

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136331/JO/2023

Date registered valid: 22 February 2023

Proposal: Variation of condition no. 2 attached to planning permission 128682/FO/2020 to allow for the repositioning of the dwellinghouses and amendments to the design of the apartment building.

Address: The Happy Man , Portway, Manchester, M22 1UB

Ward(s): Woodhouse Park Ward

Applicant: Mr Basem Abdulrazak Bafa Services Ltd

Agent (if any): Mr Philip Bakes P N Bakes Architectural Consultancy

Case officer: David Lawless
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Recommendation: Approve

Date of recommendation: 20 July 2023

Application details

Type of application: Variation or Removal of Condition

Development type: Major Dwellings

Standard consultations:

Printed: 10 March 2023 Expired: 31 March 2023

Neighbour notifications

Printed: 10 March 2023 Expired: 31 March 2023

Site notice

Posted: 21 March 2023 Expired: 11 April 2023

Press advert

Published: 14 March 2023 Expired: 4 April 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

This cleared site was once home to The Happy Man PH and its associated parking and external drinking areas. The property was vacant for many years and the site was the subject of anti-social behaviour.

The site is adjoined by housing and a commercial parade, while on the opposite side of Portway there are further dwellings.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

The applicant obtained planning permission in December 2021 (ref. 128682/FO/2020) for the following:

Erection of 9 No. dwellinghouses and a 3 storey apartment building providing 9 Assisted Living Apartments (Class C2), together with landscaping, associated access and car parking following demolition of existing public house

The applicant is now applying to vary condition no. 2 of that permission to allow for the repositioning of the dwellinghouses and amendments to the design of the apartment building.

Consultations & Notification Responses

Local Residents – Correspondence has been received from one local resident who is concerned about a tree at the back of his property blocking out sunlight.

Highway Services – No objections raised to the proposed amendments.

Environmental Health – No objections to the proposed variations.

MCC Flood Risk Management – Suggests the imposition of conditions attached to the previous consent.

Greater Manchester Police – No objections to the proposal.

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework 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 National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In addition to the above, Section 5 (*Delivering a sufficient supply of homes*) is of relevance:

Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

Paragraph 69 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be

decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy H1, Overall Housing Provision – This policy states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors and goes on to state that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of
- the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms.

The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;

- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours.

Policy H7, *Wythenshawe* – The Council expects that Wythenshawe will accommodate only around 3% of new residential development over the lifetime of the Core Strategy. New high quality high density development will be encouraged within the district centres of Northenden, Baguley and Wythenshawe and upon small infill sites where it contributes to the stock of affordable housing and where it complements Wythenshawe's garden city character. There is also the potential for additional family housing for sale.

Policy H 8, *Affordable Housing* – This policy states that the following requirements for affordable housing or an equivalent financial contribution currently apply to all residential developments on sites of 0.3 hectares and above or where 15 or more units are proposed. These thresholds will be subject to amendment over the lifetime of the Core Strategy to reflect changing economic circumstances.

- 1) New development will contribute to the City-wide target for 20% of new housing provision to be affordable. Developers are expected to use the 20% target as a starting point for calculating affordable housing provision. It is envisaged that 5% of new housing provision will be social or affordable rented and 15% will be intermediate housing, delivering affordable home ownership options.
- 2) The proportion of affordable housing units will reflect the type and size of the development as a whole; and where appropriate provision will be made within Section 106 agreements to amend the proportion of affordable housing in light of changed economic conditions, subject to a financial viability assessment.
- 3) Affordable housing units will be inclusively designed to reflect the character of development on the site.
- 4) Either an exemption from providing affordable housing, or a lower proportion of affordable housing, a variation in the proportions of socially rented and intermediate

housing, or a lower commuted sum, may be permitted where either a financial viability assessment is conducted and demonstrates that it is viable to deliver only a proportion of the affordable housing target of 20%; or where material considerations indicate that intermediate or social rented housing would be inappropriate. In the latter case, such circumstances could include:

- There is a very high level of affordable housing in the immediate area;
- There is either a high proportion of social rented (35%), or low house prices in the immediate area compared to average incomes;
- Affordable housing would be prejudicial to the diversification of the existing housing mix. The inclusion of affordable housing would prejudice the achievement of other important planning or regeneration objectives which are included within existing Strategic Regeneration Frameworks, planning frameworks or other Council approved programmes;
- It would financially undermine significant development proposals critical to economic growth within the City;
- The financial impact of the provision of affordable housing, combined with other planning obligations would affect scheme viability;
- There is a need for additional housing provision for older people or disabled people either as affordable or market housing dependent on the results of a financial viability assessment of the scheme.

Policy H 10, *Housing for people with additional support needs* - Proposals for accommodation for people with additional support needs will be supported where:-

- There is not a high concentration of similar uses in the area already.
- Where it will contribute to the vitality and viability of the neighbourhood.
- Where there would not be a disproportionate stress on local infrastructure such as health facilities.

Policy EN 16, *Air Quality* – The Council will seek to improve the air quality within Manchester, and particularly within Air Quality Management Areas, located along Manchester's principal traffic routes and at Manchester Airport. Developers will be expected to take measures to minimise and mitigate the local impact of emissions from traffic generated by the development, as well as emissions created by the use of the development itself, including from Combined Heat and Power and biomass plant.

Policy EN 19, *Waste* – States that developers will be required to submit a waste management plan to demonstrate how the waste management needs of the end user will be met.

Policy DM1, *Development Management* – This policy states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- 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. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques

The Manchester Green and Blue Infrastructure Strategy (G&BIS) – The G&BIS sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is:

By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

Manchester Residential Quality Guidance 2016 – Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester and was approved by the Executive at its meeting on 14 December 2016. The ambitions of the City are articulated in many places, but none more succinctly than in the 'Manchester Strategy' (2016).

The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most

appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been applied to an assessment of the size and quality of the proposed houses.

Guide to Development in Manchester Supplementary Planning Guidance – Recognises the importance of an area 's character in setting the context for new development; New development should add to and enhance the area's distinct sense of place; Each new development should be designed having full regard to its context and the character of the area; Seeks to ensure high quality development through good and inclusive design; Buildings should front onto streets; Site boundaries and treatment should contribute to the street scene; There should be a clear definition between public and private space; The impact of car parking areas should be minimised; New developments will be expected to meet designing out crime principles; The impact of development on the global environment should be reduced.

The scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings.

Issues

Principle of the Proposal – Given the previous consent on the site and the residential nature of the area, the principle of the redevelopment of the site for residential purposes is considered acceptable. Notwithstanding this, the impact upon existing levels of visual and residential amenity, along with pedestrian and highway safety, must be assessed.

Affordable Housing – Policy H8 requires that development should contribute to the City-wide target that 20% of new housing is affordable, with the trigger being sites of 0.3 hectares and above or where 15 or more units are proposed. Under normal circumstances, where 18 units are being proposed as per this proposal, the applicant would be required to provide either a contribution towards the affordable housing fund or ensure that a number of units are designated as being for either affordable sale or rent.

However, in this case 50% of the proposed units are being purpose built as Assisted Living Apartment for adults with mental health needs and it is therefore considered that the requirement to provide a level of affordability is not required in this instance. Notwithstanding this, the applicant has highlighted the fact that the user group would all be receiving financial assistance from either the DWP or Housing Benefit which could be categorised as a form of affordable rent.

Supported Housing Provision – The proposed Assisted Living Apartments are sited at the rear of the site, away from Portway, in order to provide a more secure and quieter place for people with low level mental health needs to live. The Strategic Lead Commissioner for Adult Social Care has previously confirmed that there are no objections in principle to this type of supported housing being provided in this neighbourhood.

Design – The design of the proposed dwellings remains unaltered from the original permission.

The apartment block would still be traditional in appearance, i.e. brick construction topped by a pitched tiled roof, but its overall design has changed given a reorganisation of the floor layouts and the introduction of a central stairwell which now includes a lift.



Despite the revisions, the overall design of the apartment building is considered acceptable.

Disabled Access – In line with Building Regulations, level access to both the dwellings and apartment building would be provided and adequate circulation space would exist within both the dwellings and apartments. Following revisions to the layout and design of the apartment block, a lift is now proposed which would allow disabled access to the upper floors which is welcomed. Overall, the level of provision is considered acceptable.

Scale – The dwellings are two storeys in height though four of them offer accommodation in the roof space. By incorporating a second floor in the roofspace the overall height of the dwellings remains consistent with the dwellings on the opposite side of Portway and on the residential roads to the rear. The apartment building also offers accommodation over three floors but again, the second floor is incorporated into the roofspace in order to keep the overall height of this element of the proposal in line with the neighbouring dwellings and commercial terrace.

Given the above, the scale of the proposal is considered acceptable.

Site Layout – The proposed dwellings would be located closer to Portway than previously approved but they would still line up with the notional building line formed by no. 4 Portway. The apartment building would be located at the rear and accessed via a drive at the side of the dwellings. Overall, the siting of the proposal is considered acceptable.

Space Standards – The City Council adopted the Manchester Residential Quality Guidance in December 2016 and within that document reference is made to the use of a combination of the Nationally Described Space Standards and the London Housing Design Guide space standards to form Manchester's space standards for residential developments.

The amount of floor space proposed for each unit type and that required under the guidance is detailed below:

- 4 x 4 bed dwellings @ 108m² (Space Standard – 106m²)
- 5 x 3 bed dwellings @ 87m² (Space Standard – 87m²)
- 6 x 2 bed apartments @ 63.04m² to 70.33m² (Space Standard – 61m² to 70m²)
- 3 x 1 bed apartments @ 46.16m² to 57m² (Space Standard – 39m² to 50m²)

Given the above that the proposal complies with Manchester's space standards.

Residential Amenity – A number of factors have been assessed in order to judge the impact of the proposal upon residential amenity:

Impact upon Privacy – Sufficient distance exists between the existing and proposed dwellings on Portway to ensure that the levels of privacy are preserved.

In terms of the proposed apartment building, the rear elevation, which contains habitable room windows, would be located 23 to 32 metres away from the rear elevation of nos. 11 to 21 Flaxcroft Road and 19 to 35 metres away from the rear elevations of nos. 1-7 Bibury Avenue. The side elevations of the apartment building, which contain three bathroom windows each, would be located 16 to 21 metres away of the rear elevations of no. 9 Bibury Avenue and no. 9 Flaxcroft Road respectively. The front elevation of the apartment building would be located 20.5 metres from the rear elevation of the proposed dwellings. Given the above distances it is not considered that the proposal would have an undue impact upon the levels of privacy enjoyed by the occupants of the nearest dwellings on Bibury Avenue and Flaxcroft Road.

Concerns were previously raised that the apartment building could lead to the overlooking of several adjoining rear gardens. Whilst the siting of the apartment building has not altered there have been amendments to its elevational treatment and placement and reduced size of rear dormers. While it is acknowledged that the apartment building would be built on a part of the site that has only been used as a car park, the building would be 6.2 metres away from the common boundary and the existing landscaping within those adjoining gardens would help screen those gardens from the proposal.

Noise – It is not considered that the proposal would be an inherently noise generating use. Any comings and goings associated with the dwellings and apartments would be domestic in scale and likely to generate significantly less noise and disturbance than that associated with The Happy Man PH and its associated car parking.

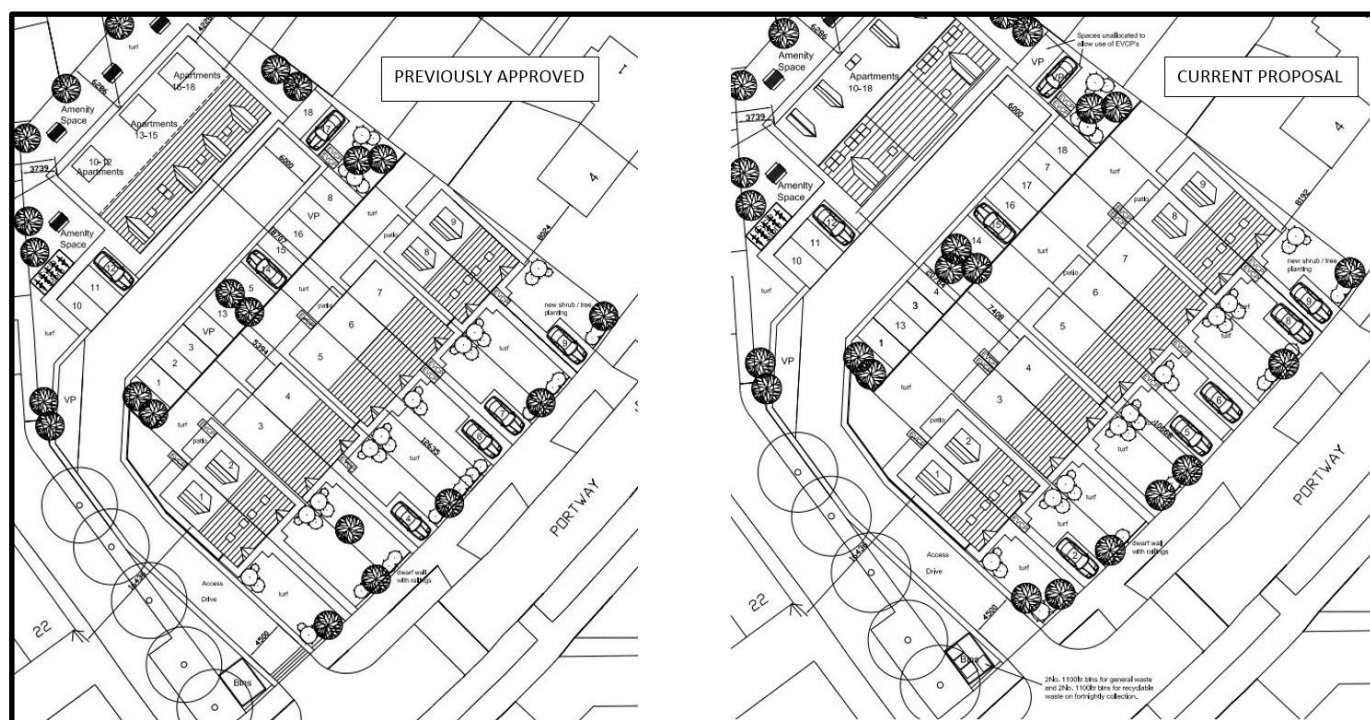
Overshadowing – Given the height and siting of the proposed buildings it is not considered that their erection would lead to the undue overshadowing of those dwellings that adjoin the site. There is the potential for some overshadowing in the winter of the rear gardens of several properties that adjoin the site but it is noted that existing mature trees along the rear boundary would already cast some shadows over these garden areas.

Visual Amenity – Given the design, scale and massing of the proposed dwellings and apartment building, it is not considered that the development would have an unduly overbearing appearance

and as a result would not have a detrimental impact upon the levels of visual amenity that are experienced in the vicinity of the site.

Car Parking – Twenty car parking spaces are proposed, this equates to two per unit and two visitor parking spaces. As the site is in close proximity to Wythenshawe District Centre and benefits from regular bus services on Portway and Simonsway, a parking provision of twenty spaces is considered acceptable in this instance.

In order to allow additional tree planting in the rear the applicant is proposing to site another parking space along the front of the dwellinghouses. This is considered acceptable.



Pedestrian and Highway Safety – It is not considered that the additional dwellings would generate such significant levels of traffic or concentrated traffic movements so as to prove detrimental to the levels of pedestrian and highway safety currently enjoyed along Portway. Highway Services have confirmed that the level of proposed development is acceptable and have raised no highway safety objections to the proposal.

Energy Efficiency – Since March 2015, energy saving requirements have been dictated by Building Regulations approved documents set at a level equivalent to the now discontinued Code for Sustainable Homes. Building Regulations state that by 2020 buildings should have a 30% emission reduction and the way to achieve this is by using renewable energy technologies. It is acknowledged that the usual preference is to convert existing buildings given the reduced carbon footprint associated with such conversions. However, it is recognised that this building has become dilapidated over time and that its replacement would be more energy efficient and that this outweighs its retention.

The energy efficiency rating of the proposed development will comply with Building Regulations Part L which is the equivalent of Code level 4 in the Code for Sustainable Homes, with the main focus in this case being the thermal performance of the building as it would be insulated above current Building Regulations levels. This approach is considered acceptable.

To ensure that the findings of the applicant's sustainability report are incorporated into the proposal an appropriately worded condition is suggested.

Flooding and Drainage – The condition requested by the Flood Risk Management Team will be imposed in order to minimise flood risk and ensure adequate drainage.

Air Quality – During the construction phase of the development there is the potential for air quality impacts as a result of dust emissions from the site. Assuming dust control measures are implemented as part of the proposed works, the significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities is predicted to be negligible. It is considered that the imposition of a Construction Management Condition would ensure that appropriate dust management measures are implemented during the construction phase.

It is recognised that during the operational phase of the development there is the potential for air quality impacts as a result of vehicle exhaust emissions associated with traffic generated by the proposal, i.e. the comings and goings of residents and visitors. However, given the number of units proposed, and the anticipated car ownership levels, the overall significance of potential impacts is considered to be low. In addition, the applicants have stated they intend to provide electric vehicle charging points throughout the proposal, the delivery of which will be controlled by a condition.

As a result of the above findings it is considered that the proposal would not have a detrimental impact upon the air quality levels experienced throughout the site and within the vicinity of it.

Landscaping – There are several shrubs and leylandii type trees to the side of the PH and along the rear boundary which will be removed to facilitate the proposal. They are limited in number and amenity value and their loss is considered acceptable. To compensate for their removal, the applicant has shown on an indicative landscaping scheme that approximately 20 trees would be planted, along with shrubs and lawn.

While this is welcomed a condition will be attached which requires the submission of a detailed landscaping scheme. While this may result in a reduction in the number of trees that are capable of being accommodated within the site, it is still considered that the finalised landscaping scheme would deliver improvements to the site and the immediate area.

Ecology – The previous comments of GMEU are acknowledged and it is recognised that the proposal would not have a detrimental impact upon an existing ecological features.

Waste Storage – The waste management condition suggested by Environmental Health would be attached to any approval granted.

Crime and Anti-Social Behaviour – The comments of GMP are noted. To ensure that the properties are secure and safe for future residents the standard Secured by Design condition will be attached to any approval granted.

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 to resolve any problems arising in relation to 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 planning permission reference 128682/FO/2020, that date being 8 December 2021.

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:

- a) B/20/1267/01L - Site Layout Plan, stamped as received on 22 February 2023
- b) B/20/1267/02 - Location Plan, stamped as received on 2 November 2021
- c) B/20/1267/03A - Housetype Plans and Elevations (plots 1,2,8 & 9) , stamped as received on 3 December 2021
- d) B/20/1267/04A - Housetype Plans and Elevations (plots 3 & 4) , stamped as received on 3 December 2021
- e) B/20/1267/05A - Housetype Plans and Elevations (plots 5,6 & 7) , stamped as received on 3 December 2021
- f) **B/20/1267/05H** - Apartments Plans and Elevations, stamped as received on 22 February 2023

- g) B/20/1267/07B - Streetscene Elevation (sheet 1) , stamped as received on 2 November 2021
- h) B/20/1267/08B - Streetscene Elevation (sheet 2) , stamped as received on 2 November 2021

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

3) No above ground works 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.

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 Manchester Core Strategy.

4) Plot nos. 1 to 9 of the development hereby approved shall be used only as private dwellings (which description shall not include serviced properties or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for private residential purposes and to ensure the achievement of the public benefit identified pursuant to policies SP1, DM1, EN3 , H1, H6 and H11 of the Manchester Core Strategy and the guidance contained within National Planning Policy Framework including section 16.

5) Plot nos. 10 to 18 of the development hereby approved shall only be used as Assisted Living Apartments (Use Class C2) and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the interests of residential amenity and pedestrian and highway safety, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

6) Prior to the occupation of the Assisted Living Apartment hereby approved, a management plan detailing how they are to be run on a day to day basis shall be submitted to and be approved by the City Council as local planning authority. Thereafter and in perpetuity the Assisted Living Apartments shall be run in accordance with the approved management plan.

Reason - In the interests of residential amenity, pursuant to Policies SP1 and DM1 in the Manchester Core Strategy.

7) No above ground works shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how Secured by Design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. 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.

8) The car parking hereby approved shall be laid out, demarcated and made available prior to the occupation of the residential accommodation hereby approved.

Reason - In the interests of pedestrian and highways safety and to ensure the satisfactory development of the site, pursuant to Policy DM1 in the Manchester Core Strategy.

9) Prior to the commencement of above ground works, details of the electric vehicle charging points referenced in the Air Quality Management Statement (stamped as received on 29 January 2021) and which are to be incorporated into the scheme shall be submitted to and be approved by the City Council as local planning authority. The approved charging points shall be installed and remain in-situ in perpetuity before the residential accommodation hereby approved is occupied.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy.

10) No development shall take place until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the Local Planning Authority.

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 Policies EN8 and EN14 in the Manchester Core Strategy.

11) No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- o Verification report providing photographic evidence of construction as per design drawings; for the avoidance of doubt this must include all components of the drainage system with evidence of attenuation and flow control installed as-approved.
- o As built construction drawings if different from design construction drawings.
- o Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. For the avoidance of doubt, this must identify the party responsible for maintenance and provide a schedule of maintenance tasks for each component, indicating frequency and nature of the task (which should be in accordance with manufacturer's specifications and/or CIRIA SuDS Manual C753).

Reason - To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development, Policies EN8 and EN14 in the Manchester Core Strategy.

12) Before the commencement of above ground works, a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. 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.

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

13) Before the development hereby approved commences, 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 the 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.

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 Manchester Core Strategy.

14) Above-ground construction works shall not commence until a hard and soft landscaping treatment scheme (including details of boundary treatments) based upon the indicative landscaping details shown in B/20/1267/01L, stamped as received on 22 February 2023, has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme 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 Manchester Core Strategy.

15) The development hereby approved shall incorporate the measures as set out within the Environmental Standards Statement stamped as received by the City Council as local planning authority on 28 January 2021. Within 3 months of the completion of the construction of the authorised development a verification statement shall be submitted to and approved in writing, by the City Council as local planning authority, confirming the incorporation of the specified measures at each phase of the construction of the development, including dated photographic documentary evidence of the implementation and completion of required works.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Manchester Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

16) DISCHARGED UNDER CDN/22/0653 - No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- o A construction programme including phasing of works;
- o 24 hour emergency contact number;
- o Expected number and type of vehicles accessing the site: o Deliveries, waste, cranes, equipment, plant, works, visitors; o Size of construction vehicles; o The use of a consolidation operation or scheme for the delivery of materials and goods; o Phasing of works;
- o Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction): Programming; Waste management; Construction methodology; Shared deliveries; Car sharing; Travel planning; Local workforce; Parking facilities for staff and visitors; On-site facilities; A scheme to encourage the use of public transport and cycling;
- o Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- o Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- o Locations for storage of plant/waste/construction materials;
- o Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- o Any necessary temporary traffic management measures;
- o Measures to protect vulnerable road users (cyclists and pedestrians);
- o Arrangements for temporary facilities for any bus stops or routes;
- o Method of preventing mud being carried onto the highway;
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

Informatives

1) Highways Works - The footway and verge on the development side of Portway is being amended and it will therefore be necessary to undertake these highway alterations through S278 agreement between the developer and MCC which would include any required technical approval. The following link can be used:

https://www.manchester.gov.uk/directory_record/287709/permission_to_work_on_the_highways_-_section_278_agreements/category/355/highways_and_pavements

It is expected that all modifications / improvements to the public highway are achieved with a maximum carbon footprint of 40%. Materials used during this process must also be a minimum of 40% recycled and fully recyclable. Developers will be expected to demonstrate that these standards can be met prior to planning conditions being discharged. The developer is to agree the above with MCC's Statutory Approvals and Network Resilience Teams post planning approval and prior to construction taking place.

Regarding S278 agreements a deposit is required to begin an application, additional costs will be payable and are to be agreed with S278 team. A S278 is required for works to the adopted highway, minimum standard S278 technical approval timescale is between 4-6 months, TRO's can take 10-12 months. An independent 'Stage 2' Road Safety Audit will be required and the design may require changes if any issues are raised with all costs attributable to the Developer. A 'Stage 1' Road Safety Audit should be completed during the planning stage and a copy of the report (with Designer's Response) is to be made available to the Statutory Approvals Team upon request.

2) Informative for condition 9 - On-site/allocated parking: 1 EV charge point (minimum 7kW*) for each dwelling. Unallocated parking: minimum 20% EV (minimum 7kW*) charge points, and cable routes for all other spaces.

3) Informative for condition 10 - In order to avoid/dischARGE the above drainage condition the following additional information has to be provided:

- o A surface water drainage strategy report must be submitted to support the drainage proposal.

- o A fully labelled drainage layout presenting all drainage components, manholes, levels and FFLs must be submitted.

- o Evidence of maximised green SuDS components within the proposed drainage system must be submitted (utilising attenuation or infiltration). Suggested green SuDS components for this scheme include rain gardens, green roofs, tree pits.

- o Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within Manchester Trafford Critical Drainage Area. Betterment must be calculated from modelling of existing system.

- o Runoff volume in the 1 in 100 year, 6 hours rainfall shall be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event, but never to exceed the runoff volume from the development site prior to redevelopment.

- o Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 40% climate change in any part of a building.

- o Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site.

o Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing

system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.

o Front driveway surfacing >5m² is required to be permeable (utilising permeable paving, permeable asphalt or equivalent). Evidence of permeable surfacing must be demonstrated. <https://www.gov.uk/government/publications/permeable-surfacing-of-front-gardens-guidance>

o Hydraulic calculation of the proposed drainage system.

o CCTV survey of existing drainage system to understand condition, capacity, connectivity.

o Construction details of flow control and SuDS elements.

4) Informative for condition 12 - The proforma/ Waste Management Strategy must include the following information:

Estimated volumes and types of waste produced by the development;

Details of internal and external stores for both waste and recycling, including any plans and designs;

Location of the proposed collection point and details of the route the collection vehicle will take;

Details of how waste will be transferred between stores and to the collection location; and

Details of number and capacity of bins proposed and collection frequency.

Other details as per 'Waste Proforma v1.0' - refer to guidance at: http://www.manchester.gov.uk/downloads/download/6048/waste_management_strategy

5) Informative for condition 13 - Environmental Health recommend that an SI is undertaken to make sure that the soils for the garden areas are suitable for use, areas around the substation are sampled for PCBs, focus around the infilled ponds to check there is no gas risk and due to the age of the public house asbestos could be present in the building.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Environmental Health

Corporate Property

MCC Flood Risk Management

Greater Manchester Police

United Utilities Water PLC

23 Flaxcroft Road, Manchester, M22 1RA

15 Portway, Manchester, M22 1UA

11 Flaxcroft Road, Manchester, M22 1RA

21 Flaxcroft Road, Manchester, M22 1RA

15 Flaxcroft Road, Manchester, M22 1RA

9 Flaxcroft Road, Manchester, M22 1RA

3 Flaxcroft Road, Manchester, M22 1RA

30A Portway, Manchester, M22 1UB

24A Portway, Manchester, M22 1UB

7 Portway, Manchester, M22 1UA

34 Portway, Manchester, M22 1UB

22 Portway, Manchester, M22 1UB

9 Bibury Avenue, Manchester, M22 1RH

5 Bibury Avenue, Manchester, M22 1RH
1 Bibury Avenue, Manchester, M22 1RH
30 - 32 Portway, Manchester, M22 1UB
6 Durnford Walk, Manchester, M22 1WU
4 Durnford Walk, Manchester, M22 1WU
2 Durnford Walk, Manchester, M22 1WU
19 Flaxcroft Road, Manchester, M22 1RA
17 Flaxcroft Road, Manchester, M22 1RA
13 Flaxcroft Road, Manchester, M22 1RA
7 Flaxcroft Road, Manchester, M22 1RA
5 Flaxcroft Road, Manchester, M22 1RA
1 Flaxcroft Road, Manchester, M22 1RA
34A Portway, Manchester, M22 1UB
32A Portway, Manchester, M22 1UB
28A Portway, Manchester, M22 1UB
26A Portway, Manchester, M22 1UB
22A Portway, Manchester, M22 1UB
9 Portway, Manchester, M22 1UA
5 Portway, Manchester, M22 1UA
3 Portway, Manchester, M22 1UA
17 Portway, Manchester, M22 1UA
13 Portway, Manchester, M22 1UA
11 Portway, Manchester, M22 1UA
1 Portway, Manchester, M22 1UA
4 Portway, Manchester, M22 1UB
28 Portway, Manchester, M22 1UB
26 Portway, Manchester, M22 1UB
24 Portway, Manchester, M22 1UB
2 Portway, Manchester, M22 1UB
7 Bibury Avenue, Manchester, M22 1RH
3 Bibury Avenue, Manchester, M22 1RH
11 Bibury Avenue, Manchester, M22 1RH

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 15M
Area Team Boundary - Name: SOUTH AREA