Rusholme	Ward	Application Number 080389/FO/2006/N2	Date of AppIn 5th Sep 2006	Committee Date 23rd Nov 2006
Proposal	Erection of 3 storey detached building to form 18 apartments with associated car parking and landscaping			
Location	Tennis Courts Rear Of , Langdale Hall, Lower Park Road/ Denison Road, Victoria Park			
Applicant	Classic Homes MVS Building Suite 5, Lower Chatham Street, Manchester, M1 5SU			
Agent	Howard And Seddon Partnership 64 Washway Road, Sale, Cheshire, M33 7RE			

Description

This application is for part of the grounds of Langdale Hall, a grade 2 listed building, situated in the Victoria Park Conservation Area. The Langadale Hall site is broadly "L" shaped with the hall site at the south east corner at the junction of Upper park Road and Denison Road. The tennis courts are located in the south west corner at the junction of Lower Park Road with Denison Road. Langdale Hall is set within generous landscape grounds including car parking, lawned area, shrubs with mature trees on the road frontages. The area is predominantly residential in nature with the Chinese Consulate opposite which is also set in mature landscape grounds.

Full planning permission is sought for the construction of a three- storey villa accommodating 18 apartments with basement car and cycle parking with a new vehicular access off Lower Park Road. The new building will accommodate 7 one bedroom apartments, 9 two bedroom apartments and 2 three bedroom apartments. The proposed footprint is rectangular in shape and is within the perimeter of the hard surfaced tennis courts.

Planning permission was granted in October 2005 for Conversion of existing building into 15 self contained flats, and erection of a three storey building to form 31 flats with associated landscaping and surface level parking to rear of Langdale following demolition of existing building under ref 073960/fo/2004/n2. This was made subject to a number of conditions including a condition to retain the existing gardens and tennis courts to ensure adequate private amenity space and recreational areas which was to be made available for use by the future residents of the apartments.

Consultations

Local Residents Four letters of objection have been received. The grounds of objection are as follows; the area is already congested and adding another18 flats will mean increase in air pollution, increase in traffic congestion, it will reduce the green parts of the neighbourhood, it will subject children to a less safe environment, and most importantly, the neighbourhood will lose one of its landmarks - the tennis courts that residents are proud of. Concerns are raised about the number of cars parked locally and that many cars are being driven too fast and traffic calming measures are needed. The environment should be preserved as it is. One resident who lives next to the site is objecting as they

will loose the views from their houses. Concerns have also been raised about reduction in privacy and loss of sunlight as a result of the building, there will be an increase in activity in terms of traffic and people visiting due to frequent changes of tenants and this will cause security problems and increase noise levels in the area. The landscape of Victoria Park as a whole will be damaged. Concern about the length of time construction work is likely to take is also raised and how this may adversely impact on the work of a member of the medical profession who lives locally.

Greater Manchester Police can see no reason why this scheme could not be made to meet Secure by Design Standards

South Manchester Regeneration Team In regeneration terms the loss of private tennis courts and their replacement with residential development will not have a major impact. The applicant has submitted a design and landscape proposals that will complement the surrounding area. The provision of flats will bring the usual risks of car parking and congestion and as 2/3 bedroom are proposed more parking spaces may be required. Councillors have complained that parts of Victoria Park are completely congested during the day by commuters and student parking.

Sport England The consultation is being treated as non-statutory as it does not affect a defined playing field. There are two main issues for consideration, firstly the loss of existing facility and need for their replacement, secondly the need for recreational facilities arising from the development to be met. The audit carried out by the applicant concludes that the facility is surplus to requirements and no compensatory offer is made to make good the loss of the sports facility. Sports England say that this audit assessment does not make a quantative or qualative assessment of open space within the area to come to their conclusion. It is also noted the assessment has not engaged with the community to establish the need for this type of facility, and what alternative types of recreation open space may be required. The agent should make good the shortcomings of their assessment or consider providing off-site contribution towards local sport provision in order to create /enhance the existing facilities based on the Council's assessment of sport need in the locality. Any new housing development raises local population and consequently places additional pressures on existing public recreational facilities. The application makes no attempt to establish the need for sport and recreational facilities that would arise from the proposed development, or to demonstrate how these needs can be met through the development or off-site. Sports England have used their model to calculate a contribution that would be expected to made under a planning obligation and suggest a sum of £13, 857 for this.

English Heritage do not wish to make any comments on this occasion.

Manchester Historic Buildings and Conservation Panel felt that it was clear that Langdale Hall sat in its own grounds, but development had taken place to the north in the past and this justified the acceptance of a replacement building. There was no such justification for the current proposal, which is located to the south of the hall on open space used as tennis courts. The Panel noted that there was open landscape on the site opposite, thus forming an important characteristic of the conservation area. There was no justification for additional development in the gardens of the original villa, especially where it would adveresely affect the character of the conservation area. There was some

criticism of the pseudo -historic architectural expression especially when seen with an extensive flat roof.

Landscape Practice The site is located within the Victoria Park Conservation Area, characterised by large Victorian Villas set within mature landscape grounds, although there are a range of other more recent developments. Mature trees, shrubs and hedges greatly influence the character of the area. Several tress would be lost as a result of the development, however, they are satisfied that these species are of a lesser value in the context of the wider site and that the proposed landscape layout more than mitigates this loss. The proposed landscape scheme will add value to the existing villa and proposed development and also the street scene along Denison Road and Lower Park Road. However, details of the ornamental shrubs and structure planting to the boundaries is required as they are currently shown in schematic form. Applicant should also submit details of the retaining wall that forms access to the basement parking, as they are potentially large expanses of wall, and will need to be carefully treated so as to contribute to the overall quality of the site. The application is supported subject to submission of above details.

Environment and Operation Services Arboriculturist. The proposed tree works are acceptable and all trees retained on the site should be given full protection in accordance with BS 5837. Seven trees have been identified as requiring to be removed if the development is to proceed including five mature trees in fair condition and two young mature trees

Head of Environmental Health has recommended that a standard condition to cover refuse storage space for segregated waste is attached.

Head of Engineering the applicant must clarify parking manoeuvres for disabled parking bays, parked cars obstructs footpath and hand rail act as a barrier. The parking bay dimensions are insufficient and should measure 2.4 m X 4.8 m with 1.2 m access to each side. Access area does not appear to be a cohesive design because it conflicts between levels, footways, disabled parking and ramp edge detail. Driveway entrance should be offset 5.5 m from the public highway. There is insufficient visibility splay to car park exit to Lower Park Road. If Lower Park Road is traffic calmed then splay length is sufficient, if there is no traffic calming in place then splay length is unacceptably short. Pedestrian visibility splaysare required, current scheme obstructs these. The applicant should verify operation strategy of driveway gates to the car park (entering cars must not wait on the highway or obstruct the footpath) Applicant should clarify waste management strategy and clarify besement parking bay widths, the layout shown has inconsistent bay widths which should measure 2.4 m X 4.8 m. The cycle store appears insufficient. Revisions are required to the application to meet the comments made above.

<u>Issues</u>

Relevant Planning Policies

Planning Policy Statement Note No1 (PPS1) Creating Sustainable Communities.

PPS1 encourages the promotion of urban and rural regeneration to improve the well being of communities, improve facilities, promote high quality and safe

developments and create new opportunities for the people living in those areas and to develop strong, vibrant and sustainable communities and to promote community cohesion. A high level of protection should be given to most valued townscapes and landscapes, wildlife and natural resources. Good design should contribute positively to making places better for people and respond to their context and create or re-enforce local distinctiveness.

Planning Policy Guidance Note No3 Housing.

This guidance strongly encourages the re-use of previously developed vacant or under utilised land and buildings and lends support to new housing within urban areas at high densities that are in close proximity to existing services and facilities and public transport provision. Although the site is previously developed land as defined, the guidance makes it clear that this does not mean the whole of the site should be redeveloped and gives the example of the footprint of a building occupying only a proportion of a siteof which the remainder is open land, such as here. The local planning authority is specifically advised to make a judgement about site layout in that context, bearing in mind other planning considerations such as policies for the protection of open space and playing fields and how the site relates to the surrounding area. It goes on to say that new housing development should not be viewed in isolation. Consideration 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. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a redevelopment recognising that new buildings technologies are capable of delivering acceptable built forms and may be more efficient.

Planning Policy Guidance Note no 15 Planning and the Historic Environment

Requires local authorities considering applications for planning permission which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the listed building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. This issue has strong relevance in determining this application. Planning decisions in respect of development proposed to be carried out in a conservation area, high priority must be given to the objective of preserving or enhancing the character and appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against granting planning permission.

Planning Policy Note no 17 Planning for Open Space and Recreation

This advices that existing open space, sports and recreational buildings and land should not be built upon unless an assessment has been undertaken which has clearly shown the open space or buildings or land to be surplus to requirements. For open space, "surplus to requirements" should include considerations of all the functions that open space can peform. Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses. In the absence of a robust and up to date assessment by a local authority, an applicant may seek to demonstrate through an independant assessment the land or buildings are surplus to requirements.

Developers will need to consult the local community and demonstrate that their proposals are widely supported by them.

Regional Planning Guidance for the North West

Policy DP3 Quality in New Development, new developments must demonstrate good design quality and respect for its setting.

Policy ER3 Built Heritage, seeks to protect, conserve and where appropriate enhance the built heritage of the Region, including those feature and sites(including their setting) of historic significance including listed buildings, historic parks and gardens, conservation areas and battlefields.

Unitary Development Plan Policies

Policy E3.8 The Council wishes to enhance the appearance of Conservation Areas, and will where approriate designate further areas. Policy E2.7 The Council wishes to ensure that buildings of special architectural or historic interests are retained, maintained and where necessary restored. It will seek to preserve and enhance the setting of such buildings and areas by appropriate control over the design of new development in their vicinity, control over use of adjacent land and, where approriate, by preservation of trees and landscape Policy L1.2 says that existing outdoor sporting facilities and features. recreational areas will be protected from development unless appropriate replacement facilities can be provided in advance, or it can be shown that adequate facilities exists within the local area. Opportunities will be taken to improve the range and quality of facilities especially in inner areas of the city. Policy H1.2 states that the Council wishes to ensure that housing stock contains a wide enough range of housing type to meet the needs of people who want to live in Manchester. Whilst this scheme provides for one, two and three bedroom apartments a high proportion 39% are for single bedroom apartments. Policy H2.7 advises that new housing schemes will be expected to be of a high standard of design and make a positive contribution towards improving the City's environment. They should not create areas of open space outside the curtilage of dwellings unless there are proper arrangements for its maintenance.

Part 2 and Part 3 of the UDP.

RF1d In deciding its attitude to proposals within Rusholme and Fallowfield, the Council will have regard to general policies in Part 1 of the Plan in order to promote the use and exploit the potential of recreational facilities particularly open spaces, for leisure activities, giving priority to the enhancement and security of existing amenities. DC18.1 a The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues: i) the relationship of new structures to neighbouring buildings and space, the desirability of retaining existing features, such as boundary walls, gardens trees, including street trees. Policy DC19.1 (d) seek to preserve or enhance the settings of listed building by appropriate control over the design of new development of new development in their vicinity, control over use of adjacent land, and where appropriate by preservation of trees and landscape features.

The Guide to Development in Manchester 2. acknowledges that different parts of the City have distinct or individual characters which are a product of the

design of their buildings, the nature of the streets, the quality of the landscape or nature of their activities. Such positive characteristiccs should be recognised and enhanced by new development and each new development should be designed having full regard to its context. New developments in conservation areas should acknowledge the character of that area and will only be acceptable if they fully enhance the special nature of these varied parts of the City.

Impact on Character of Victoria Park Conservation Area. The character of Victoria Park Conservation area is essentially that of large detached villas set in extensive mature gardens. This proposal is opportunistic in nature and would involve introducing built form in an open part of the garden used as tennis courts that are located at a visually prominent position and can be appreciated by those who live and pass through the conservation area. The development would result in the loss of this "openness" and would seriously detract from the character of the conservation area and is therefore contrary to policy DC18.1(a), E2.7 and E3.8 of the U.D.P. and guidance contained in PPG15 and PPS1 and DP3 and ER3 of the Regional Spatial Strategy.

Impact on Setting of Listed building. The gardens and environs of Langdale Hall from an essential part of its character and contributes a strong element in terms of its setting. Development on the tennis courts and replacement with a built form would have a detrimental impact on the setting of Langdale Hall and is therefore contrary to policy DC19.1d, E2.7 of the Unitary Development Plan and guidance contained in PPG15 and DP3 and ER3 of the Regional Spatial Strategy.

Density /Private Amenity Space. Planning permission to convert Langdale Hall into 15 apartments and to demolish the student accommodation formed around a landscape courtyard and replacement with 31 apartments has recently been approved on this site. The existing tennis courts and gardens were considered to provide an adequate amount of useable and particularly private amenity space for future residents to use and new footpath links from the development were to be laid out to ensure its use. The tennis courts formed an integral part of this overall provision and their loss to the 18 apartments would result in a significant reduction in the amount of amenity space available and moreover would now have to be shared by a much larger number of residents. The amount of amenity space now proposed is considered to be very limited for the proposed number of future residents living on the site.

Residential Amenity. The proposal will involve an increase in the comings and goings in the neighbourhood but it is not considered that this increase would cause any discernable residential disamenity problems. The building is situated some approximately 25 metres away from the rear of houses on Redclyffe Avenue and some 38 Metres from Langdale Hall, and 12 metres from no 17 Lower Park Road and it is considered there should be no privacy or overlooking issues.

Loss of Tennis Courts. The tennis courts are surfaced with a tarmac -type material and is marked out for tennis and netball use, however, the surface has not been maintained in recent times and shows signs of wear and is partly affected by moss growth. There is a 2.5 m high chain link fence that is generally in poor condition. The applicants understand that the court has only rarely been used for tennis in recent years by students living in Langdale Hall and the state

of the surface would support this. They do not appear to have been used by the community. The applicant has looked at whether the facility could be used for other types of recreational space/sport uses but it is not considered to be suitable for a number of reasons for example it is too small to accommodate bowling green and existing greens are available in nearby Council Parks. The applicant has looked at local tennis provision and say that the broad south Manchester area is well provided with both private and public tennis courts and has a much higher level of tennis provision than the north. They conclude that the site is not needed for its present purpose and is surplus to requirements for any open space or sporting/ recreational use. However, Sport England, have found deficiencies in the applicant has not shown that alternative repalcement facilities can be provoided in advance of the development and have not offered to make a financial contribution to improve facilities elsewhere by means of a section 106 agreement should the application be approved.

Loss of Trees/Landscaping The trees are visible from neighbouring properties and from the public highway, and therefore have a high collective value. The proposal would involve the loss of one tree and a small group of trees. However, these are considered to be of low visual prominence and fall within low retention category. In addition construction work extends into the root protection area and the long term retention of four other trees could not be assured. All the remaining trees on site including important trees on to Upper Park Road and Denison Road boundaries will be retained and can be protected during construction work. A comprehensive landscape scheme has been submitted that includes planting of 18 new trees, new ornamental shrub planting, hedges and management works to existing shrub areas supplemented with new shrubs is proposed. Whilst the proposal will involve some limited loss of trees a comprehensive package of landscaping has been submitted to compensate for this and is considered to be to an acceptable standard though this cannot make up for the harm caused by the loss of the tennis courts and the addition of built form.

Elevations/Appearance of building. The proposed building is of modern design but includes elements of the Victoria villa style such as steeply pitched roofs, forward projecting gables and sympathetic materials stone faced elevations and slate roofing. These are complemented by modern detailing such as rendered and glazed square bays and zinc roof dormers. The building would have full two storey elevations with third storey being accommodated with in roof space and gable. In essence it will be of similar architectural style to the new building for 31 apartments previously approved within the grounds of Langdale Hall that followed extensive negotiations about its external appearance and on this basis the design is considered to be acceptable.

Means of Access/ Parking Provision. A report dealing with the transport aspects of the proposal has been submitted with the application. It is concluded in this report that the redevelopment off Lower park Road to provide an extension of 18 apartments in addition to the 46 already approved would not lead to any significant increase in two -way traffic flows on the surrounding highway network and it is not anticipated that it would be adversely affected. It is anticipated that with the proposed access the safety of pedestrians and traffic using the junction will be more than adequate due to the available pedestrian intervisibility and the visibility of the neighbouring junctions with Denison Road and Crescent Range. It has also been shown that the site has high sustainability, with good facilities

within the locality, and numerous frequent transport links into the surrounding employment area,

18 parking spaces are to be provided and this is considered to be adequate. A secure cycle storage area is shown to be provided in the basement parking area. The Head of Engineering has made a number of detailed comments with regards to the entrance, visibility splays and general parking arrangements and about adequacy of cycle storage and these would require revisions to be made to the application. These comments have been passed to the applicant and revised plans to take them on board are awaited and this aspect will be reported to Committee.

Sustainability A sustainability statement has been submitted with the application and it is the intention that the development will be assessed by BREEAM and will achieve at least a good rating.

Access for Disabled People. A disabled parking space is to be demarcated at ground level close to the vehicular entrance to the site. It is confirmed that level access to the development is from Lower Park Road and Upper park Road. Stairs and a lift to DFA2 standards from the entrance foyer is to be incorporated to give access to all floors including the basement area. All footpaths leading to the entrance doors via level approach are to be 1.8 wide and no paths will have a gradient greater than 1:20. Bathrooms, kitchens and living rooms will comply with Building Regulation Part M requirements.

Safety and Security The Police have indicated that there should be no problems with achieve Secure By Design accreditation for this proposal.

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 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 replacement at a highly visible corner location of an area of open garden land with the proposed building would harm the character and appearance of the Victoria Park Conservation Area, be out of character with the

locality and the conservation area and fails to respect the site's setting. The development is therefore contrary to policies E2.7 and E3.8 and DC18.1(a) of the Unitary Development Plan for the City of Manchester , policies DP3 and ER3 of the Regional Spatial Strategy and section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, guidance contained in Planning Policy Guidance Note 15, (Planning and the Historic Environment) and the Guide to Development in Manchester 2.

2) The replacement of an area of open, garden land with the proposed building would harm the setting of the listed Langdale Hall. The development is therefore contrary to policies E2.7 and DC19.1 (d) of the Unitary Development Plan for the City Of Manchester, policies DP3 and ER3 of the Regional Spatial Strategy and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to guidance contained in Planning Policy

Guidance Note 15 (Planning and the Historic Environment).

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: 080389/FO/2006/N2 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:

Terrestrial I T Solutions Ltd PO Box 303 Rusholme Manchester M14 5UZ Radio Ramadan PO Box 295 Rusholme Manchester M14 5YG Xaverian College Lower Park Road Rusholme Manchester M14 5RB University Of Manchester Hall Of Residence Langdale Hall Upper Park Road **Rusholme Manchester** 1 Redclyffe Avenue Rusholme Manchester M14 5RG 3 Redclvffe Avenue Rusholme Manchester M14 5RG 4 Redclyffe Avenue Rusholme Manchester M14 5RG 5 Redclyffe Avenue Rusholme Manchester M14 5RG 6 Redclyffe Avenue Rusholme Manchester M14 5RG 7 Redclyffe Avenue Rusholme Manchester M14 5RG 8 Redclyffe Avenue Rusholme Manchester M14 5RG Denison Court 46 Denison Road Rusholme Manchester M14 5RN 83 Denison Road Rusholme Manchester M14 5RN 85 Denison Road Rusholme Manchester M14 5RN 87 Denison Road Rusholme Manchester M14 5RN 89 Denison Road Rusholme Manchester M14 5RN 12 Crescent Range Rusholme Manchester M14 5RW 14 Crescent Range Rusholme Manchester M14 5RW 16 Crescent Range Rusholme Manchester M14 5RW 18 Crescent Range Rusholme Manchester M14 5RW 20 Crescent Range Rusholme Manchester M14 5RW 2a Redclyffe Avenue Rusholme Manchester M14 5RG 11 Lower Park Road Rusholme Manchester M14 5RQ 13 Lower Park Road Rusholme Manchester M14 5RQ 15 Lower Park Road Rusholme Manchester M14 5RQ

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Representations were received from the following third parties:

Ms L Harris 20 Crescent Range Rusholme Manchester

Relevant Contact Officer:	: David Hughes
Telephone No.	: (0161) 234 4530
Email	: d.hughes3@manchester.gov.uk