

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134993/FO/2022

Date registered valid: 28 October 2022

Proposal: Erection of two x 3 storey dwellinghouses with associated parking, landscaping and boundary treatment

Address: Land adjacent to 30 Melling Street, Manchester, M12 4PH

Ward(s): Longsight Ward

Applicant: Mr Kawa Hussain, 159 Wilbraham Road, Manchester, M14 7DS

Agent (if any): Ms Dawn Cooper, DaC Design, 62 Demesne Road, Manchester, M16 8PJ

Case officer: Sue Wills
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Recommendation: Refuse

Date of recommendation: 9 January 2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Standard consultations:

Printed: 8 November 2022 Expired: 29 November 2022

Neighbour notifications

Printed: 21 November 2022 Expired: 12 December 2022

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

The application site was formerly the large side and rear garden to no. 30 Melling Street. A high waneylap fence set between concrete panels has been erected to form a rear garden directly to the rear of no.30 Melling Street with an access route to it alongside the gable of this dwellinghouse. The garden area to the rear of no.30 Melling Street does not reflect the area of the rear garden which is currently on site which is smaller due to the angled nature of the rear boundary. The western boundary also partly comprises the same boundary treatment, with a high black railing boundary treatment to the alleyway alongside no.28 Melling Street.

The site comprises areas of grass, shrubs and trees, with a single storey pitched roof detached garage accessed from a long driveway accessed from Melling Street. The front boundary comprises a privet hedge with a set of double gates to the driveway. There is a now gated access to the rear boundary on Farrant Road which was formerly concrete post and panel boundary wall, with no pedestrian or vehicular access from Farrant Road.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is located within a predominantly residential area, with the western end of Melling Street being formed of terraced houses with pitched roofs, with the eastern end of the street comprising semi detached houses and quasi semi detached houses with hipped roofs. There is a rehabilitation centre to the south east of the site and a mosque at the junction of Pink Bank Lane and Elgar Street.

Description of development

Consent is sought for erection of two no. 3 storey 3 bedroom dwellinghouses with associated parking, landscaping and boundary treatment, in the former side garden to no.30 Melling Street.

The site area covers 425sq.m.

An open plan arrangement with kitchen lounge and dining area is proposed at ground floor level, with two bedrooms at first floor, and a further bedroom in the roof space.

The pair of three storey dwellinghouses would be contemporary in design , but would comprise traditional materials with the use of facing brickwork and metal cladding, a grey tiled roof, and dark grey Upvc window frames. The proposed dwelling houses have been described as three storey, a front and rear dormers are proposed . Solar panels are also proposed to the rear roof slope.

The applicant proposes to retain the existing timber panel fencing and metal railings, with new timber panel fencing to match the existing. Block pavements are proposed to form the parking to the front of the proposed dwellinghouses.

The access from Melling Street would be revised to enable the provision of 2 off street parking spaces.

A designated bin area for 4no. mixed recycling 140L bins per dwelling is shown on the site layout.

Consultations & Notification Responses

Local Residents- 22 emails of objections of objection have been received from local residents on the following grounds;

- Loss of privacy; and their children will have no privacy using their rear garden area, They have children in their houses and have concerns that they would not feel it would be safe for their children to play outside;
- The proposed housing layout would be very close to their house;
- The development would lead to overlooking;
- Parking issues as it would have a major impact of the parking spaces on the roads, with associated safety concerns;
- Noise problems. Frequent use of heavy industrial equipment during the building process will disrupt the denizens of this area, as generally this region is more on the quiet side more often than not. In addition to this, the constant traffic going to and from the proposed housing estates would also start to become more disruptive in the long term. Concerns about noise if the properties are not appropriately managed;
- They do not want a flat development;
- The project is not safe for children and elderly people.
- Drug dealing issues. The proposed car park may facilitate/encourage more dealings of illicit narcotics with peoples in the local area and more specifically some members of the lighthouse project located on the end of Farrant Road. Many people already do not feel safe with conditions as they stand now, they would very much like to avoid a factor such as the construction of a car park to exacerbate problems;
- The road is currently family orientated and peaceful;
- The bordering area between Farrant Road and Melling Street is one of the few patches of greenery in the local area barring Crowcroft park and Stanley Grove. The removal of this region might evoke a more negative emotion especially if this greenery is replaced with a rather more utilitarian or geometric building in its stead. They would much rather

have this region either refurbished or converted into a common area which facilitates easier access between Melling Street and Farrant Road.

- One resident has raised concerns over the level of consultation with local residents.
- The height of the proposed development would obstruct light to the street.
- The stark contrast of building designs compared to that of their street would create a great level of discordance from an aesthetics point of view.
- The land in-question on-top of which the proposed construction is to be built on, used to be a show-garden. A garden which had actually won some prizes in the past. They believe it would be a great shame to see the fruits of one's labour over the many decades it has stood, be torn down for the sake of housing. Not to mention the amount of local wildlife who uses that patch of greenery as their home, as there are not many other areas barring Stanley Grove and Crowcroft Park where they can live.
- The proposed development would lead to the loss of two off street parking spaces for the occupier of no.30 Melling Street.

Greater Manchester Ecology - have advise that they have no specific comments to make on this application.

As with most planning applications the following general advice applies:

· They note that the application is not supported by any ecological information, but there is a small garage currently occupying the site. In this regard they refer to Government Guidance (Defra Circular 06/2005) which indicates that surveys should not be left to conditions, but that surveys should only be requested where there is a reasonable likelihood of protected species being found: -

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development."

· In this particular instance the likelihood of encountering bats or other protected species is extremely low. No further surveys are required prior to determination.

· However, protected species can turn up in unexpected places and the granting of planning permission does not negate the need to abide by the laws which are in place to safeguard biodiversity. An informative should be used so that the applicant is aware that they must seek and implement ecological advice should they find or suspect that the proposals will impact on protected species.

Work that will impact on habitats where nesting birds may be present (for example demolition of a building or works to trees and other vegetation including undergrowth like bramble), should not be undertaken in the main bird nesting season (March – August) unless suitable checks for active bird nests have been undertaken. An **informative** to this effect should be added to any permission if granted.

Planning policy (NPPF – July 2021 para 174d), 179b) and 180d)) encourages enhancements and net gains for biodiversity to be delivered through the planning system. Wherever possible measures to enhance the site for biodiversity should be secured as part of this planning application

Environmental Health- initially raised a potential issue with respect to waste and recycling arrangements for the proposed western plot, as it would appear from the submitted plans that the route from the external bin store to the street collection point is along an alleyway that serves the adjacent terraced properties. It is not clear from the application whether access and

use of the alleyway would be a permanent arrangement, and this may be an issue if the land including the alleyway is redeveloped in the future, unless the applicant can demonstrate that there is adequate space at the front of the property for an alternative location for the bin store. If this point can be satisfactorily addressed they recommend any approval has conditions attached relating to the submission of a demolition/construction management plan, the storage and disposal of refuse, the provision of electric vehicle charging points, and contaminated land.

Of the 22 emailed objections received, 1 was a duplicate from a resident, 1 resident sent 2 no. emailed objections and 1 resident sent 5 no. emailed objections.

Highway Services - TRIP GENERATION AND JUNCTION CAPACITY:

Given that the proposed development is resultant in two additional residential dwellings, the number of vehicular trips associated with site is expected to be minimal. It is therefore accepted that the adjacent highway network can facilitate such additional demands with no highway safety or capacity concerns.

SITE ACCESSIBILITY:

The site is well accessed by sustainable modes. Regular bus services are routed along Northmoor Road and provide connections to The Trafford Centre, Gorton and Belle Vue. The closest railway facility is located at Belle Vue and provide connections to Manchester Piccadilly, New Mills Central and Sheffield.

PARKING AND ACCESS:

It is noted that on-street parking does occur along Melling Street outside of properties with no driveways. Highways welcome in-curtilage parking in this location. One car parking space will be provided for each property within the site's curtilage, thus equating to a provision of 100%. It should be noted that all individual driveway parking spaces should be a minimum of 3.0m x 6.0m to ensure that vehicles / pedestrians do not impact on the adopted highway.

Vehicular access to the site is gained from Melling Street and it is noted that there is an existing vehicular crossover is present in this location in order to facilitate this access. It is assumed that the existing access will need to be widened to accommodate a driveway for two vehicles. It should be noted that Highways will not accept anything greater than a double dropped kerb. Additionally, Highways will require an area of raised kerb in place between the driveway and the edge of the kerbing at the adjacent crossing point to the alleyway.

Should the planning application be approved, the applicant will be required to enter into a Section 278/184 agreements for the alterations to the existing highways, and for construction of the proposed vehicular access and dropped kerbs on Melling Street and will require a crossing licence/agreement. This will require the agreement with MCC's Highways Applications and Network Resilience teams which will be funded at the applicant's expense.

ELECTRIC VEHICLE CHARGING

It is required, in line with MCC Residential Guidelines, that the provision of an Electrical Vehicle charging point (minimum 7kW) is made available.

CYCLE PARKING:

In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit. The Design and Access Statement states that secure and safe cycle parking will be in place at each property, but it is not clear where this will be located.

BOUNDARY TREATMENTS:

It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians.

The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

REFUSE AND SERVICING:

Designated refuse storage has been accommodated for each individual dwelling with kerbside collection noted from Melling Street. Highways consider this to be acceptable in order to prevent any obstruction to passing pedestrians on the adjacent footway.

CONSTRUCTION MANAGEMENT:

A Construction Management Plan should be provided by the applicant prior to any construction works beginning. The Construction Management Plan should detail the phasing and quantification / classification of vehicular activity associated with planned construction. This should include commentary on types and frequency of vehicular demands together with evidence (including appropriate swept-path assessment) of satisfactory routeing both within the site and on the adjacent highway. The document should also consider ongoing construction works and contractor parking in the locality. It is also requested the applicant provides a dilapidation survey as part of the Construction Management Plan document. The survey should include photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site. The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams. It is recommended that the above is conditioned and attached to any planning permission that may be granted.

Flood Risk Management - The site is within Flood Zone 1 and low risk of surface water flooding. They recommend no drainage condition for this application, but suggest the following informatives to be included within the Decision Notice:

-The applicant should design and construct drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

-MCC records highlight an underground culverted watercourse is located within close proximity to the site (approximately 30m to the south of the site), while their records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all MCC underground assets. Therefore, they would request that the applicant informs the onsite contractor to remain observant and to take the appropriate safety precautions during excavation works. If any major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and MCC should be contacted immediately.

United Utilities – Recommend that the applicant considered their drainage plans in accordance with the drainage hierarchy, and provides detailed advice if a connection for surface water to the public sewer is required, together with water and waste services information.

Design for Security – Have made the following recommendations.

- The proposed development should be designed and constructed to Secured by Design standards including laminated glazing; security-certified windows and doors (please see www.designforsecurity.org/secured-by-design/ or www.securedbydesign.com for more information). Developments that are built to this standard are less likely to be susceptible to crime.
- All garden boundary treatments adjacent to publicly accessible land in particular the rear boundary should be 2100mm.

- Entrance gates should be installed that lead to the rear of the property and should be set forward as close to the building line as possible.
- Dusk til Dawn lighting should be installed on all external doors.
- Any external bin store should be a secure, lockable and fire resistant enclosure.

They further recommend that the pedestrian/vehicular route/parking area is well illuminated to provide a deterrent to would be criminals; this would also improve surveillance of the area.

Policy

The National Planning Policy Framework July 2021 (NPPF)

The revised NPPF was adopted in July 2021. It represents key up to date national policy and is an important material consideration in determining the current application. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). In order to achieve sustainable development, the NPPF states that the planning system has three overarching objectives - economic, social and environmental (paragraph 8).

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.

Section 11 'Making effective use of land' states that 'planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions' (paragraph 119). Decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places. (paragraph 124).

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this' (paragraph 126).

Planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The NPPF is clear that planning permission should be refused that is not well designed , especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents.

Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). (paragraph 135).

Section 14 'Meeting the challenge of climate change, flooding and coastal change' states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (paragraph 152).

Section 15 'Conserving and Enhancing the natural environment' states that planning decision should contribute and enhance the natural and local environment by protecting valued landscapes, sites of biodiversity ,minimising impacts on and providing net gains for biodiversity, preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability and remediating contaminated land.

Paragraphs 10, 11, 12, 13 and 14 of the NPPF outline a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Planning Practice Guidance (PPG)

The relevant sections of the PPG are as follows:

Noise

This section states that Local Planning Authorities' should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

Mitigating the noise impacts of a development will depend on the type of development being considered and the character of the proposed location. In general, for noise making developments, there are four broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

Design

This section states that where appropriate the following should be considered:

- layout – the way in which buildings and spaces relate to each other
- form – the shape of buildings
- scale – the size of buildings
- detailing – the important smaller elements of building and spaces
- materials – what a building is made from

Relevant Local Policies

The Development Plan

The Development Plan consists of:

- The Manchester Core Strategy (2012); and
- Saved policies of the Unitary Development Plan for the City of Manchester (1995)

The Core Strategy was adopted in July 2012 and is the key document in the Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) and sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved and 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 as directed by the National Planning Policy Framework (NPPF).

Section 38(6) of the 2004 Act requires planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF also refers to this requirement.

The relevant policies within the Core Strategy are as follows:

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' states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors, in particular, the need to diversify housing stock in mono tenure areas by increasing the availability of family housing. Policy H1 prioritises residential development on previously developed land, in particular through the re-use of vacant housing or other existing buildings.

Policy H5 'Central Manchester' states that over the lifetime of the Core Strategy will accommodate around 14% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained. High

density housing will be permitted within or adjacent to the Regional Centre (Hulme and the Higher Education Precinct) as well as within Hulme , Longsight and Rusholme district centre as part of the mixed-use schemes.

Policy DM1 'Development Management' states that all development should have regard the following specific issues:-

- 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 proposals which would be sensitive to existing environmental conditions, such as noise;
- 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;
- Effect on biodiversity, archaeological or built heritage;
- Green infrastructure;
- Flood risk and drainage.

These matters have all been considered and assessed as part of the detailed analysis of the application. In addition to the proposal has been assessed against the Council's space standards.

Issues

Principle

The site is located within a predominantly residential area and as such there is no objection to the site being redeveloped for residential purposes. However, given the constraints of the site it is not believed that multiple units could be accommodated in the manner proposed on the site without having an unduly detrimental impact on the existing levels of amenity enjoyed by the residents of Melling Street. Given this, the principle of erecting two dwellings in the location proposed on the site is not considered acceptable.

Residential Amenity

Loss of privacy - secondary windows at ground floor level to the dining areas , and bathroom windows at first floor level to each of the side gable walls are proposed directly on the boundary with the side garden of no.30 Melling Street and the alleyway separating of the proposed dwellinghouses from the end terraced house (no.28 Melling Street) .Altogether the design and Access Statement refers to obscured stair case windows , this would appear to be an error and should refer to the bathroom window openings. Furthermore, although no windows are shown on the floor layout to the ensuite bathrooms at roof level , however windows to serve the proposed en-suite accommodation are present on the proposed elevations. Whilst it is acknowledged that these windows could be opaquely glazed , there would be the potential , if openable to facilitate ventilation, for them to open beyond the curtilage of the proposed dwellings .

It is considered that these windows could lead to a loss of privacy for the occupiers of nos.28 and 30 Melling Street , but that their presence would give rise to a sense of intrusion which

would detract from enjoyment of their respective rear gardens and have a detrimental impact on the existing levels of residential amenity.

Massing – the proposed development would lead to the creation of a pair of semi detached dwellings which would present a narrow frontage to the street , but would have a significant projection rearward in relation to the existing dwellings to the west and east of the site . The proposed dwellings would project beyond the rear façade of no.30 Melling Street by 6.2m at ground level and 4.45m at first floor level , thereby leading to the creation built form along a significant proportion of their rear garden. In regard to no.28 Melling Street , whilst this property is separated by an alleyway (2.95m in width) from the proposed development, due to the set back of the proposed development to facilitate off street parking , the proposed front elevation would be level with the rear façade of no.28 Melling Street , with the two storey side gable with associated dormers of the proposed house extending for the full length of their rear amenity space and beyond.

It is considered that it would that the proposed development would have an overbearing impact on the occupants of both nos.28 and 30 Melling Street and would detract from the enjoyment of their rear amenity space/ gardens. Consequently, it is considered that the siting the proposal in the location proposed, would have a detrimental impact on the existing levels of residential amenity enjoyed by the occupants of no. nos.28 and 30 Melling Street.

It is considered that the close proximity of the development to the boundaries of nos.28 and 30 Melling Street would lead to a sense of intrusion which would detract from the enjoyment of their rear amenity space and garden respectively, and have a detrimental impact on the existing levels of residential amenity contrary to Core Strategy policy DM1.

Design

The proposed dwellings are contemporary in design , but would incorporate a traditional palette of materials (brick elevations, with a tiled roof with the use dark grey cladding to the to frame the windows on the front elevation and dormer roof extensions) .The application seeks to reflect the height of the adjacent terrace, but in a three storey structure.

Refuse

A designated bin area for 4no. mixed recycling 140L bins per dwelling is shown on the site layout.

The western of the pair of dwellinghouse show refuse storage in the rear garden , however , this would mean that either that new access to the alleyway would be required in order for the bins to be collected and emptied, or the more recently created gated access to Farrant Road could be used . Environmental Health have requested a condition requiring the approval of a refuse storage scheme. Whilst the submitted plans show four bins positioned in the front garden of the eastern of the semi-detached house (bin store design within the submitted Design and Access Statement), and in the rear garden of the western semi-detached house, which would be acceptable, as it has not been confirmed whether a further access to the alleyway would be required to enable refuse collection from this proposed , a conditioned approach is recommended.

Car Parking

The site was formerly the side and part of the rear garden of no.30 Melling Street with a detached garage and off street parking for three cars two off street spaces proposed in the front garden area. The proposed development would lead to the loss of those spaces. However, the proposal would lead to 2 off street parking spaces to serve the proposed development.

Furthermore, the submitted layout plan show that it would be possible to provide an off street space to serve no.30 Melling Street, which falls within the applicant's ownership. If consent were granted a condition could be added in respect of the provision of EV charging points.

Noise

Although many of the objections received cite noise as a reason for objection to the proposed development, the proposal relates to the creation of two, three bedroom family houses. It is therefore not expected that the proposed development would give to significant levels of noise which would give rise to residential disamenity in this locality.

It is acknowledged that construction works can give rise to noise, but that this would be for a limited time, and the hours of working can be controlled through conditions.

Character of the area.

There is a clear and strong building line formed by the terrace at the western end of Melling Street, but the alleyway at the side of no.28 Melling Street forms a break point, with no.30 and 32 Melling Street being set back from the street by front garden areas. This change is also compounded by the change of property style from terraced to semi detached and quasi semi detached housing, and with the associated change from pitched to hipped roofs. The submitted design has incorporated a set back to the building line to facilitate parking, but has opted to replicate a similar height to the terraced properties. This, however, has led to proposed floorplate, which projects a considerable depth into the site, and which would have a significant adverse impact to the residential amenity of the adjoining occupiers. As such the proposal would conflict with Core Strategy policies SP1 and DM1.

Siting

As described above, the siting of the pair of semi-detached dwellings in the location proposed, i.e. in close proximity to adjoining garden boundaries, would have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of nos. 28 and 30 Melling Street.

Cycles

Although cycle storage is reference in the Design and Access Statement, no provision is shown on the drawings, however, if consent were to be granted a condition could be added requiring the provision of a cycle store.

Standard of accommodation

The proposed dwelling, which is described in the Design and Access Statement as a three storey, three bed five person house, would have a floor area of 102 square metres. This is in accordance the space standards for such a property.

The standard of accommodation is there acceptable for the proposed number of residents.

Other matters raised by local residents

The reference to not wanting a flat development relates to initial ideas by the applicant.

The proposed development is for two dwellinghouses and not flats. There is also reference made to a proposed car park which may facilitate/encourage more dealings of illicit narcotics with people in the local area and more specifically some members of a project located on the end of Farrant Road. This would also appear to relate to an earlier scheme considered by the applicant, as this scheme does not include the formation of a car park, only two off street parking spaces to serve the proposed dwellinghouses.

Residents have advised that the site used to be a show-garden which had won some prizes in the past. They believe it would be a shame for it to be redeveloped for housing.

Other residents have also raised concerns in regard to the loss of green space. However, the

site was formerly the private garden area for no.30 Melling Street . The site remains in private ownership and therefore any aspirations for it to be used as a common area and to facilitate easier access between Melling Street and Farrant Road, are unlikely to be realised. Furthermore, due to the size of the site , large garden areas would be retained for the use of future occupiers.

Conclusion

Whilst the development would lead to the provision of family housing in a residential area, this does not outweigh the adverse impact to residential amenity which would be experienced by the adjacent occupiers.

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: Refuse

Article 35 Declaration

The proposal was assessed against the policies within the Manchester Core Strategy Development Plan Document and the guidance contained within the National Planning Policy Framework. The applicant was advised that the provision of the level of residential accommodation in this location would not be appropriate as it would have an unduly detrimental impact upon neighbouring residents. The nature of the proposal was considered to be unacceptable and a solution that was acceptable to both the Local Planning Authority and the applicant could not be reached.

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

- 1) The proposed development, by reason of its design and siting would have an overbearing impact on the neighbouring properties and would as a result have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of nos. 28 and 30 Melling Street contrary to Policy DM1 in the Manchester Core Strategy and the guidance contained within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
Greater Manchester Ecology Unit

19 Melling Street, Manchester, M12 4PH
Farrant House, 44 Farrant Road, Manchester, M12 4PF
26 Melling Street, Manchester, M12 4PH
36 Melling Street, Manchester, M12 4PH
24 Melling Street, Manchester, M12 4PH
28 Melling Street, Manchester, M12 4PH
27 Melling Street, Manchester, M12 4PH
25 Melling Street, Manchester, M12 4PH
23 Melling Street, Manchester, M12 4PH
22 Melling Street, Manchester, M12 4PH
40 Farrant Road, Manchester, M12 4PF
33 Melling Street, Manchester, M12 4PH
21 Melling Street, Manchester, M12 4PH
38 Melling Street, Manchester, M12 4PH
35 Melling Street, Manchester, M12 4PH
34 Melling Street, Manchester, M12 4PH
32 Melling Street, Manchester, M12 4PH
31 Melling Street, Manchester, M12 4PH
29 Melling Street, Manchester, M12 4PH
42 Farrant Road, Manchester, M12 4PF
41 Farrant Road, Manchester, M12 4PF
39 Farrant Road, Manchester, M12 4PF
40 Melling Street, Manchester, M12 4PH

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
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA