previous outrigger on the demolished house may have done. In addition, as the outrigger would only be single storey, it is not considered that it would have any undue impact in terms of loss of light or privacy to the occupiers of adjacent dwellings. The yard area/outdoor amenity space proposed is small, but this is characteristic of the dwellings on this part of Cheetham Hill Road. Although 2 of the bedrooms proposed are small, it is considered that as 4 large double bedrooms are proposed, the 2 smaller bedrooms are acceptable. For these reasons, the new dwellinghouse is considered to be acceptable in terms of its impact on residential amenity.

Car parking - No off-road car parking is proposed as part of the works as this is not possible due to the small size of the front and rear gardens, however this is consistent with all other terraces within this part of Cheetham Hill Road.

Security - The development would create stretches of alleyway at the side and rear of the application site that are not covered by a previously approved alleygating scheme (approved under application 085295). Private Sector Housing can be notified of this so that they can prepare and submit a new alleygating scheme if necessary.

Neighbour objections - The concerns raised as part of the consultation process have been taken into account during consideration of the application. Some of the issues raised have been addressed above, such as those relating to the outrigger, car parking and the number of bedrooms. With regard to concerns about noise and disruption during construction works, this is normally controlled by Environmental Heath. With regard to the issue of the foundations and gable wall of the adjoining property being affected, this would be dealt with by Building Control and the developer would need to adhere to the Party Wall Act. On balance it is considered that the concerns raised are not sufficient to withhold the granting of planning permission as they have either been addressed through consideration of the planning application or are controlled by other (i.e. non-Planning) legislation.

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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning 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. He believes that any restriction on these rights posed by the of the application 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

Approve in the light of policy DP3 of the Regional Spatial Strategy and policies H2.2, E3.3 and DC7.1 of the Unitary Development Plan on the basis that the development would not have an adverse impact on the residential area in which it would be located, it would improve the appearance of one of the City's gateway routes (as it would remove a vacant site), and it would be fully accessible at ground level.

Conditions and/or Reasons

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 unless otherwise agreed in writing by the City Council as Local Planning Authority:

Drawings 01 Rev A, 02 Rev C, 03 Rev D and 04 Rev A, with the exception of the style of boundary treatment shown.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 of the Manchester Unitary Development Plan.

3) The residential accommodation shall include acoustic glazing and acoustically treated ventilation in accordance with an acoustic attenuation scheme to be submitted to and approved in writing by the City Council as local planning authority before the development commences. The acoustic attenuation scheme hereby approved shall be implemented in full before use of the residential premises first commences.

The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data must include measurements taken during early morning rush-hour periods and night time to determine the appropriate sound insulation measures necessary. The internal noise criterion are as follows:

- Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq
- Individual noise events should not normally exceed 45 dB LAmax (BS 8233:1999).
- Living Rooms (daytime - 07.00 - 23.00) 40 dB LAeq

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to UDP policy H2.2

4) No development that is hereby approved shall commence 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 unless otherwise agreed in writing by the City Council as local planning authority.

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 policy H2.2 of the Unitary Development Plan for the City of Manchester.

5) The wheels of contractors vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site.

Reason - In the interest of pedestrian and highway safety, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

6) No development shall take place 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 boundary treatment to be erected. The boundary treatment shall be completed before the development is first occupied. 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 in order to comply with Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

7) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment the Desk Study) 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).

The Desk Study shall be prepared by a suitably qualified person whose competence to carry out the Desk Study has been approved in writing by the City Council as local planning authority (an "Expert").

In the event of the Preliminary Risk Assessment Desk Study 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 Scheme) 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 Scheme shall be carried out, by an Expert before development commences and the Expert shall prepare a report prepared outlining what

measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy Site Investigation Report.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, an Expert has prepared a report outlining what measures, if any, are required to remediate the land (the Revised Remediation StrategySite Investigation Report) which shall be 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 StrategySite Investigation Report, which shall take precedence over any Remediation Strategy Site Investigation Report or earlier Revised Remediation Strategy Investigation Report.

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 H2.2 of the Unitary Development Plan for the City of Manchester.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 084648/FO/2007/N1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Engineering Services
Contaminated Land Section
North Manchester Regeneration Team
Contaminated Land Section
North Manchester Regeneration Team
Engineering Services
14 Lytton Avenue, Manchester, M8 0SQ
16 Lytton Avenue, Manchester, M8 0SQ
18 Lytton Avenue, Manchester, M8 0SQ
20 Lytton Avenue, Manchester, M8 0SQ
22 Lytton Avenue, Manchester, M8 0SQ
24 Lytton Avenue, Manchester, M8 0SQ
26 Lytton Avenue, Manchester, M8 0SQ
28 Lytton Avenue, Manchester, M8 0SQ
295 Cheetham Hill Road, Manchester, M8 0SN
Flat 1, 297 Cheetham Hill Road, Manchester, M8 0SN
299 Cheetham Hill Road, Manchester, M8 0SN

List No. 2

301 Cheetham Hill Road, Manchester, M8 0SN
305 Cheetham Hill Road, Manchester, M8 0SN
307 Cheetham Hill Road, Manchester, M8 0SN
309 Cheetham Hill Road, Manchester, M8 0SN
311 Cheetham Hill Road, Manchester, M8 0SN
Flat 2, 297 Cheetham Hill Road, Manchester, M8 0SN
Flat 3, 297 Cheetham Hill Road, Manchester, M8 0SN
244 Cheetham Hill Road, Manchester, M8 8AU
246 Cheetham Hill Road, Manchester, M8 8UG
248 Cheetham Hill Road, Manchester, M8 8UG
250 Cheetham Hill Road, Manchester, M8 8UG
252 Cheetham Hill Road, Manchester, M8 8UG

Representations were received from the following third parties:

Contaminated Land Section
North Manchester Regeneration Team
Engineering Services
Mrs Maureen Wilson, 41 Alvanley View, Elton, Chester
Mrs. A. B. Catling, 23 Goyt Crescent, Lower Brinnington, Stockport

Relevant Contact Officer : Carolyn Parry
Telephone number : 0161 234 4022
Email : c.parry@manchester.gov.uk