

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130987/FO/2021

Date registered valid: 7 July 2021

Proposal: Revised application for the erection of 7 two storey dwellings with dormers and associated car parking and landscaping.

Address: 492-494 Claremont Road, Manchester, M14 5WA

Ward(s): Moss Side Ward

Applicant: Xenon 303 Limited

Agent (if any): Mr Saghir Hussain, Create It Studio Architects

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: APPROVE

Date of recommendation: 27.09.2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 20.10.2022

Standard consultations:

Printed: 19 July 2021 Expired: 9 August 2021

Neighbour notifications

Printed: 19 July 2021 Expired: 9 August 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is located in a predominantly residential area close to Rusholme district centre. Facing the site across Claremont Road is a terrace of two storey houses. Adjoining the site to the east are more modern two storey former local authority houses. The end property has a larger homes extension constructed on the rear projecting 6 metres. To the east at the southern end of the site is an area of former incidental open space now developed to provide two pairs of semi-detached residential properties. To the south of the site is Stenbury Close across which is the side elevation of a two storey terrace of houses on Victory Street and the front elevation of a two storey dwelling fronting Stenbury Close.

To the west of the site across Victory Street is a recreation ground.

Description of development

The application proposals seek permission to erect seven two storey houses comprising three pairs of semi detached house and one detached house. The properties would be two storey with a dormer at the rear forming a second floor. The properties would be in a traditional style, constructed of brick with tile roofs. Principle windows would be in the front and rear elevations and small bathroom windows in the side elevations of the semi detached properties at first and second floor levels. The detached house which sits at the junction of Claremont Road and Victory Street also has principle windows in the side elevation fronting Victory Street. These

proposals seek to part regularise works undertaken at the site that did not correspond to a previous planning approval at the site approved under permission reference 120891/FO/2018 on 16th November 2018. The main differences between the two schemes relate to the siting of the properties on the site, the overall heights of the properties together with the change in design to windows and detailing around window and door features. The current application proposals also introduce a low boundary wall and railings to the front boundaries of properties, electric vehicle charging points to each property and installation of bike and bin stores within rear gardens. The proposals also seek to deal with previous conditions attached to the original planning approval the most significant being relating to contaminated land. Revisions have also been made to introduce some features to the front elevations of the properties with respect to storm porch canopies.

As with the previous proposals the accommodation would comprise on the ground floor a large open plan living, dining, kitchen area and entrance hall. The first floor two bedrooms and a bathroom and ensuite with the loft space comprising a single bedroom with en suite.

One pair of semis and the detached house would front Claremont Road. They would have shallow front gardens and rear private garden. The semi-detached properties would have a parking space at the side of the property with access from Claremont Road and the detached a single space within the rear accessed from Victory Street. The remaining two pairs of semi detached houses would front Victory street They would have deeper front gardens and rear private gardens. Three of the properties would have a parking space at the side with access from Victory Street and one would have a parking space in the rear garden accessed off Stenbury Close. These arrangements closely reflect the previous approval.

Refuse storage for all the properties would be in the rear garden together with a bike store.

The road frontages to the site would be demarcated with a low wall topped by railings with gates to the drives and footpaths.

Planning History

120891/FO/2018 - Erection of 7 two storey houses (Class C3) with rear dormers with associated car parking and landscaping. Approved 21.11.2018

119323/FO/2018 - Erection of four-storey block of 17 no. two-bed and 3 no. three-bed apartments with associated car parking, bin storage and cycle parking. Refused 20.06.2018

103110/FO/2013/S1 - Use of land as hand car wash including erection of 2no. steel frame structures and 2no. storage cabins. Refused 24.10.2013

091446/FO/2009/S1 - Demolition of existing building to facilitate the erection of 6 x part two, part three storey dwellings with landscaping and car parking. Approved 30.11.2009

084430/FO/2007/N2 - Erection of three storey building incorporating 3 no. A1 shop units at ground floor and B1 office accommodation at first to third floors, with associated car parking, vehicular access and soft landscaping, following demolition of existing building. Refused 19.08.2008

Consultations & Notification Responses

Neighbouring properties were notified of the proposals and two responses from one resident were received. Comments made were:

- Need to ensure driveways are still able to be used;

- Concern about damage to trees when installing boundary fences;
- Concerns around construction hours being used at the site;

MCC Environmental Health - Recommend that the submitted construction management plan and waste management strategy be approved. Recommendations are made in relation to an acoustic insulation scheme and that following submission of further contaminated land information part a) of the standard condition has been complied with an information relating to verification reporting is now required.

Policy

Core Strategy

The relevant Core Strategy policies Are SP1, DM1, H1, H5 and H8

Policy SP1 is relevant to this development as it sets down the spatial principles that guide development in the City. In particular it seeks to create neighbourhoods of choice providing high quality and diverse housing.

Policy DM1 is a general development control policy which states that all development should have regard to the following specific issues, amongst others:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.

Policy H1 is relevant as it establishes the basic principles of housing provision in the City. The policy states that outside the Inner Areas the emphasis will be on increasing the availability of family housing therefore lower densities may be appropriate.

Policy H5 is relevant in that it relates to new housing developments in the south of the City including the Moss Side ward. The policy says that outside the district centres priorities will be for housing which meets identified shortfalls, including family housing.

Policy H8 relates to the provision of affordable housing. The threshold for schemes to incorporate an element of affordable housing are that the site should be 0.3 hectares in size or greater or the development comprises 15 or more dwellings.

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

Issues

Principle - The site is located in a predominantly residential area comprising in the main two storey houses. Core Strategy policy H5 points to a shortage of family housing in the area. A previous approval has been granted for the development of the site to form 7 residential dwellinghouses and consequently, given no material changes have occurred in the policy context of the site it is considered that the principle of the proposed development is acceptable.

Site Layout – The revised proposals would make minor alterations to the siting of the proposed residential units. All of the properties front the highway and the detached house is designed to hold the corner. All properties have in curtilage parking that is behind the building line and there is defensible space at the front of the properties that is comparable with adjacent developments. There is amenity space to the rear and refuse storage is in the rear garden. It is considered that the site layout is acceptable.

Scale and massing - The newer properties to the south of Claremont Road are lower in height than those to the north. The proposed development would be taller than adjacent properties as a result of the changes to the scheme, this height difference is noticeable given the increase in height between the top of the first floor windows and eaves details. Given the choice of brick which is reflective of the character of the area the additional height is not considered to be significant. On balance the scale and massing are considered acceptable.

Design - The design of the proposed dwellings is traditional utilising traditional materials and is considered to reflect adjoining 1960s/70s properties. The introduction of some detailing to doorways will assist in breaking up the front elevations of the properties.

Parking - The provision of one space per dwelling is considered to be acceptable and the location and amount of parking reflects that previously granted planning permission. The driveways identified on the submitted plans would conform to the widths and depths generally used for car parking spaces (2.4mx4.8m), although it is noted that the space to plot 2 would be narrower than the others at 2.2m. In addition, all properties would have access to electric vehicle charging points and bike storage. TROs in the form of double yellow lines are located on Victory Street and the junction of Claremont Road. The site is located in a sustainable location, close to Rusholme District centre and the network of bus routes along Wilmslow Road. As such on balance the approach to car parking on the site is acceptable.

Waste - All of the properties are shown as having refuse storage in the rear gardens and this is considered acceptable.

Amenity Space - All of the properties would have access to private amenity space at the rear of the properties. The amenity space at the front of the properties is comparable with other properties in the area and is therefore considered to be acceptable.

Residential amenity - This site was originally occupied by a public house. And since its demolition it has been the subject of a number of applications for mixed developments of flats and shops, a hand car wash and flats. However, in 2009 planning permission was granted for a development comprising 6 part two part three storey houses.

Since the original approval and part construction of the dwellings, four properties have been constructed on the opposite side of Victory Street. The relationship across the street reflects that elsewhere on Victory Street and in the surrounding area and is considered acceptable.

The properties towards the southern end of the site have east facing rear windows, these face towards the front of existing residential properties located on Stenbury Close with separation

distances of 30 m, given the distances and intervening rear gardens and parking areas this relationship is considered acceptable and not give rise to overlooking or loss of privacy to existing properties.

The site layout, with properties gable to gable on Claremont Road and set away from the site boundary for the remainder of the site should ensure that the impact of the development is not overbearing nor will it cause any overshadowing.

On balance it is considered that there will be no significant loss of amenity from the proposed development.

Drainage- The applicant has prepared a drainage plan and submitted documents from United Utilities confirming agreement to connection to the public sewer and a restrict surface water flow rate from the site of 5 litres per second.

Other matters - Concerns have been raised with regards to potential impacts on adjacent trees as a result of the installation of boundary fencing. It is noted that the western boundary of the site already contains a mix of palisade and brick boundary wall adjacent to these trees, it is not considered that the installation of the boundary fencing would give rise to harm given these existing features.

Conclusion

It is considered that the proposed development will deliver family housing which is identified as a priority within the area. In all respects the development is considered to be acceptable.

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

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:

'As built site plan' A1344(02)001 Rev C ; 'As built Topo Site plan' A1344(02)000 Rev B; 'As built Street Elevations' A1344(02)002 Rev C; 'As built floor plans Plot 1 and 2' A1344(02)003 Rev C; 'As-built Elevations - Plot 1&2' A1344(02)004 Rev C; 'As built floor plans' Plot 3 A1344(02)004 Rev C; 'As built Elevations - Plot3' A1344(02)005 Rev C; 'As built Floor Plans - Plot 4 to 7' A1344(02)006 Rev C ; 'As-built Elevations - Plot 4 to 7' A1344(02)007 Rev C; Proposed Boundary Treatment' A1344(02)004 Rev A; 'Bike and Bin Store detail' A1344(02)003 ; 'Proposed Landscape Plan' A1344(02)005 Rev B; 'EV Specification 'A1344(02)006 all as received by the City Council as local planning authority on the 26th October 2022

ADDITIONAL SITE INVESTIGATION, RISK ASSESSMENT AND UPDATED REMEDIATION STRATEGY reference: LKC 23 1097 Date: August 2023 as received by the City Council as local planning authority on the 23rd August 2023

Material schedule A1344-Z100-A-01 as received by the City Council as local planning authority on the 7th July 2021

Section 106 United Utilities approval for connection to a public sewer with restricted surface water rate of 5l/sec as received by the City Council as local planning authority on the 7th September 2021

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) a) Before the development is first occupied a scheme for acoustically insulating the proposed residential accommodation against noise from Claremont Road and Victory Street 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 potential for overheating shall also be assessed and the noise insulation scheme shall take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

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 and to reduce the potential for overheating, pursuant to Core Strategy Policy DM1.

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

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

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

5) Prior to the first occupation of the development hereby approved the approved boundary treatments relating to each plot as set out on approved drawing A1344(02)004 Rev A shall be completed and 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 SP1 and DM1 of the Core Strategy.

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

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

7) The refuse storage arrangements shown on the approved drawings shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - To ensure that there are satisfactory arrangements for the storage of refuse pursuant to Core Strategy policy DM1

8) The car parking shown on the approved drawings shall be surfaced and be made available for use before the dwellings hereby approved are first occupied.

Reason To ensure that there is adequate parking available for the occupiers of the development pursuant to Core Strategy policy DM1

9) 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) no garages or extensions or dormers shall be erected other than those expressly authorised by this permission.

Reason - To protect the amenity of the occupiers of adjoining properties from the adverse impact of extensions pursuant to Core Strategy policy DM1

10) 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) the soft landscaping at the front of the property shall not be converted into additional hard standing for the parking of cars.

Reason - To protect the character and amenity of the area from excessive amounts of hard surfacing pursuant to Core Strategy policy DM1.

11) 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) none of the residential units hereby approved 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 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.

12) Before the development hereby approved is first occupied the developer shall make good any redundant crossings over the footpath fronting the site.

Reason - To ensure that the footpath fronting the development is safe for use by pedestrians pursuant to Core Strategy policy DM1.

13) The approved hard and soft landscaping scheme as shown on the approved drawings 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 bicycle stores as shown on the approved details shall be installed prior to the first occupation of the development hereby approved.

Reason - To ensure adequate bicycle storage space is available to occupiers of the development pursuant to policies DM1 and T1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Moss Side & Hulme Community

500 Claremont Road, Manchester, M14 5WA
496 Claremont Road, Manchester, M14 5WA
502 Claremont Road, Manchester, M14 5WA
457 Claremont Road, Manchester, M14 5WP
447 Claremont Road, Manchester, M14 5WP
455 Claremont Road, Manchester, M14 5WP
451 Claremont Road, Manchester, M14 5WP
449 Claremont Road, Manchester, M14 5WP
17 Victory Street, Manchester, M14 5AE
14 Victory Street, Manchester, M14 5AE
4 Fishbourne Square, Manchester, M14 5WY
2 Gantock Walk, Manchester, M14 5WD
504 Claremont Road, Manchester, M14 5WA
498 Claremont Road, Manchester, M14 5WA
3 Shotton Walk, Manchester, M14 5UN
1 Shotton Walk, Manchester, M14 5UN
19 Victory Street, Manchester, M14 5AE
16 Victory Street, Manchester, M14 5AE
15 Victory Street, Manchester, M14 5AE
12 Victory Street, Manchester, M14 5AE
6 Fishbourne Square, Manchester, M14 5WY
2 Fishbourne Square, Manchester, M14 5WY
6 Stenbury Close, Manchester, M14 5AB
4 Stenbury Close, Manchester, M14 5AB
2 Stenbury Close, Manchester, M14 5AB
453 Claremont Road, Manchester, M14 5WP

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH