

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 140763/JO/2024

**Date registered valid:** 13 August 2024

**Proposal:** Variation of Condition 2 (Specified Plans) and 16 (boundary treatments) attached to planning permission 138023/JO/2023 to allow the garden to Plots 7-8 to be split to allow for the residents to have their own amenity space

**Address:** Vacant Land Off Ennerdale Avenue, Manchester, M21 7NR

**Ward(s):** Chorlton Park Ward

**Applicant:** Mr Ryan Shenton Southway Housing Trust

**Agent (if any):** Mr Harvinder Randhawa Triangle Architects

**Case officer:** Jake Walther  
Tel: 0161 234 1632  
Email: [jake.walther@manchester.gov.uk](mailto:jake.walther@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 07/10/2024

## Application details

**Type of application:** Variation or Removal of Condition

**Development type:** Minor Dwellings

### Standard consultations:

No consultations have been printed and sent.

### Neighbour notifications

Printed: 27 August 2024    Expired: 17 September 2024

### Site notice

No site notice has been produced

### Press advert

No press advert had been published

**Departure from Development Plan:** No

**Environmental Statement:** Not required

### Description of site/building

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

### Description of area

The application site relates to a former undeveloped piece of land that sits between the rear garden areas of properties on Ennerdale, Elswick and Darley Avenues as identified on the aerial view set out below. The land previously contained vegetation and trees and is enclosed by the associated boundary fences/railings of the surrounding residential properties.

The land appears to have remained undeveloped since the development of the Merseybank estate in the first half of the 20th Century and the completion of the semi-detached properties along the northern extent of the site along Darley Avenue shortly afterwards which then enclosed the land.

Planning approval was granted on the 19th of November 2020 for the redevelopment of the land and adjacent buildings for the erection of 8 no. dwellings with associated vehicular access, parking and landscaping following demolition of 2 no. existing houses. Works have commenced on site to implement this planning permission.

### Description of development

Following the granting of planning permission the applicant has sought to amend the boundary treatments of plots 7 and 8 to allow separate amenity space for each dwelling, rather than the shared space approved in the original planning application



## Consultations & Notification Responses

Nearby properties were notified of the proposals, no comments or objections were received in response.

## Policy

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
- Policy H6 - Housing in South Manchester
- Policy T1 - Sustainable transport
- Policy T2 - Accessible areas of opportunity and need
- Policy EN1 - Design Principles and Strategic Character Areas
- Policy EN 4 - Reducing CO2 Emissions by Enabling Low and Zero Carbon Development
- Policy EN6 - Target Framework for CO2 reductions from low or zero carbon energy supplies
- Policy EN9 - Green infrastructure
- Policy EN14 - Flood Risk
- Policy EN15 - Biodiversity and Geological Conservation
- Policy EN16 - Air Quality
- Policy EN18 - Contaminated Land
- Policy DM1 - Development Management

The Unitary Development Plan for the City of Manchester (1995) – A number of UDP policies have been saved, those relevant to the current application are:

- DC6 - 'Backland sites'
- DC26 - 'Noise'

NPPF December 2023 - 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.

Relevant sections are:

- 5 - Delivering a sufficient supply of homes.
- 8 - promoting healthy and safe communities.
- 11 - Making Effective use of land.
- 12 - Achieving well designed places.

## **Issues**

### **Principle**

The principle of the redevelopment of the site for residential purposes has been established through the granting of the original planning permission. In this instance the proposal seeks to amend the boundary treatment of plots 7 and 8 to split the previously shared outdoor amenity space into two allowing for both dwellings to have access to a private garden. As such, consideration of these matters is required and in particular the impacts on residential amenity and visual amenity of the area.

### **Residential Amenity**

The proposal would split the garden of plots 7-8 to allow the residents to have their own amenity space, whilst lowering the extent of the shared amenity space which will reduce the service charges to the residents of both plots. The boundary treatment would consist of concrete posts with panel fencing with a height of 2100mm including a 300mm trellis, as it would go through the middle of the plot, and as it is the same fencing type/height as the approved boundary treatment fence, it is not anticipated the placement of a fence here would have give rise to impacts on the residential amenity of the surrounding properties.

### **Visual Amenity**

The proposed boundary treatment would be of the same material and height as the existing boundary treatment around the curtilage of the site, and the curtilage of plots A, B and K. In addition to splitting the plot in two, additional boundary treatment is proposed at the front of plots 7 & 8 to separate the shrubbery and trees from the parking area, this would be 900mm black railings as is used on the frontage of all of the plots in the proposal, as such it would not have a detrimental impact to the visual amenity of the development.

## **Other Legislative Requirements**

### **Equality Act 2010**

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

### **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 considered in a positive and proactive manner as required by The Town and Country Planning (Development Management Procedure) (England) Order 2015 and any problems and/or issues arising in relation to dealing with the application have been communicated to the applicant.

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

- 1) The development must be begun not later than 6 months of 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:

Proposed site plan reference 3.02 Rev L As received by the City Council on 13<sup>th</sup> August 2024.

Preliminary Risk Assessment (Desk Study) prepared by Worms Eye reference Ennderdale Avenue/M21 7NR/2019

Arboricultural Impact Assessment November 2019 prepared by Ascerta

Bat Nocturnal Surveys September 2020 prepared by Ascerta

Preliminary Ecological Appraisal September 2020 prepared by Ascerta

Waste Management Strategy reference PP-07952618

Transport Note prepared by Mode reference J324416

Details and documents of external materials as agreed under condition discharge reference CDN/21/0180

Details and documents agreed under condition discharge reference CDN/21/0327

Details and documents agreed under condition discharge reference CDN/21/0416

Block Plan and Elevations reference 3.09 Rev D

Proposed roof plan reference 3.03 Rev J

All as received by the City Council on the 7th September 2023

GA Plan Housetype B reference 3.06 Rev D

GA Plan Housetype J reference 3.08 Rev D

GA Plan Housetype A reference 3.04 Rev H

GA Plans Housetype K reference 3.11 Rev E

All as received by the City Council on the 25th October 2023

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 previously agreed local labour recruitment approved under condition discharge CDN/24/0778.

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

4) The development shall be carried out in accordance with the agreed surface water drainage scheme approved under condition discharge reference CDN/21/0327.

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.

5) The development shall be implemented in accordance with the agreed Construction Management Plan approved under condition discharge reference CDN/21/0327.

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

6) The development shall be carried out in accordance with the Arboricultural Method Statement agreed under condition discharge reference CDN/21/0327.

Reason - In order avoid damage to trees/shrubs to be retained on 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) 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.

8) 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

9) The scheme for replacement trees as agreed under condition discharge reference CDN/21/0327 shall be implemented within 12 months of the first occupation of the development and shall be maintained and managed in accordance with the agreed details. 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.

10) The development shall be carried out in accordance with the details and materials approved under condition discharge reference CDN/21/0180.

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

11) The development shall be carried out in accordance with the previously agreed Remediation Strategy and Verification Report as agreed under condition reference CDN/24/0778.

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.

12) The development shall be undertaken in accordance with the biodiversity enhancement measures agreed under condition discharge reference CDN/21/0327.

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

13) The hard and soft landscaping treatment scheme agreed under condition discharge reference CDN/21/0327 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

14) The development shall be carried out in accordance with the agreed highway works as agreed under condition reference CDN/21/0416.

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.

15) The development shall be carried out in accordance with the agreed waste management strategy as agreed under condition reference CDN/24/0778

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

16) The boundary treatment details as set out on drawing reference 18-021/3.07 Rev B and 18-021/ 3.02 Rev L 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 shall be carried out in accordance with the details approved under condition discharge reference CDN/24/0778.

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

18) Before first occupation the windows as identified on the approved drawings shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent 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.

19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification) none of the dwellinghouses shall 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 2010, 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.

20) Notwithstanding the General Permitted Development Order 2015 as amended by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 or any legislation amending or replacing the same, no further development in the form of upward extensions to the building shall be undertaken other than that expressly authorised by the granting of planning permission.

Reason - In the interests of protecting residential amenity and visual amenity of the area in which the development is located pursuant to policies DM1 and SP1 of the Manchester Core Strategy

Susceptible to Surf Water Flood (Less) -

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