

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135103/FO/2022

Date registered valid: 24 October 2022

Proposal: Change of use from existing open space to private garden in connection with planning permission referenced 131891/FO/2021

Address: Land on The Corner Of Victoria Avenue and Chain Road, Manchester

Ward(s): Higher Blackley Ward

Applicant: Terra Nova Development Ltd C/o Agent

Agent (if any): Samuele Pretti, Bowker Sadler Architecture, Hatherlow House, Hatherlow, Romiley, SK6 3DY

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 7 December 2022

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 2 November 2022

Standard consultations:

Printed: 25 October 2022 Expired: 15 November 2022

Neighbour notifications

Printed: 25 October 2022 Expired: 15 November 2022

Site notice

Posted: 2 November 2022

Expired: 23 November 2022

Press advert

Published: 1 November 2022 Expired: 22 November 2022

Published: 11 October 2022 Expired: 1 November 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to former vacant land situated at the junction of Chain Road and Victoria Avenue.

Victoria Avenue fronts the southern boundary with Chain Road running along the north-east of the site. The application is considered to be brownfield land having previously been occupied by The Lion and Lamb Public House. The building was demolished some years ago and was previously vacant land prior to construction works commencing for a residential development approved under referenced 131891/FO/2021.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is located in a predominately residential area. The prevailing character is two storey terrace or semi-detached properties. There is also a local primary school, shops and leisure facilities in the local area.

Description of development

Planning permission is sought for a change of use from existing open space to private garden in connection with planning permission referenced 131891/FO/2021. This application allows permission for the erection of 12, two storey dwellinghouses (Use Class C3a) together with the

erection of a three storey building to form 20 residential apartments (Use Class C3a) with associated car parking, landscaping, boundary treatment and other associated works.

The proposed development seeks to include a residual area of land to the Victoria Avenue frontage within the front garden areas of the proposed dwellinghouses. The previously approved boundary treatment will be shifted forward in order to enclose the site.



View of the site area enclosed by Heras fencing

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – It is recommended that the standards contaminated land condition is attached to any decision as it's not clear whether the open space within the redline boundary of the current application has been considered within the ground condition reports submitted as part of the associated application. An updated versions of the reports should suffice in order to satisfy part a of the condition.

Highway Services - A stopping up order would be needed to extinguish existing highway rights of part of the footway section of land on the corner of Victoria Avenue and Chain Road highlighted on Drawing Number 1102 Proposed Land strip facing Victoria Avenue.

Where there is a requirement to stop up or divert an existing section of highway or footpath (under either a S116 Highways Act 1980 or S247/S257 Town and Country Planning Act 1990) a discussion should be undertaken with the Statutory Approvals Team, so an appropriate process can be determined and taken forward, at the applicant's expense.

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Policies DM1 and SP1 of the Manchester Core Strategy;
- Guide to Development in Manchester (SPD);
- National Planning Policy Framework (NPPF).

Planning History

131891/FO/2021

Erection of 12, two storey dwellinghouses (Use Class C3a) together with the erection of a three storey building to form 20 residential apartments (Use Class C3a) with associated car parking, landscaping, boundary treatment and other associated works. *Approved 17 March 2022.*

089720/FO/2009/N1

Temporary site compound comprising 9 storage cabins for a period of 12 months. *Approved 23 June 2009.*

087009/FO/2008/N1

Erection of residential development comprising of three x 3 bed 5 person houses and seven x 4 bed 7 person houses with twenty x 2 bed 4 person apartments with associated parking, landscaping and boundary treatment. *Approved 19 September 2008.*

068993/OO/2003/N1

Outline application for residential development, with all matters reserved. *Approved 8 March 2004.*

Issues

Principle

The proposed change of use will remove an incidental area of space that would otherwise be created by the associated residential development.

The use of the area for private garden space will provide ownership and management of the space and ultimately lead to an improvement to the appearance of the street-scene. On this basis, the proposed use is compliant with policies DM1 and SP1 of the Manchester Core Strategy.

Residential and Visual Amenity

The enclosure of the space for use as front gardens would replicate the boundary treatment previously approved, albeit the fence would be relocated closer to the street edge.

The new fence line would maintain current building lines established by neighbouring properties and provide enlarged front garden area fronting Victoria Avenue which would benefit visual amenity and remove an area that would otherwise be left managed.

As such, the impact to residential and visual amenity is considered acceptable.

Ground Conditions

The site investigation and remediation report previously approved as part of the residential development been updated to include the extended site area. No new issues are raised.

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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in 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 this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

1101, 1102 and 1103, received by the City Council as Local Planning Authority on 24 October 2022.

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) The boundary treatment shown on drawing referenced 1103, received by the City Council as Local Planning Authority on 24 October 2022 shall be implemented as part of the development and be in place prior to the first occupation of the development approved under planning permission referenced 131891/FO/2021

The boundary treatment shall be retained and maintained in situ thereafter and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment shall be erected on site, other than that shown on the approved drawings.

Reason - In the interest of visual amenity and security of the site, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

4) The development hereby approved shall be carried out in accordance with the updated Phase 2 geo environmental investigation received by the City Council, as Local Planning Authority, on the 12 October 2022. The development shall then be carried out in accordance with the approved details.

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

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

Reason - There is evidence of site contamination at the application site which requires further consideration and examination. In particular, details of outstanding gas monitoring is required to be submitted for consideration and an appropriate remediation strategy prepared. This is pursuant to policy EN18 of the Manchester Core Strategy (2012).

Informative

1) A stopping up order would be needed to extinguish existing highway rights of part of the footway section of land on the corner of Victoria Avenue and Chain Road highlighted on Drawing Number 1102 Proposed Land strip facing Victoria Avenue.

Where there is a requirement to stop up or divert an existing section of highway or footpath (under either a S116 Highways Act 1980 or S247/S257 Town and Country Planning Act 1990) a discussion should be undertaken with the Statutory Approvals Team, so an appropriate process can be determined and taken forward, at the applicant's expense.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Environmental Health
Highway Services
Greater Manchester Police

Cohens Chemist, 55 Victoria Avenue, Blackley, Manchester, M9 6BA

83 Victoria Avenue, Blackley, Manchester, M9 0RD

77 Victoria Avenue, Blackley, Manchester, M9 0RD

75 Victoria Avenue, Blackley, Manchester, M9 0RD

231 Hill Lane, Manchester, M9 6RG

65 Victoria Avenue, Blackley, Manchester, M9 0RD

63 Victoria Avenue, Blackley, Manchester, M9 0RD

61 Victoria Avenue, Blackley, Manchester, M9 0RD

81 Victoria Avenue, Blackley, Manchester, M9 0RD

79 Victoria Avenue, Blackley, Manchester, M9 0RD

78 Victoria Avenue, Blackley, Manchester, M9 0RE

76 Victoria Avenue, Blackley, Manchester, M9 0RE

74 Victoria Avenue, Blackley, Manchester, M9 0RE

73 Victoria Avenue, Blackley, Manchester, M9 0RD

72 Victoria Avenue, Blackley, Manchester, M9 0RE

71 Victoria Avenue, Blackley, Manchester, M9 0RD

70 Victoria Avenue, Blackley, Manchester, M9 0RE

69 Victoria Avenue, Blackley, Manchester, M9 0RD

67 Victoria Avenue, Blackley, Manchester, M9 0RD

63A Victoria Avenue, Blackley, Manchester, M9 0RD

8 Chain Road, Manchester, M9 6QX

6 Chain Road, Manchester, M9 6QX

4 Chain Road, Manchester, M9 6QX

2 Chain Road, Manchester, M9 6QX

229 Hill Lane, Manchester, M9 6RG

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 - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: NORTH AREA