

## List No. 8

<b>Didsbury West Ward</b>	<b>Application Number</b> 077185/FO/2005/S2	<b>Date of Appln</b> 6th Oct 2005	<b>Committee Date</b> 23rd Nov 2006
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**Proposal**   Erection of a part 3 storey/part 4 storey block of 13 apartments with associated landscaping and parking for 14 vehicles.

**Location**   Land To The Rear Of Jessiefield, Lancaster Road, Didsbury

**Applicant**   Mr And Mrs Musry And Zed Homes C/o Agent

**Agent**       Turley Associates The Chancery, 58 Spring Gardens, Manchester, M2 1EW

### **Description**

This application relates to a rectangular plot of land, 0.28 hectares (0.7 acres) in size, which currently comprises much of the rear garden of Jessiefield, a large 2 storey detached dwellinghouse which is located on the western corner of the Spath Road and Lancaster Road junction. While Jessiefield is located to the north of the application site, dwellinghouses are located to the south and west, namely nose 23 and 25 Holme Road and 16 Lancaster Road respectively. To the east of the site, on the opposite side of Lancaster Road, stands Lancaster House, a large detached dwellinghouse in extensive grounds. The northern half of the site is lawned while the remainder consists of mature woodland. The curtilage of the site consists of mature hedges and trees. Eleven of the trees within the site are protected by a tree preservation order, the majority of these are located in the mature woodland at the southern end.

The applicants are proposing to erect a part 3/part 4 storey building to provide a total of 13 apartments. The proposed building would be situated 17 metres (56 feet) to the south of Jessiefield and would maintain a 10 metre (33 feet) gap to the wooded area towards the south. The 4 storey element would be sited closest to the wooded area, while the 3 storey element would be closest to Jessiefield. The property would front Lancaster Road and have both pedestrian and vehicular access from it. Fourteen parking spaces would be provided, seven at the front of the proposed property, while the remainder would be located at the rear, along the boundary with no. 25 Holme Road. At present the applicants propose to fell 18 trees to facilitate the development, of which 1 is currently protected by the tree preservation order.

In addition to the above the applicants are proposing to introduce a range of sustainable energy efficient features, these include low water use shower and bath fittings; low energy lighting and energy efficient appliances, solar panelling and wind turbines to the roof; provision of recycling facilities within each kitchen and the use of sustainable materials where possible.

Originally the applicants proposed to erect a wholly 4 storey building containing 20 apartments on the site, following negotiations with the applicants the scheme was amended to that now placed before the committee.

### **Consultations**

Local Residents - Letters of objection have been received from 26 households, the main points of which are outlined below:

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1. This is a gross over development of a very attractive house and gardens.
2. The proposal should be no more than 3 storeys high.
3. A part 3 and part 4 storey flat roofed block of apartments is not in keeping with the character and appearance of the rest of the residential properties in Lancaster Road, Spath Road and Holme Road that (with one exception) are traditional detached brick built properties with pitch roofs. This modern block would stick out like a carbuncle.
4. The 3 and 4 storeys are too high and will overpower and dominate the area, which has a predominance of 2-storey housing.
5. The development of this site must take into consideration the adjoining properties on Holme Road and the mature trees and shrubs along this boundary must be retained
6. As a precedent, planning permission was recently granted for an extension to Cairncroft on the corner of Spath and Holme Road (adjacent to Jessiefield). This extension is 2 storeys high with a pitched roof and quite appropriate for the location. It should be noted that the original proposal for a 4 storey apartment block on the Cairncroft site was refused.
7. The original application for a 3 storey apartment block on the Lancaster House site opposite was resisted.
8. The apartment block at 7 metres (22.9 feet) from the boundary fence of no. 23 Holme Road is far too close, this will affect the light into that property and grounds. 23 Holme Road has first floor living with a large balcony at 3.5 metres (11.5 feet) above ground level facing the site. The proposed height of the apartment block would mean that the balcony would be looked down upon by the residents of the 3rd and 4th floors. This is an unacceptable degree of intrusion.
9. The removal of the mature established hedge to the rear of the development adjoining 23 Holme Road would expose the site, so that there would be a full, overpowering and obtrusive view of the apartment block from 23 Holme Road.
10. A development of 2 storey detached housing in the grounds of Jessiefield could be a positive addition to the area as there is a shortage of quality housing in Didsbury.
11. Proposed building is too close to the tree canopy (outstanding trees), this building cannot be built without destruction of mature trees.
12. The proposed car parking in the revised scheme is still inadequate.
13. The additional vehicles on Lancaster Road (Private un-adopted Road) would present a hazard to traffic at its junction with Spath Road; the additional traffic generated would change the quiet and safe pedestrian feel that currently exists; traffic density will increase and aggravate the existing traffic problems.

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Holme Road Residents Association - The Association have objected to the proposal on the following grounds:

1. The 3 storey/4 storey block would present an unneighbourly, overpowering, obtrusive and overtly dominant building block in full view of the two detached properties on Holme Road.
2. Both 23 and 25 Holme Road properties have their living room/conservatory/balcony facing this proposed block.
3. This high -density development will change the character of this peaceful residential area of Didsbury. There will be an overwhelming block of 13 apartments where once there was one splendid family home with gardens.
4. The highly intrusive impact of the block is acknowledged by the developers who plan to 'soften the new building and provide additional screening' by retaining the fence and hedging and associated trees along the length of Lancaster Road and also plan to build a high fence and a belt of trees along the boundary of Jessiefield . But the Application also states that they intend to remove a large number of mature existing trees, including those along Lancaster Road. This is contrary the Manchester's UDP policy to retain existing trees
5. In direct contrast, there are no proposals at all to soften the impact on Holme Road properties and no statement that they will retain the mature coniferous hedge and orchard trees along the boundary with the Holme Road properties
6. The block is too high. The 3 storey/4 storey block, with a total height of 14.5 metres (47.5 feet), will be built adjacent to Jessiefield with a height of 6.3 metres (20.5 feet), a bungalow and the two 2 storey houses on Holme Road with approximate heights of 6 metres (19.6 feet). This contradicts the applicants' supporting statement that states 'elevations should be in scale with the adjacent space'
7. Lancaster Road, between Spath Road and Dean Road has a total of 16 properties of which 2 are single storey bungalows, 9 are two storey traditional houses with only 5 three storey town houses set back in a discreet area. This proposal will swamp the neighbourhood with a towering 14.5 metres high block of 13 apartments.
8. This proposed block will be at least twice as high as most of the other buildings in the community.
9. The proposed plans fail to take into account the ambience of the surrounding area with an inappropriate and unsympathetic design and it does not reflect the architectural style of the location. This is in conflict with the applicants' supporting statement which states that 'building design should reflect the location'
10. The proposal bullies the neighbourhood. All of the houses in the locality, including recently approved applications, are of traditional design with pitch roofs and surrounded by wide mature gardens and excellent tree cover. The only exception is one very traditional 1920's flat roofed 2 storey house on Lancaster Road

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11. Planning precedent in the area has been established with the recent development of Cairncroft (adjacent to Jessiefield), with permission recently granted for the extension to be built in traditional design with a height of 2 storeys. The original application for a 4 storey block was refused.

12. An application for 2 storey traditional family housing in the grounds of Jessiefield would be in sympathy with other houses in the immediate vicinity. Building of yet more apartments alters the demographic nature of the area as it encourages a transient population and does not give stability to the neighbourhood. To retain families in Manchester, there is a need to build conventional housing

13. Indeed, the Association questions the need for any further new apartment developments in this particular area of Didsbury as there appears to be over saturation of new apartments. For example there has been only 50% sales of Greystoke apartments with another block of 12 apartments yet to be released, but 100% sale of houses. Riverside has been unable to sell and now is only for rental. Spath Holme have sold less than 50% and Cairncroft, next door to Jessiefield, has sold only 3 out of 16 apartments. The 2001 census shows that there are 7.6% detached houses, 20.6% semi-detached houses and 57.6% flats in Didsbury West. Since 2001 there have been many more flats built compounding this imbalance.

14. Manchester UPD Policy H1.2 promotes the building of a range of house types. This proposal does not follow this policy and produces yet again a block of 13 apartments

15. The applicant's supporting statement draws attention away from the height and size of the proposed development by emphasizing the environmental nature and sustainability of the project. The sustainability and energy conservation aspects would equally apply to the building of much more appropriate housing. Whilst not objecting to the environmental attributes it cannot be used to camouflage the excessive size and height of the block. Taken in isolation, this development would be fine but in the context of developing a garden site in a residential road - it is not.

Lancaster Road and Spath Road Residents' Association - The Association object to the proposal on the following grounds:

1. The development would not be in keeping with the character of the area.
2. The proposal would be too high and overlook adjoining properties.
3. Noise will be significantly increased in the area.
4. Parking will be a serious problem.
5. Traffic will increase in the area creating a burden on Lancaster, Spath and Holme Roads.

Didsbury Civic Society - The Civic Society object to the proposal on the following grounds:

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1. The proposal constitutes over-development.
2. The proposal would introduce a form and density of residence foreign to that existing in the locality.
3. The application does not acknowledge the need for proportionate spaces in between.
4. The applications should be considered in the light of policy DC7a.1.

Councillor Clayton - The councillor objects to the revised proposal on the following grounds:

1. The plot is the back garden of a house. Clearly the garden area of the original house is hugely reduced and the development is arguably a backlands development.
2. The development remains very large, and in my opinion out of keeping with surrounding premises, which although they vary in size, none are as overall massive as this. The building would be better constrained to an overall height of two to three floors, maximum of 8 metres (26.2 feet), perhaps with the roof used as terraces / patios. Other permissions nearby for new build have been limited to two floors (possibly with attics), and allowing this development as proposed might set a very unwelcome precedent.
3. Car parking is now outside at ground level, resulting in significant reduction in garden area and visual amenity (the grounds and road outside will be cluttered with cars). A basement garage, as in the original application, would be preferable.
4. Trees at the edge of the site that previously shielded it from neighbours are now shown as removed. Either conditions should be imposed for their retention or final approval (if granted at all) should depend on satisfactory correction of this problem, i.e. the recommendation should be minded to approve.
5. The style of the building is brash. Whilst there is a place for striking landmark buildings (e.g. on key sites in the city centre), in quiet residential areas new buildings should fit comfortably into their surroundings. It is hoped that the architects could come up with an appearance more in keeping with the more mellow Victorian and Edwardian style buildings common in this area.
6. Trees protected by TPO's within the site should be numbered on the plan and on their bark, so that there can be no confusion over their retention.
7. The application should either be further significantly amended or withdrawn and resubmitted with substantial changes / improvement. If the applicants are not prepared to do this then although probably few of the individual points would be sufficient grounds on their own to justify refusal, though taken altogether the application as it stands should be refused.
8. The proposal is contrary to the Council's recently adopted policy approach on building flats developments outside the city centre and fringe.

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Councillor Trafford - Correspondence has been received from Councillor Trafford endorsing Councillor Clayton's comments.

John Leech MP - Objects to the proposal on the following grounds:

1. The proposed building is too tall. The buildings in the area are predominantly 2 storeys. A recent extension of Cairncroft was only 2 storeys, in keeping with the heights of other buildings.
2. The development would be out of keeping with the other buildings in the area.
3. The removal of mature trees along the boundary is not acceptable - this will make the proposed development more obtrusive, and have a negative impact of the amenity of the neighbouring properties.

Greater Manchester Police (Architectural Liaison Officer) - Raises concerns that the proposed building allows visitors to have access to all sides of it, this would give opportunities to criminals who can attack ground floor doors and windows.

Head of Engineering Services - The proposed gates to be 5.5 metres (18 feet) behind the back of footway; pedestrian visibility splays to be indicated on the submitted plan; indoor lockable cycle store to be provided.

Head of Environmental Health - Suggests a number of conditions designed to protect existing levels of residential amenity.

Landscape Practice Group - The plans indicate the retention of most of the established trees, more detail should be provided regarding the landscape proposals within this area.

Environment and Operations, (Green Space Division) - The loss of the sycamore and ash trees will detract from the amenity value of the woodland.

## **Issues**

Unitary Development Plan (UDP) - There are no specific allocations for this site within the U.D.P. However when dealing with applications of this nature, consideration is given to policy DC7 "New Housing Development" and policy DC16 "Street Landscapes".

Policy DC7 states that the Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people, including those who use wheelchairs, wherever this is practicable.

Policy DC16 states that in considering development proposals for any site, the retention of existing trees and the planting of new trees within the public highway and along the public frontages of the site will be encouraged by the Council. Except where trees are shown to be in poor health or are individually of little amenity value, or where a satisfactory replanting scheme is more desirable, the Council will not normally permit development proposals which would involve the loss of significant trees and would thereby change the visual character of the street.

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Further housing policies include H2.2 and H2.7. Policy H2.2 states that the Council will not allow development, which will have an unacceptable impact on residential areas. The matters that the Council will consider will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution. Policy H2.7 outlines how new housing schemes will be expected to be of a high standard of design and to make a positive contribution towards improving the City's environment.

In addition, regard is given to Policy E2.6 which states that the Council will prevent wherever possible the loss of existing trees and will encourage the extensive use of broadleaved trees in planting schemes to improve the appearance of built up areas.

Regional Spatial Strategy for the North West - Formerly RPG13, this provides planning guidance for the North West region. Since 2004, the RSS has formed part of the development plans, as such the weight to be attached to its policies has increased. It contains policies that address core principles of development including the following:

DP2, Enhancing the Quality of Life - ensuring development provides a high quality of life for this and future generations

DP3, Quality in New Development - ensuring that new development demonstrates good design and respect for its setting.

The North West Plan, draft Regional Spatial Strategy (RSS) - Publicised in January 2006, this draft RSS document provides a framework for the physical development of the region over the next 15 to 20 years.

Policy DP1, Regional Development Principles - Proposals and schemes must demonstrate excellent design quality, sustainable construction, efficiency in resource use and respect for their physical and natural setting

Planning Policy Guidance 3 (PPG3), Housing - The current national guidance on housing states in paragraph 56 that new housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings, but the townscape and landscape of the wider locality.

Draft Planning Policy Statement 3(PPS3), Housing - The purpose of this draft PPS, in line with the Government's planning reform agenda, is to provide a national policy framework for planning for housing. It sets out what is required at regional and local levels to deliver housing within sustainable communities.

On the subject of Designing for Quality, paragraph 37 of the draft PPS 3 states that new development should be of high quality inclusive design and layout (consistent with Planning Policy Statement 1), and be informed by its wider context, having regard not just to neighbouring buildings but to the townscape and landscape of the wider locality.

City Council Interim Policy Approach (High Density Residential Developments) - On 13th September 2006 the Executive Committee of the Council approved an interim policy approach in respect of proposals for high density residential developments. It states that high density apartment led developments outside

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the city centre and its fringes will not be supported by the Council, unless it can be demonstrated that such development is required on a particular site to achieve the city's aims and objectives.

Principle of the Proposal - It is believed that there is scope to redevelop the rear garden of Jessiefield for residential purposes. However, given that Lancaster Road consist primarily of single and 2 storey individually designed dwellinghouses, it is not considered that the erection of a part 3/part 4 storey apartment block on the site would be in keeping with the existing character so prevalent on this street and those surrounding it. Accordingly, the principle of a high density residential scheme on this site is not considered acceptable.

Visual Amenity - As stated above, the properties on Lancaster Road are mainly single or 2 storey dwellinghouses and follow a recognised building line. Given that this proposal is for an apartment block of some 3 and 4 storeys in height, part of which is forward of the established building line by 4.5 metres (14.5 feet) and part of which is some 3.3 metres (11 feet) higher than Jessiefield, it is considered that the proposal will have a detrimental impact upon the current levels of visual amenity enjoyed in the vicinity of the site, as well as the overall character of Lancaster Road.

Residential Amenity - The northern half of the proposed apartment block would be sited only 7 metres (30 feet) away from the common boundary with no. 23 Holme Road. It is considered that the siting of this rear elevation, in which there are a number of habitable room windows, in such close proximity to this boundary will lead to the overlooking of the rear garden of no. 23 Holme Road and to some extent that of no. 25 Holme Road. The overlooking, of what amounts to private amenity space, would have a detrimental impact upon the current levels of residential amenity enjoyed by the occupants of those two dwellings.

Massing - Both the 3 and 4 storey elements of the proposed apartment block, which are both flat roofed, are considerably higher than the eaves height of Jessiefield (approximately 6.2 metres/20.3 feet), being 9.65 metres (31.6 feet) and 12.95 metres (42 feet) high respectively. As a result the vertical face of the development presented to the Lancaster Road frontage is much greater than that seen in Jessiefield and the other buildings on Lancaster Road. It is considered that this, coupled with the siting of the 4 storey element forward of the established building line, creates a massing that is out of character with Lancaster Road and which would also have a detrimental impact upon the current levels of visual amenity enjoyed on Lancaster Road.

Design - Though it is recognised that the design of the proposed apartment block has been informed by nos. 9 and 11 Lancaster Road, it is felt that the applicants have failed to take into consideration, contrary to the guidance contained within PPG3 and the draft PPS3, the wider townscape, specifically with regard to the proposed apartments block's overall height.

Car Parking - An element of the proposed parking facilities is proposed to be sited at the front of the proposed apartment building, a location which it is believed would have a detrimental impact upon current levels of visual amenity. This would be contrary to the guidance contained within The Guide to Development in Manchester 2.

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Trees - While the majority of the trees proposed to be felled are not protected by the Tree Preservation Order on the site, their loss would have a detrimental impact upon the levels of visual amenity enjoyed on Lancaster Road, as well as the overall character of that street.

Crime and Disorder - GMP raised a number of concerns regarding the future security of the proposed apartment building.

### Conclusion

The applicants' pedigree in the field of sustainable developments is recognised. However, notwithstanding the benefits that this development would bring in terms of energy efficiency, in this instance it is considered that the impact of the development upon visual and residential amenities and the overall character of Lancaster Road is the overriding consideration.

**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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents 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. He believes that any restriction on these rights posed by refusal of the application is proportionate to the wider benefits of refusal and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation      REFUSE**

### Conditions and/or Reasons

1) The proposed development constitutes overdevelopment, due to its size, massing and built form, which would have a detrimental impact upon the overall character of the street-scene and to the current levels of visual and residential amenity enjoyed within the vicinity of the site, contrary to Policies H2.2 and H2.7 in the Unitary Development Plan for the City of Manchester and the guidance contained within Planning Policy Guidance 3 (Housing) and Draft Planning Policy Statement 3 (Housing).

2) The proposed development, due to its size, siting and massing would have a detrimental impact upon the visual character of Lancaster Road and the current levels of visual amenity enjoyed along Lancaster Road, contrary to Policies H2.2 and H2.7 in the Unitary Development Plan for the City of Manchester and the guidance contained within Planning Policy Guidance 3 (Housing) and Draft Planning Policy Statement 3 (Housing).

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3) The siting of the proposed development in close proximity to the dwellings on Holme Road would have a detrimental impact upon the current levels of residential amenity enjoyed by the occupants of those properties, particularly nos. 23 and 25 Holme Road, contrary to contrary to contrary to Policy H2.2 in the Unitary Development Plan for the City of Manchester.

4) The siting of elements of the car parking facilities to the front of the proposed building would have a detrimental impact upon levels of visual amenity, contrary to contrary to Policy H2.2 in the Unitary Development Plan for the City of Manchester and the guidance contained within The Guide to Development in Manchester 2 (2005).

### **Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 077185/FO/2005/S2 held by Planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are all held by the Planning Division.

### **The following residents, businesses and other third parties in the area were consulted on the application:**

Spath Holme Flat 1 - 6 Holme Road Didsbury Manchester M20 2TX  
Garden Flat 27 Spath Road Didsbury Manchester M20 2QT  
15-29, 42-50 Spath Road Didsbury Manchester M20 2GT  
Flat 1-11 5 Lancaster Road Didsbury Manchester M20 2TY  
1-18 Lancaster Road Didsbury Manchester M20 2QU  
Flat 1-6 20 Lancaster Road Didsbury Manchester M20 2QU  
4, 3-7 Sandiway Drive Didsbury Manchester M20 2FE  
17-65 Bamford Road Didsbury Manchester M20 2QP  
2 -10 Bamford Grove Didsbury Manchester M20 2FF  
Church View Bamford Grove Didsbury Manchester M20 2FF  
23, 25, 29, 31 Holme Road Didsbury Manchester M20 2UP  
Cairncroft Holme Road Didsbury Manchester M20 2UP  
Lynwood Holme Road Didsbury Manchester M20 2TX  
Beechwood Court Flat 1-12 Holme Road Didsbury Manchester M20 2UA  
Marie Louise Gardens The Lodge Holme Road Didsbury Manchester M20 2UP  
1-10 Canterbury Park Didsbury Manchester M20 2UQ  
18 -28 Hesketh Avenue Didsbury Manchester M20 2QW  
Manchester Metropolitan University Needham Hall 205 Palatine Road Didsbury  
Manchester M20 2TU  
Didsbury Civic Society  
Lancaster Road and Spath Road Residents Association  
Holme Road Residents Association

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### Representations were received from the following third parties:

E. Webber 7 Sandiway Drive Didsbury Manchester  
S And K Dalton 23 Holme Road Didsbury Manchester  
K And B Mccullough 25 Holme Road Didsbury Manchester  
J Hacking 39 Bamford Road Didsbury Manchester  
A Hoffman 15 Spath Road Didsbury Manchester  
P. Quinn 19 Spath Road Didsbury Manchester  
23 Spath Road Didsbury Manchester  
C. Elstein 25 Spath Road Didsbury Manchester  
Mr And Mrs Stripling 11 Lancaster Road Didsbury Manchester  
K. And A. Shore 13 Lancaster Road Didsbury Manchester  
H Ani 17 Lancaster Road Didsbury Manchester  
Anne And Victor Hassan 18 Lancaster Road Didsbury Manchester  
V And L Kapoor 9 Lancaster Road Didsbury Manchester  
Professor Malcolm IV Jayson 8 Lancaster Road Didsbury Manchester  
W Shaw 19a Spath Road Didsbury  
Mrs A. Feldman Beechwood Court Flat 10 Holme Road  
Mr And Mrs McKenzie 42 Spath Road Didsbury Manchester  
Dr J Zhang 44 Spath Road Didsbury Manchester  
Prof. M. Jayson The Gate House 8 Lancaster Road Didsbury  
M. Shah 16 Lancaster Road Didsbury Manchester  
Mr And Mrs McCullough 25 Holme Road Didsbury Manchester  
Mrs R. Salaloff 12 Beechwood Court Holme Road Manchester  
Mr And Mrs McKenzie 42 Spath Road Didsbury Manchester  
C Dowling 11 Bamford Road Didsbury Manchester  
J Leech MP  
Cllr N. Trafford  
Cllr M. Clayton  
Holme Road Residents Association 23 Holme Road Didsbury Manchester  
Lancaster Road And Spath Road Residents Association 13 Lancaster Road  
Didsbury Manchester

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