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Ancoats And Clayton Ward	Application Number	Date of Appln	Committee Date
	081649/FO/2006/N1	16th Feb 2007	31st May 2007

Proposal Erection of part 6 part 7 storey mixed use development comprising retail (Class A1) and offices (Class A2) floorspace on ground floor (combined total 407 sqm) and 47 apartments above, with ancillary basement car parking and landscaping

Location 125/133 Rochdale Road, Ancoats, Manchester, M4 4HZ,

Applicant North Estates And Trifilli 116 High Street, Manchester, M4 1HQ

Agent DS1 Architects Arthur House, Chorlton Street, Manchester, M1 3EJ

Description

The application site is situated on Rochdale Road, Collyhurst, just outside the City Centre, adjacent to Collyhurst Police Station. Back St. George's Road, Peary Street and Tebutt Street form the remaining boundaries of the site. The site is level, and is currently occupied by a used car sales operative, with a single storey building in the centre of the plot. However the site to the rear slopes steeply away from Back St. George's Road down to Burstock Street. The site at the rear is vacant industrial, with predominantly two-storey buildings of varying ages currently occupying the site, but has been granted planning permission for a mixed use scheme comprising the erection of a 12 storey building with 239 apartments, fitness centre, nursery/crèche, and associated car parking (231 spaces) in August 2006.

A telecommunications mast is located to the southwest of the site. Collyhurst Police Station is located to the north east of the site. Uses of land/buildings within the surrounding area are predominantly industrial and business in nature.

Planning permission is sought for a mixed use scheme comprising the erection of a part 6, part 7 storey building to include 47 apartments (42 two and five three bedroomed units) two units for retail and office purposes (total overall floorspace 407 sq.m) with 35 parking spaces (4 of which would be disabled accessible), and 20 cycle spaces, with vehicular access from Back St. George's Road. The scheme incorporates car parking within the basement, has a courtyard garden at ground level and a roof garden.

A Design and Access Statement, including Disabled Access Statement, Transportation Assessment, Travel Plan Framework, Acoustic Report, Bat Survey, Contaminated Land Study, TV Reception Study, Waste Management Strategy and Eco Homes Pre-estimator have been submitted as part of the application.

Consultations

This application has been advertised as a major development in the press on 27th February 2007 , and on site on 28th February 2007.

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Local residents and Local Businesses - one letter of objection has been received from Alexander Court Developments Limited who are developing the site to the rear of the application site. Their grounds of objection are as follows:

- * They believe that the proposed development may seriously detract from the design and quality of their development. They are of the view that the proposed building is of a poor appearance and excessive mass, which would detract from the overall impact of their development

- * They believe that the proposed development will lead to excessive overshadowing and loss of sunlight to their development, which they believe to be unacceptable.

- * They are concerned that the level of external finishes is uncertain and may not be complementary to that proposed on their development.

National Grid Wireless - Have advised the existing 54m high electronic communications mast located off Gould Street, which is owned and managed by National Grid Wireless, currently accommodates equipment for three mobile phone operators as well as for Transco and Fijitsu Services Ltd. The three mobile operators are Hutchison 3G UK Ltd, T-Mobile Ltd and Vodafone Ltd.

Equipment is located on this existing structure at heights ranging from the very top of the tower to dishes located at some 14m above ground level. In addition to this existing equipment, the mast, in accordance with Government guidance in PPG 8 Telecommunications, is also available for mast sharing to enable both the existing operators to upgrade their equipment and for use by other operators.

National Grid Wireless have confirmed that as part of a recent application on neighbouring land they have entered into an agreement with the developer to re-locate any existing equipment on this tower, to a suitable height as specified by the operator, in order to maintain the coverage levels currently provided.

They believe these proposals will also impact the current equipment on the mast, and that they have confirmed this to the developer.

National Grid Wireless have confirmed they are seeking to enter into negotiations with the developer to agree that the developer will re-locate any existing equipment on this tower, to a suitable height as specified by the operator, in order to maintain the coverage levels currently provided. However, as no agreement is currently in place they have registered their concerns regarding the impact of the proposed development on the services currently provided from the existing 54m high electronic communications mast.

They have also noted that there appears to be no report as part of these proposals that considers the impact of the development on telecommunications equipment, and consider that this impact should be fully assessed by the developer at this stage of the process, and that the results of this assessment can then be subsequently reviewed by National Grid Wireless prior to any determination.

The National Grid Plant Protection Team - have advised that there is a intermediate pressure main adjacent to the proposed site.

Head of Regulatory Services (Contaminated Land Section) - The Contaminated Land Section has received a copy of a Phase I Desk Study and Preliminary Risk Assessment for 125-133 Rochdale Road. Having reviewed the information

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it is advised that in relation to the adequacy of the desk study the information provided for this site appears to be adequate. However, it is recommended that an appropriate condition be attached to any approval.

Head of Regulatory Services (Pollution Control) - has advised that the acoustic report produced by AB Acoustics (which was submitted with the planning application), proposes a scheme of acoustic insulation which is satisfactory, provided that the acoustic properties of the façade construction, glazing and ventilation at least meets the criteria identified within the report and a system of mechanical ventilation is installed that does not compromise the acoustic insulation of the development.

It is also advised that the submitted waste strategy is satisfactory except that no bins have been provided for recycling of cans. 1 to 2 wheelie bins should be incorporated into the strategy for the recycling of cans. It is also recommended that conditions are attached to any approval relating to the extraction of fumes, odours and vapours from the building in accordance with an approved scheme; that the hours of operation of the retail and commercial units are agreed prior to occupation and that servicing is restricted to 07.30 to 20.00 hours Mondays to Saturdays and 10.00 to 18.00 on Sundays and Bank Holidays.

A condition is also requested that an acoustic insulation scheme be submitted which acoustically insulates the building and any externally mounted ancillary equipment in order to secure a reduction in the level of noise from the property. The scheme should also secure a reduction in the level of noise emanating from the commercial units.

GMPTTE - Have no comments to make.

Greater Manchester Police Architectural Liaison - Have advised that the access into the underground car park incorporates a pair of gates, which do not appear to be appropriate in this location. A robust sliding gate (fast return) with an 'air-lock' strategy to minimise the risk of tailgating would be required.

Back George Street is a (relatively) narrow street and used by commuters to park cars - mainly on the pavement. By providing access to the site off the rear street the fly-parking strategy will generate conflict and car damage. The street also serves several busy businesses including car repairs demanding high volumes of traffic. The turning into the car-parking lane is too narrow and should be increased to avoid the above issues. It may be appropriate to consider Back St. George 's Road as a single flow street.

The above comments were referred to the applicant, and a detailed Crime Impact Assessment is now being produced by the Architectural Liaison Unit for the proposed development.

Travel for Change Team Coordinator - Has reviewed the Framework Travel Plan and has asked for confirmation of the nature of cycle facilities; advises there needs to be reference to more initiatives i.e. provision of public transport information/cycling and walking maps etc. He would also like to see commitment from the developer re more innovative measures i.e. providing access to broadband for home working; offering discounted public transport tickets to residents; offering discounted membership to Whizzgo Car Club; offering a free folding bike per apartment etc.

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Landscape Practice Group - Have raised concerns over the choice of some of the plant materials, due to the shading of the courtyard, and the exposure of the roof garden to high light levels for most of the day. They have indicated that they are in support of this application subject to the above issues being addressed. A revised landscaping scheme has been forwarded to the Landscape Practice Group for consideration and any further comments received regarding will be reported.

Director of Housing - Any significant comments will be reported to committee.

Head of Engineering Services - Made detailed comments which were forwarded to the applicant. Following further information from the applicant, the Head of Engineering Services has indicated that a detailed servicing strategy would be required because of the QBC on Rochdale Road and traffic regulation orders currently in place on Tebutt Street; further details on the access points to the retail units are needed; pedestrian visibility splays need to be improved on Back George's Road and that the applicant must liaise with both the Bridges and Structures section and Environment & Operations because of the creation of basement in proximity to Rochdale Road, and the extension of the existing footpath at the junction of Tebutt Street and Back George's Road.

Director of Environment and Operations - Any significant comments will be reported to committee.

Greater Manchester Ecology Unit - Any significant comments will be reported to committee.

North Manchester Partnership Team - The site is within the Lower Rochdale Road Neighbourhood of the Collyhurst Local Plan. The Local Plan seeks for the Neighbourhood the development of active frontages and high quality public realm along Rochdale Road and supports the retention of employment uses as the predominant land use in the area.

Building heights are expected to step down from South to North along the Rochdale Road providing a transition between the city fringe and family housing in the Neighbourhood of Major Housing Renewal.

Considering permission already approved to a similar but higher development to the rear the height of the proposed development does not seem unreasonable. The development replaces an unsightly car sales site and through a retail ground floor use should contribute to developing an active frontage on Rochdale Road.

The developer will need to sign a section 106 agreement to contribute to the development of an attractive public realm/lighting along Rochdale Road and adjoining streets in the immediate area.

Issues

Relevant Planning Policies

Planning Policy Statement Note No.1 (PPS1): Creating Sustainable Communities

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PPS1 encourages the promotion of urban and rural regeneration to improve the well being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. Policies should promote mixed-use developments that create linkages between different uses and create more vibrant places.

The principle of the development proposed is clearly in accordance with PPS1.

Planning Policy Guidance Note No.3 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.

The proposal accords with this guidance in that it would create a dense residential development of 47 apartments, comprising 2, and 3 bedrooomed units as part of a mixed-use development on a brownfield site on the fringe of the City Centre.

Planning Policy Statement Note 6 (PPS6): Town Centres and Retail Development

This government guidance on retail development was published in June 1996 and post dates adoption of the Unitary Development Plan. It seeks to promote new retail proposals within existing town centres and other retail centres identified in development plans, and to protect the vitality and viability of existing retail centres. This development is located to the north of the City Centre, but would only introduce a maximum of 407 sq.m. of retail floorspace. This development would be ancillary to the principle use of the site. As such the scheme clearly accords with government guidance in terms of location.

Planning Policy Guidance Note 8 (PPG 8) Telecommunications

The construction of new buildings or other structures, such as wind turbines, can interfere with broadcast and other telecommunications services, and the possibility of such interference can be a material planning consideration.

Planning Policy Guidance Note No.24 Planning and Noise

A noise survey has been carried out to determine existing noise levels around the site, which identifies issues created by existing traffic noise. In addition patron noise from the potential Class A1 and A2 uses may require future control in terms of the hours of operation.

Planning Policy Guidance Note No.25 Flood Risk

This site does not falls within a flood risk area.

Regional Planning Guidance for the North West

Policy UR1 identifies the sustainable regeneration of the Region's urban areas as being a clear priority, and policy UR4 establishes targets for the recycling of

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land and buildings. It sets a target of achieving 90% in Manchester between 1996 and 2016. Policies DP1, Economy in the Use of Land and Buildings, DP2, Enhancing the Quality of Life, DP3, Quality in New Development, are also relevant.

Collyhurst Local Plan

The site is within the Lower Rochdale Road Neighbourhood of the Collyhurst Local Plan which was adopted in December 2006 . The Local Plan seeks that development within the Lower Rochdale Road Neighbourhood has active frontages and high quality public realm along Rochdale Road and supports the retention of employment uses as the predominant land use in the area. In addition building heights are expected to step down from South to North along the Rochdale Road providing a transition between the city fringe and family housing in the Neighbourhood of Major Housing Renewal.

This development would replace an unsightly car sales site and through a retail ground floor use should contribute to developing an active frontage on Rochdale Road, and is considered to accord with the aspirations of the Plan.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance

This site falls within the one of the City's character areas , referred to as 'an area of change'. These are areas of regeneration activity, within which the aim is to extend housing choice to better provide for the needs of existing and future residents; broaden the mix of uses to accommodate new shopping and employment areas; provide jobs, services, and local facilities; and improve sustainability by providing a mix of activities, buildings and facilities . New developments are expected to provide quality in-curtilage amenity space and adequate car parking. It is considered that the proposed development would accord with the aspirations of the guidance.

Unitary Development Plan

Part 1 Policies

Policy E1 advises that that major new development will be required to be located where it can be easily served by public transport; policy E3.3 advises that the Council will seek to upgrade the appearance of the City's major radial and orbital roads and rail routes and policy E3.5 states that the Council will promote measures, which will lead to a safer environment for all people living in and using the City.

Policy S2.1 advises that the Council recognises the importance of good quality local and convenience shopping facilities within easy reach of people's homes and will ensure that all parts of the City are well provided for and that facilities are accessible to everyone. New shops to meet local need will be encouraged. The proposed facilities within the proposed development would accord with this policy in that it would provide local shopping provision for the future occupiers of the proposed development.

Policy S2.4 advises that new shopping facilities should not significantly affect the amenities of nearby residential areas particularly through increased traffic

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congestion, noise and pollution from cars. This scheme would involve the re-development of a vacant site for a mix of uses including an element of retail accessed from Rochdale Road and Peary Street. Given access would be from existing roads which currently serve the site, it is considered that the proposed development would not significantly affect the amenities of the future nearby residential communities.

Policy R1 states that the Council will pursue an area based regeneration strategy working with local communities, public sector and the private and voluntary sectors and Central Government in order to achieve a holistic approach to dealing with economic, social and environmental problems. The scheme accords with the objectives of policy R1.

Policy H1.2 states that the Council wishes to ensure that housing stock contains a wide enough range of housing types to meet the needs of people who want to live in Manchester.

The proposal is in accordance with Policy H1.2 in that the scheme provides a range of 2 and 3-bedroom accommodation to cater for the needs of people at different stages in their life or with different housing requirements. The scheme will also widen the range of property types within the local area, and this in turn should lead to better use of the existing housing stock.

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 incidental open space outside the curtilage of dwellings unless there are proper and ensuring arrangements for its maintenance. The scheme is in accordance with Policy H2.7 in that the development is of a high standard of design, and maintenance regimes are in place for the apartment blocks. Trees and planting within the rear courtyard would be included in the maintenance contract.

Policy HC1 states that in deciding its attitude to proposals within Harpurhey, Lightbowne and Collyhurst, the Council will have regard to the general policies in Part 1 of the plan in order to:-

- a) secure the development of Central Park;
 - b) improve the quality of the local environment;
 - c) encourage new housing development and improve the quality of the existing housing stock;
 - d) provide adequate and accessible community facilities for all members of the community, particularly those with special needs;
 - e) create employment opportunities;
 - f) improve accessibility to employment and shopping facilities;
 - g) provide new and affordable housing for local people;
 - h) target public and private sector resources into the area in order to tackle problems of low quality housing, poor environment and derelict land.
- recognize their differing needs in designing new facilities.

Part 2 of the UDP

The site is not allocated within the UDP, however in the light recent mixed use developments granted approval in the vicinity it is considered that the mix of uses would be acceptable in this location.

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Proposed design/massing/layout of schemes and context within area

It is considered that the principle of the construction of a building of height in this location is acceptable. It is considered that the building would serve to enhance the character and appearance of the street scene and surrounding area. There are already large buildings visible within the street scene and surrounding area, including Collyhurst Police Station, which is a large and imposing building, situated immediately adjacent to the proposed site, and high rise developments on the site to the rear and within the nearby city centre.

The building would over sail the pavement in locations, but the footway width around the building is considered to be acceptable. It is also recommended that any planning approval is subject to a section 106 agreement to contribute to the public realm and lighting in the vicinity of the site.

It is also considered that an acceptable level of amenity space would be provided within the courtyard and roof garden within the site, with public amenity space also available at St. Michael's Flags.

The finish and materials will be crucial as regards the creation of an acceptable scheme. It is noted that the current submission proposes a contemporary materials palette, and it is therefore recommended that a condition regarding materials is imposed upon a grant of Planning Approval to ensure the quality and durability of the materials.

The accommodation mix is predominantly two-bed room apartments, with facilities predominantly designed for use by the occupiers of the accommodation. This is considered to assist in the creation of a sustainable living environment. Conditions regarding servicing and opening hours, and the usage of the commercial units would result in control over noise, activity and disturbance, which would have the potential to disrupt residential amenity.

Quality design and good management of the public realm will be essential to creating a safe and viable location. To this end it is important to create pedestrian-friendly environments, whilst accommodating the vehicle requirements.

Potential of overshadowing and overlooking of adjacent sites

Concern has been expressed by the developer of the adjacent site about the potential for overshadowing of the 12 storey development approved for the site to the rear as a result of the narrow nature of Back George's Road. However, the scheme has been designed to be significantly lower in height than the development to the rear, and would be in the form of a 'u' with the building having habitable room windows on the upper floors, fronting onto all street frontages at the back of pavement, with the exception of Back George's Road to the rear. The rear frontage would comprise predominantly blank narrow gable ends at the back of pavement (with wrap around windows onto Tebutt Street), with the building facing onto Rochdale Road being set back from Back St. George's Road by approximately 27.4m away.

The applicant has submitted a plan to demonstrate the effects of overshadowing when the sun would be to the east of the building (which is the time when it would have the most impact on the adjacent development). This

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indicates that the effects of overshadowing of the development to the west would not be significant, due to the layout and height of the proposed development. As the proposal will bring forward significant regeneration benefits to this area, the potential impact is on balance considered acceptable.

Telecommunications Reception

National Grid wireless own and manage the 54 metre high electronic communications mast adjacent to the site. It is not considered that the presence of the telecommunications mast should preclude development, although National Grid Wireless has confirmed to the developer that the proposed development will impact the services currently provided.

The developer has entered into discussions with a view to entering an agreement with National Grid Wireless to re-locate any existing equipment on this tower to a suitable height as specified by the operator, in order to maintain the coverage levels currently provided. To date an agreement has yet to be signed and therefore National Grid Wireless wish to maintain their objections to the proposals.

Secure by Design

The priority has been to create a quality development, which encompasses the key principles to ensure a safe and secure environment. The design strategy has been to avoid corners and elements that can be climbed over/vandalised to encourage passive surveillance. The entire site would be lit and managed.

In accordance with policy DC14, the applicant has been advised that where roller shutters are provided these must comprise grills or shutters which would not create a blank frontage. A condition is also recommended that during day time hours, shutters are not down thereby avoiding a blank frontage to individual shops. In addition, until such time as the proposed commercial ground floor units are occupied, it is recommended that a condition is imposed which requires the temporary treatment of the frontages to be agreed with the City Council.

The landscaping proposals would also make use of the type of planting that would prevent the creation of hiding places.

Traffic

A Traffic Impact Assessment has been submitted which reviews, the local accessibility, existing traffic conditions, highway facilities and transportation constraints effecting this proposal. The conclusions are that :-

* The potential for the development to generate significant number of peak hour car trips is considered to be minimal, and there is no demonstration of material harm to the interest of maintaining adequate levels of services at off site junctions.

* The site has excellent public transport provision with access to bus routes to and from the City , the Metrolink stop at Shudehill and Victoria Station.

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A Framework Travel Plan was provided as supporting documentation, and the applicant has been advised to incorporate the matters raised by the Travel Change Coordinator into a revised document.

There is one vehicular access point proposed into the site from Back St. George's Road. The issue of Back St. George's Road being made into a one way route was raised as an issue when the site to the rear was under consideration. Comments of the Head of Engineering Services will be important in this regard.

Parking - 31 parking spaces would be provided at basement level with 4 allocated for whizz go contract cars, and four spaces allocated for use by disabled people. Although this is below 100 % provision , it is considered on balance that the parking provision proposed is acceptable in this location due to the combination of the location of the proposed building on a main radial route with a Quality Bus Corridor with frequent bus services, and the provision of facilities for Whizz Go cars within the development, together with the measures outlined in the Framework Travel Plan.

Landscaping

The scheme includes a landscaped courtyard with trees, lawned areas and planting beds at ground level and a roof garden . Following concerns expressed regarding the choice of species for both locations , the applicant's response was to request that a landscaping condition be attached to any planning approval to require the submission of a further landscaping scheme, which resolved the issues, which had been raised. However, a revised landscaping scheme has now been submitted which is under consideration. There are currently no trees or planting within the existing site, the proposed development with appropriate planting has the potential to significantly improve the existing situation. It is considered that an acceptable level of amenity space would be provided within the site, with public amenity space also available at St. Michael's Flags.

Ecology

Survey work has been undertaken in relation to bats, however due to the time of year the survey was limited as the prevailing weather conditions were too cold for normal bat activity. However, there are no trees on the site and the building was examined externally and internally, but no signs of bat occupation were found.

Boundary Treatment

The principle of the height and choice of boundary treatment in the vicinity of the access to the rear courtyard is considered to be acceptable. However, it is recommended that the aspect of the gates to the basement car park is conditioned given the concerns expressed by the Architectural Liaison Officer.

Sustainability

The applicant has considered the sustainability of the scheme as part of a pre-estimator for Eco Homes and aspires to achieve a "very good" rating. Other key sustainability issues that have been considered in the development of the scheme include :

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- (1) Low energy light fittings, and drying spaces.
- (2) Cycle storage spaces, and participation in the Whizzgo car scheme.
- (3) Use of grey water internally and externally.
- (4) Provision of roof garden as a natural habitat for insects and birds.
- (5) The design of the building envelope to minimise heat losses and solar gains, and the provision of energy efficient lighting to key areas and general circulation spaces. The buildings have been orientated to allow habitable rooms to be adequately lit with natural light, wherever possible.

A site wide waste management strategy has been developed. The aim of the development will be to encourage segregation of refuse and recyclable waste by clear delineation. A recycling storage zone and 'bring zone' has been provided at ground floor level, and this has been revised to incorporate a recycling facility for cans as requested by the Head of Regulatory Services.

TV Reception

The applicant has submitted correspondence from Astbury Digital in relation to the impact on television reception as a result of this proposal. It advises that it is not possible to be conclusive about the effects on TV and Radio reception until such time as the buildings are constructed. However, they are of the view with regard to the existing residential properties that are sited some distance from the proposed development, signal degradation would most likely be limited to short term reflections causing ghosting to analogue signals. They indicate they cannot confirm if reception issues would be created, but that in similar situations an effective and satisfactory work around solution can be found in the majority of cases. It is therefore recommended that this aspect of the proposal is conditioned to safeguard existing and future occupiers in the locality.

Access for Disabled People

The proposal generally accords with the City Council's guidance for visitor accessibility with a level threshold provided to all apartments, internal and external doors widths and lift access being provided. Whilst 2.0 metre turning circles would be provided in a number of the bathroom facilities, additional bathrooms have now been revised to provide adequate manoeuvring space. Four parking spaces with transfer space have been provided within the basement car park within reasonable distance to the lift.

In conclusion, the proposal generally complies with DFA2 standards and it is considered, on balance, that some of the deviations from DFA2 which are proposed would not create a significant barrier to the buildings and public areas being accessible.

Noise

Policy DC26.1 DC26.2 DC26.4 and DC26.5 relate to assessment of the affects of noise on new developments, and controlling noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

A number of conditions have been suggested as regards this matter, which are recommended to be attached to any planning approval conditions in order that residential amenity is not harmfully compromised by noise and vibration.

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Comments by Objectors

The matter of external finishes has been noted and it is recommended any approval be conditioned to require the submission of a palette of materials prior to the commencement of development. It is accepted that the materials currently proposed are of a contemporary nature, but quality contemporary materials have been recently used in other developments elsewhere on Rochdale Road. As such the quality of products will be essential in this location to create a sustainable quality development.

The concerns raised about overshadowing of the proposal to adjacent sites are covered elsewhere in this report.

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 approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation MINDED TO APPROVE

Minded to Approve, subject to revised plans in relation to engineering issues and access to retail units ; to 32 conditions and a S.106 Agreement for a financial contribution towards environmental improvements to the public realm and lighting , on the basis that the development is in accordance with Regional Spatial Strategy for the North West, policies HC1, E3.3, H2.2, H2.7, E3.5, H1.2, H2.1, DC7.1, E1.5, T3.1, DC26.1, DC26.2, DC26.4 and DC26.5 of Manchester City Council's adopted Unitary Development Plan (UDP), and there are no material considerations of sufficient weight to indicate otherwise. On the basis that the proposal would contribute to the regeneration and improvement of a brownfield site in a prominent location, and constitute an acceptable scheme.

Conditions and/or Reasons

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

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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 drawings numbered 0169/SK/01, 0169/01/02 rev.B basement plan, 0169/01/05 6th floor plan, 0169/01/07 sections, 0169/01/08 street scenes, 0169/02/10 (notwithstanding species annotated), 0169/02/01, J6/01059, TV reception letter dated 13th February 2007, Design and Access Statement, disabled access statement, Eco Homes Assessment, Waste Management Strategy (as amended by e-mail received 18th April 2007), Acoustic survey, Bat survey, stamped as received by the Local Planning Authority on 16th February 2007 , e-mail dated 3rd may 2007 0169/01/04 rev.A 1-5 levels floor plan, 0169/01/06 rev.A elevations, 0169/02/09 stamped as received by the Local Planning Authority on 15th May 2007, 0169/01/03 rev.B ground floor, 3112.01 stamped as received by the Local Planning Authority on 16th May 2007, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - To ensure that the development is carried out in accordance with the approved plans.

3) Notwithstanding the materials annotated on the submitted plans, construction of the works hereby approved by this permission shall not take place until samples and specifications of the materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as Local Planning Authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, pursuant to policies HC1, E3.3, and H2.2 of Manchester City Council's adopted Unitary Development Plan.

4) No development shall commence unless and until a Travel Plan that will provide for the needs of future residents who may wish to have the use of a motorcar has been submitted to and approved in writing by the City Council as local planning authority. The scheme submitted shall incorporate the following as applicable, a car club, notification to future residents of the absence of on-site car parking, contract car parking and public transport passes, and should include details of the arrangements to be put in place and shall also identify the parties who will be responsible for managing the scheme. Any scheme approved in discharge of this condition shall be operational at all times that any residential units are occupied.

Reason - In accordance with the provisions contained within Planning Policy Guidance, pursuant to policies of Manchester City Council's adopted Unitary Development Plan, pursuant to policies T3.1 of Manchester City Council's adopted Unitary Development Plan.

5) The development hereby approved shall achieve a Building Research Establishment Environmental Assessment Methodology (BREEAM) rating of 'very good' , and equivalent level 3 for Code for Sustainable Homes, unless otherwise agreed in writing by the City Council as local planning authority.

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Reason

In the interests of minimising the environmental impact of the development, pursuant to Manchester Unitary Development Plan policy E1.5.

6) The management of waste shall be carried out in accordance with the waste management documents received 16th February 2007 unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interests of minimizing the environmental impact of the development, pursuant to policy E1.5 of Manchester City Council's adopted Unitary Development Plan.

7) A landscaping scheme shall be submitted to and approved in writing by the City Council as local planning authority prior to the commencement of the development. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out, pursuant to policies HC1, E3.3, H2.2, H2.7, E3.5, H2.1, DC7.1, E3.7 and E1.5 of Manchester City Council's adopted Unitary Development Plan.

8) The development hereby approved shall include a building lighting scheme and a scheme for the illumination of external areas during the period between dusk and dawn, or as may be otherwise agreed in writing by the City Council as Local Planning Authority. Full details of such a scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The approved scheme shall be implemented in full before the development is first occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development, pursuant to policies HC1, E3.3, H2.2, H2.7, E3.5, and H2.1, of Manchester City Council's adopted Unitary Development Plan.

9) The development hereby approved shall include acoustic glazing and acoustically treated ventilation in accordance with an acoustic attenuation scheme to be submitted to and approved in writing by the City Council as Local Planning Authority before the development commences. The internal noise level within bedrooms at night shall not exceed 30 dB LAeq, and L_{Amax} within bedrooms at night shall not usually exceed 45 dB, unless otherwise agreed in writing with the Local Planning Authority. L_{Amax} shall be measured using a fast time weighting. The acoustic attenuation scheme hereby approved shall be implemented in full before use of the premises first commences.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policies HC1, H2.2,

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H2.7, H2.1, DC26.1, DC26.2, DC26.4 and DC26.5 of Manchester City Council's adopted Unitary Development Plan.

10) Before the development hereby approved commences, the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as Local Planning Authority in order to secure a reduction in the level of noise emanating from the equipment. The applicant should submit information that demonstrates that externally mounted plant, equipment and servicing will achieve a noise level of 5 dB below the existing background (LA90) in each octave band at the nearest residential property.

Reason - To safeguard the amenities of the occupiers of the residential accommodation, pursuant to policies HC1, H2.2, H2.7, H2.1, DC26.1, DC26.2, DC26.4 and DC26.5 of Manchester City Council's adopted Unitary Development Plan.

11) Before development commences, the internal car park area shall be ventilated in accordance with a scheme to be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason - In the interests of public health and to ensure satisfactory conditions within the car parking area, pursuant to policies HC1, H2.2, H2.7, and H2.1 of Manchester City Council's adopted Unitary Development Plan.

12) Before development commences a scheme for the extraction of any fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as Local Planning Authority before the use commences; any works approved shall be implemented before the use commences.

Reason - In the interests of the amenities of the occupiers nearby properties, pursuant to policies HC1, H2.2, H2.7, and H2.1 of Manchester City Council's adopted Unitary Development Plan.

13) The permitted hours of the Class A1 and A2 uses within the proposed development are to be submitted and agreed in writing by the City Council as Local Planning Authority, prior to the occupation of the buildings.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation when the development is complete, pursuant to H2.2 of the Unitary Development Plan for the City of Manchester.

14) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00 Monday to Saturday and 10:00 to 18:00 Sundays and Bank Holidays.

Reason - In the interests of residential amenity, pursuant to policy H2.2 of Manchester City Council's adopted Unitary Development Plan.

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15) The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the LPA and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

1. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:

- (i) The requirements of the LPA for site investigations have been fully established; and
- (ii) The extent and methodology have been agreed in writing with the LPA.

2. A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

3. If during the works contamination is encountered which has not previously been identified then work shall cease in that area, the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

4. Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to, and approved by, the LPA.

Reason - To ensure that the presence of or the potential for any contaminated land/ground gas is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies HC1, H2.2, H2.7, and H2.1 of Manchester City Council's adopted Unitary Development Plan.

16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) and notwithstanding the provisions of the Town and Country Planning Act 1990 (or any act revoking and re-enacting that Act with or without modification) and notwithstanding the plans listed in condition 2, no electronic communications apparatus [which does not require submission of an application for determination by the City Council of whether the Council's prior approval is required] shall be installed in, on or over the building unless installed pursuant to a planning permission other than this permission.

Reason - In the interests of the appearance of the building and street scene, and residential amenity, pursuant to policies HC1, E3.3, H2.2, H2.7 and H2.1 of Manchester City Council's adopted Unitary Development Plan.

17) The buildings shall be demolished outside of winter hibernation periods for bats (November to March), unless a method statement demonstrates that reasonable precautions have been taken with regard to bats prior to the commencement of demolition works. The method statement shall be compiled by a person, the identity of whom has been previously agreed in writing by the

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City Council as Local Planning Authority, and shall be submitted to the City Council as Local Planning Authority for approval prior to the commencement of works.

Reason - To ensure the protection of habitat of bats which are protected species under the Wildlife and Countryside Act 1981.

18) Details of access proposals for mobility impaired persons including route widths, levels and gradients, shall be submitted to and approved in writing by the City Council as local planning authority before development commences. The approved details shall be implemented before the development is first brought into use.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of the Unitary Development Plan for the City of Manchester and the Disability Discrimination Act 1995. However, in approving the relevant drawings, the City Council as the local planning authority does not hereby give any warranty that the provisions of the Disability Discrimination Act 1995 have been complied with.

19) The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to achieve the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those measures are to be provided to the City Council, as the Local Planning Authority.

Reason - In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in PPS1 "Delivering Sustainable Development".

20) All vehicles entering and leaving the site during the construction period are to pass through a wheel wash. Details of the wheel wash shall be submitted to and approved in writing by the City Council as local planning authority prior to the development commencing.

Reason - To ensure that the proposed development does not cause unacceptable amounts of dust in the vicinity, and to ensure that local roads are kept clear of mud, pursuant to policies HC1, H2.2, H2.7, and H2.1 of Manchester City Council's adopted Unitary Development Plan.

21) The details of an emergency telephone contact number shall be displayed in a publicly accessible location on the site during the construction period and shall remain so displayed unless otherwise agreed in writing by the City Council as local planning authority.

Reason

In the interests of local amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

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22) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to policies HC1, E3.3, H2.2, H2.7, E3.5, T3.1, DC7.1, E3.7 and H2.1 of Manchester City Council's adopted Unitary Development Plan.

22) No part of the development shall be occupied until facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. These facilities shall then be retained and permanently reserved for bicycle parking.

Reason

To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport, pursuant to policy T3.7 of the Unitary Development Plan for the City of Manchester.

23) Details of any roller shutters or security grilles to be installed within the development shall be submitted to and agreed in writing by the City Council as Local Planning Authority before they are in place. Roller shutters and grilles shall be of an open grille construction, with the housing for the mechanism recessed behind the plane of the wall where the mechanism is to be located and be colour-coated.

Reason

In the interests of visual amenity, pursuant to policy DC14 and policy E3.3 of the Unitary Development Plan for the City of Manchester.

24) This permission hereby approved relates to :-

- Class A1 and A2 within the development combined maximum floorspace of 407m².
- 47 residential units

unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason

For the avoidance of doubt as changes to any element of the development may have consequences in terms of national and local policy considerations.

25) Upon occupation of the commercial units, any proposed roller shutters on the frontage of the proposed units shall be open/raised from 9.00 a.m. until the business closes in the evening.

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Reason

In order to ensure that the appearance of the building is in keeping with the character of the area, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

26) Before the development hereby approved commences a shop front and signage design strategy for the commercial units shall be submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with the approved details

Reason

To protect the visual amenity of the development, pursuant to adopted Manchester Unitary Development Plan policy H2.2 and E3.3

27) Within six months of any part of the development first being occupied, a repaving strategy for the public footpaths and redundant vehicular crossings immediately adjoining the application site shall be submitted to and approved in writing by the City Council as local planning authority.

Reason

In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes, pursuant to Manchester Unitary Development Plan policy H2.2 and E3.3.

28) Before development commences, full details, including scaled elevations, plans and cross-section drawings, of temporary infill panels to the ground floor commercial units shall be submitted to, and approved in writing by, the City Council as Local Planning Authority. The details submitted shall include an explanation, in drawings or text, of how the proposed works will resist fly posting and graffiti, and how they will be maintained in good condition. Any works approved in discharge of this condition shall be implemented in full before any part of the development under this planning consent is first used, or by such time as may be agreed in writing with the City Council as Local Planning Authority. The strategy for maintaining the infills in good condition shall be operational at all times until the temporary infills are removed from the site.

Reason

In the interests of visual amenity and to ensure that the frontage of the units before occupation has a good appearance within the streetscene, and that this appearance is maintained, pursuant to Manchester Unitary Development Plan policies E3.3 and H2.2.

29) Before the building hereby approved is first occupied it shall be insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the property. The applicant should demonstrate that the acoustic insulation of the units is adequate to contain noise within the units and demonstrate that noise from the units would not cause disamenity to the occupants of nearby residential properties.

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Reason

To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policies HC1, H2.2, H2.7, H2.1, DC26.1, DC26.2, DC26.4 and DC26.5 of Manchester City Council's adopted Unitary Development Plan.

30) Design specifications of the metal balustrade and enclosure of the balcony access to the apartments shall be submitted to and approved in writing by the City Council as Local Planning Authority prior to the development commencing. The approved scheme shall be implemented in full before the development is first occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development, pursuant to policies HC1, E3.3, H2.2, H2.7, E3.5, H2.1, and E1.5 of Manchester City Council's adopted Unitary Development Plan.

31) Details of the proposed gates to the car park including colour, height and finishes shall be submitted to and approved in writing by the City Council, as local planning authority, before the use commences. The approved details shall be implemented before the development is first brought into use.

Reason

To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, pursuant to policies H2.2, E3.3 and E3.5 of the adopted UDP.

32) The applicant shall, with regard to television reception in the area containing the application site, provide the City Council as local planning authority with studies that:

a) Identify, before the development commences, the potential impact area in which television reception is likely to be adversely affected by the development. The study shall be carried out either by the Office of Communications (Ofcom), or by a body approved by Ofcom and shall include an assessment of when in the construction process an impact on television reception might occur.

b) Measure the existing television signal reception within the potential impact area identified in (a) above before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Office of Communications, and shall include an assessment of the survey results obtained.

c) Assess the impact of the development on television signal reception within the potential impact area identified in (a) above within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the City Council as local planning

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authority in response to identified television signal reception problems within the potential impact area. The study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out in (b) above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason

To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception, as advised in Planning Policy Guidance Note 8: Telecommunications, pursuant to Manchester Unitary Development Plan policy H2.2.

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: 081649/FO/2006/N1 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/notified on the application:

Chief Executive's Landscape Practice Group
Engineering Services
Environmental Health
Contaminated Land Section
Director Of Housing
Environment & Operations (Refuse & Sustainability)
North Manchester Partnership
GMPTE
Greater Manchester Police
Greater Manchester Ecology Unit
The National Grid Wireless
Transco North West
Travel Change Team
Contaminated Land Section
Chief Executive's Landscape Practice Group
Engineering Services
2 Peary Street, Manchester, M4 4JX
British Gas Plc, Gould Street, Manchester, M4 4RN
97-109 Rochdale Road, Manchester, M4 4HZ
85 Rochdale Road, Manchester, M4 4HY
87 Rochdale Road, Manchester, M4 4HY
95 Rochdale Road, Manchester, M4 4HZ
1 Back St Georges Road, Manchester, M4 4JD
Alexander Milnes, Burstock Street, Manchester, M4 4JB

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J Smith (waste) Ltd, Bilbrook Street, Manchester, M4 4JE
87A Rochdale Road, Manchester, M4 4HY
Unit 2, Trading Estate, Sudell Street, Manchester, M4 4JQ
Unit 3, Trading Estate, Sudell Street, Manchester, M4 4JQ
Unit 1, Trading Estate, Sudell Street, Manchester, M4 4JQ
Unit 4, Trading Estate, Sudell Street, Manchester, M4 4JQ
Collyhurst Police Station, Rochdale Road, Manchester, M4 4JA
Hennessy House, St Josephs Mission To The Deaf, Sudell Street, Manchester, M4 4JD
20-22 Back St Georges Road, Manchester, M4 4JD
24 Back St Georges Road, Manchester, M4 4JD
Junction Clive Street, Back St Georges Road, Manchester, M4 4JD
The Great American Car Wash, Back St Georges Road, Manchester, M4 4JD
J Smith Waste Co, Bilbrook Street, Manchester, M4 4JE
1 Burstock Street, Manchester, M4 4JB
Maiden1832 Gable, Mamas, 85 Rochdale Road, Manchester, M4 4HU
Next To, 85 Rochdale Road, Manchester, M4 4HU
Rochdale Road Service Station Next, 95-109 Rochdale Road, Manchester, M4 4HZ
Gmpte 57 Nb 0855 Bus Shelter Outside Police Statio, 135 Rochdale Road, Manchester, M4 4HZ
St Josephs Mission To The Deaf, Sudell Street, Manchester, M4 4JD
Trading Estate, Sudell Street, Manchester, M4 4JQ
Mamas, 85 Rochdale Road, Manchester, M4 4HU
British Gas Plc, North West House, Gould Street, Manchester, M4 4DJ
Greater Manchester Police, Divisional Headquarters B Division, Collyhurst Police Station, Rochdale Road, Manchester, M4 4JA
Radium Garage, 125-133, Rochdale Road, Manchester, M4 4HZ
The Great American Car Wash, 1 Back St. Georges Road, Manchester, M4 4JD
J S Vehicle Movements, 87a, Rochdale Road, Manchester, M4 4HY
Automotive Supplies, Unit 3, Trading Estate Sudell Street, Manchester, M4 4JQ
Crown Decorator Centre, Unit 1, Trading Estate Sudell Street, Manchester, M4 4JQ
Nationwide Vehicle Deliveries Ltd, 87 Rochdale Road, Manchester, M4 4HY
John Hicky, Downs And Variava, The Towers, Towers Business Park, Wilmslow Road, Didsbury, Manchester, M20 2DD
Alexander Court Developments Ltd, 23 Abbey Court, Poynton, Cheshire, SK12 1WW

Representations were received from the following third parties:

Alexander Court Developments Ltd, 23 Abbey Court, Poynton, Cheshire, SK12 1WW
National Grid Wireless, Altrincham Business Park, Unit 3, Edward Court, George Edwards Way, Altrincham. WA 14 5GL

Relevant Contact Officer: : Sue Wills
Telephone No. : (0161) 234 4535
Email : s.wills@manchester.gov.uk