

List No. 15

Burnage Ward	Application Number	Date of Appln	Committee Date
	082492/FO/2007/S2	14th Mar 2007	26th Jul 2007
Proposal	Erection of 4 storey building comprising retail units at ground floor with 40 apartments above		
Location	Corner Site Adjacent To Tesco Superstore, Bounded By Lane End Road And Burnage Lane, Burnage, Manchester		
Applicant	Woodthorpe Homes 62 Mountana House, 136 Princess Street, Manchester, M1 7AF		
Agent	Nightingale Associates The Observatory, 1 Old Haymarket, Liverpool, L1 6LA		

Description

The proposal is sited at the junction of Burnage Lane and Lane End Road adjacent to the Tesco Store. The land was formerly part of the Reynold Chain site and is some 0.18 ha in extent..

The proposal is for the erection of a 4 storey block comprising retail usages at ground floor with 3 storeys of residential accommodation above providing a total of 40 flats and associated car parking for 38 vehicles.. The building is designed in a contemporary architectural style and is to be constructed of brick, render and cladding panels with artificial stone copings. The glazing is to be contained within grey powder coated frames - UPVC on the upper levels and aluminium at ground floor level.

The proposed building is served by a private service road which will service the shop units and the car parking area which will be laid out for 38 car parking spaces. It is intended that the car park be used jointly by shop owners and residents during the day but by residents only after the normal working day.

Consultations

Residents and local businesses

A total of 7 local residents have sent in written representations or emails in respect of this proposal. The comments made by the residents include:

Existing traffic problems with Tesco both with visitors to store and HGV arriving all through day and night. Although works have been done to Burnage lane this has not solved the problem;

Adding more shops would compound the existing problem;

No parking provision for shoppers and they will park on Lane End Road;

The building is too high and will block light to residents;

Balconies will take away privacy and encourage Tesco to apply for an upwards extension;

The proposed building is not in keeping with the area and will be another eyesore like Tesco;

Should concentrate on solving problems caused by Tesco before allowing a new development which will cause more misery;

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Only family houses should be allowed;
Where will construction traffic park?
Where will new residents park?
Parking problems will have a large impact on current residents quality of life;
No reassurance about type of retail units on ground floor;
Will increase litter at one of Manchester's dirtiest junctions;
Will cause noise and disturbance . Site backs onto quiet 20th century retirement homes who deserve some peace and quiet;
Over development of the site. The proposals set a precedent for closed and run down properties as seen diagonally across the road;

Member of Parliament

Mr J Leech MP has emailed in connection with this proposal setting out the following grounds of objection:

The 4 storey nature of the proposed development is too large and will result in overlooking;
The retail element may cause harm to the existing shops in the area ? Surely a s.106 is appropriate to improve the existing shops, roads and pavements;
Concern has already been raised as a result of the Tesco store in relation to parking and traffic flows through this busy junction. What mitigation will be put in place to make the junction safe? and
Tesco are supposed to have implemented a lay-by for residents on Lane End Road. The failure so far to do so has caused real problems. This application should not be approved until this layby has been completed and the traffic and parking problem is resolved.

Head of Engineering

Any comments will be reported at the Committee meeting.

Greater Manchester Police Architectural Liaison Officer

States this application was the subject of a pre-planning consultation with this unit and I can see no problem with it.

Environmental Health - no objections in principle but require conditions re noise; opening hours; deliveries; fumes; refuse; exterior lighting; and an informative re construction noise.

Issues

Unitary Development Plan for the City of Manchester

There are no site-specific policies within the Unitary Development Plan relating to this site but the following policies are relevant to the consideration of this application:

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- H1.2 The Council will ensure that that the housing stock contains a wide range of housing types to meet the needs of people who wish to live in Manchester. This would include accommodation for disabled people.
- H2.2 The Council will not allow development which will have an unacceptable impact on residential areas.
- H2.7 New housing schemes will be expected to be of a high standard of design and make a positive contribution toward improving the City's environment.
- S2.4 New shopping facilities should not significantly affect the amenities of nearby residential areas particularly through increased traffic congestion, noise and pollution from cars.
- E1.5 The Council will contribute towards energy conservation by:
a) ensuring where practicable that new major development is located where it can be served by public transport; and
b) encouraging high standards of energy efficiency in new development.
- DC7.1 The Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people including those in wheel chairs wherever this is practicable.
- DC26.1 The Council intends to use the Development Control process to reduce the impact of noise on people living and working in, or visiting the City.

Guide to Development in Manchester 2

New development, whether for residential, industrial, commercial or retail purposes, should have a high standard of design, making a positive contribution to the City's environment.

Regional Spatial Strategy (RPG13)

States that "Proposals and schemes must demonstrate excellent design quality, sustainable construction, efficiency in resource use and respect for their physical and natural setting."

Principle of development

The proposal is considered to be compliant with the provisions of policies H1.2; H2.2; H2.7; S2.4; DC7.1; and DC26.1 of the Unitary Development Plan for the City of Manchester; the guidance in the Guide to Development in Manchester 2; policies ER13 and DP3 of the Regional Strategy for the North West; and the appropriate national guidance set out in PPS1.

The principle of a new retail/residential block on this site has already been established and there is an extant planning permission here for a three-storey block with associated car parking. The erection of the Tesco store together with

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the proposed new Health centre and the current proposal for a retail/residential block will create a focus for this part of the Burnage centre and provide a positive asset for the residents of the area permitting linked trips which complement the supermarket shopping trips.

Design

This planning application has been the subject of discussions and negotiations over a protracted period of time during the course of which numerous changes have been made in order to secure a form of development that will be a positive asset to the area in general.

Members will recall that the site which is comprised within the current planning application was included in the planning approval for the adjacent Tesco Store. Tesco obtained full planning permission for a 3 storey block consisting of retail units at ground floor and two stories of residential above surmounted by a pitched roof. The current application is for a much improved design for the building and whilst there are 3 storeys of residential rather than 2 the flat roof design means that the height is increased by some 2 metres only.

In respect of the neighbour comments the principle of a new retail/residential block on this site has already been established as stated above. It is acknowledged that the new proposal is a floor higher but the top floor is set back by some 2 metres and therefore its increased height will not be readily apparent to adjoining residents. In addition because of its contemporary design with a flat roof the proposed building represents only a 2 metre increase in overall height. It is not considered that the new proposal is out of character with the area nor that that it will have an adverse impact on amenity or privacy.

In the view of the Head of planning the new proposal is a more attractive design than previously approved and it is considered that it will be an asset to the area. This is not an area where there has been a glut of applications for apartment blocks and it is considered that the relatively small number of flats proposed will complement the overwhelmingly family house accommodation in the immediate area.

Amenity

The properties at 629 to 633 Burnage Lane and 25 to 29 Lane End Road which are the closest to the proposal are set at an angle to the proposed block. The top floor windows of the proposed block are some 17 metres away from the nearest existing property and inter-visibility is not considered to be an issue. It is worthy of note that none of the residents of the above properties has written or emailed the local planning authority complaining of loss of privacy. The only objector on this ground lives a considerable distance away down Lane End Road and cannot personally be affected.

The site provides very little amenity space for the residents of the proposed flats in common with virtually all schemes for flats in or around city centre, district and local centres. The applicant has agreed to make a contribution to public realm environmental works to improve the amenity and appearance of the

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surrounding area. It is considered that this would provide suitable mitigation for the lack of amenity space.

Accessibility

The building has been designed with the Council's Design for Access 2 in mind. Doorway and corridor widths, bathrooms and kitchen dimensions, level access from street level and lifts to all floors all comply with the Council's requirements.

Trees

Highway Access

The Head of Engineering has not raised any objections to the proposal with regard to the traffic flow or the adequacy of the highway network to accommodate it. The approval of the Tesco Store and the former retail and residential block was on the basis that improvement works were carried out to the junction of Burnage Lane/Lane End Road. These improvements have been carried out and the new form of the proposed retail/residential block raises no new issues of traffic or pedestrian safety. The addition of 20 more apartments does not raise any new Highway issues.

In terms of parking for the proposed new development it is considered that the level of parking proposed is acceptable in a location which is very close to local facilities and close to good public transport links. In terms of shoppers car parking the approval of the Tesco Store was on the basis of an agreement under s.106 of the town and country planning act 1990 which provided inter alia that the store car park would offer 2 hours free parking for shoppers using the local centre.

Vitality of the local shopping centre

It is not considered that the proposed new retail/residential block will have a harmful effect on local shopping parades but will create a stronger and more vital local centre that will provide the opportunity for linked shopping trips.

Noise

It is acknowledged that the construction of the new retail/residential block may lead to some inconvenience for some residents during the construction period. However, it is considered that the impact will be of relatively short duration over a limited period of the day and that the impact on amenity will not be so severe as to warrant refusal of this application. A condition has been recommended in respect of wheel washing of construction traffic to prevent the disposition of mud on the highway. Informatives have also been recommended in respect of the Considerate Constructor Charter and potential disturbance caused by construction works.

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It is not considered that there will be any issues of noise or disturbance for residents of the adjacent Johnnie Johnson retirement estate once construction works have been completed.

Other Issues

Reference has been made by at least one objector to Tesco's failure to honour agreements reached in connection with the provision of a parking area for residents at 629 to 633 Burnage Lane and 25 to 29 Lane End Road. Members should be aware that the owners of the site which comprises the current application have no connection with Tesco. The site is owned by Westhorpe Homes who have no corporate or financial relationship with Tesco and planning permission cannot be withheld on the basis of trying to compel Tesco to honour its agreements.

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.

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and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation **APPROVE**

Recommendation **MINDED TO APPROVE** subject to the signing of a legal agreement under s.106 of the Town and Country Planning Act 1990 in respect of a contribution public realm environmental improvement works on the basis that the proposed agreement would mitigate against the potential harm caused by the lack of private amenity space within the proposed scheme and the development would then be in compliance with policies set out in the Unitary Development Plan for the City of Manchester in particular policies H1.2; H2.2; H2.7; S2.4; DC7.1; and DC26.1 and there are no material considerations which would indicate otherwise.

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.

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

2) 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 parking for the development proposed when the building is occupied in order to comply with Policies **** and T2.6 of the Unitary Development Plan for the City of Manchester.

3) Before the development commences a scheme for acoustically insulating the residential accommodation against noise from Burnage Lane, Lane End Road and the servicing areas shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Reason - To secure a reduction in noise from Burnage Lane, Lane End Road and the servicing area in order to protect future residents from noise nuisance, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

4) No development that is hereby approved shall commence unless and until samples and specifications of all 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

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of the area within which the site is located, as specified in policy **** of the Unitary Development Plan for the City of Manchester.

5) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and compliance with policy H2.2 of the Unitary Development Plan for the City of Manchester.

6) The development shall not be occupied unless accreditation, confirming achievement of the Secured by Design standards in respect of the development has been issued by Greater Manchester Police, unless otherwise agreed in writing by City Council as local planning authority.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

7) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority Liv 06214-001; 06214-002; 06214-003; 06214-005; 06214-006; and 06214-007 all date stamped as received on 14th March 2007.

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

8) The wheels of contractors vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site.

Reason - In the interest of pedestrian and highway safety, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

9) Informative

Applicants should abide at all times with the Considerate Constructors Charter

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: 082492/FO/2007/S2 held by Planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are all held by the Planning Division.

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

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Engineering Services
Environmental Health
Environment & Operations (Refuse & Sustainability)
Steve Hobson, Crime Reduction Officer
Greater Manchester Police
Burnage Ward Co-ordinator
Forward Planning
816 – 842 (evens) Burnage Lane, Manchester, M19 1RS
1 – 68 (incl) Uppermill Drive, Manchester, M19 1RU
2 – 30 (evens) Holmside Gardens, Manchester, M19 1WR
439 – 465 (odds) Kingsway, Manchester, M19 1NR
1 – 65 (odds) Lane End Road, Manchester, M19 1WA
2 – 10 (evens) Lane End Road, Manchester, M19 1WA
473A Kingsway, Manchester, M19 1NR
9 – 25 (odds) Lomas Close, Manchester, M19 1TE
24 – 34 (evens) Lomas Close, Manchester, M19 1TE
637 – 641A (odds) Burnage Lane, Manchester, M19 1TF
467- 469 (odds) Kingsway, Manchester, M19 1NR
471 – 473 (odds) Kingsway, Manchester, M19 1NR
674 – 707 (evens) Burnage Lane, Manchester, M19 1NA
1 – 34 (incl) Moorby Avenue, Manchester, M19 1ND
2 – 8 (evens) Erica Drive, Manchester, M19 1NP
1 –50 (incl) Lavister Avenue, Manchester, M19 1RT
587 – 633 (odds) Burnage Lane, Manchester, M19 1WB
30 – 36 (evens) Cranwell Drive, Manchester, M19 1WD
2 – 30 (evens) Holmside Gardens, Manchester, M19 1WR
25 Lane End Road, Manchester, M19 1NB
1 – 28 (incl) Milton Court, Manchester, M19 1RX
1 – 8 (incl) Cranwell Drive, Manchester, M19 1RZ
1 – 7 (Odds) Greenacres Drive, Manchester, M19 1SB
1 – 13 (incl) Leaburn Drive, Manchester, M19 1SD
1 – 22 (incl) Lomas Close, Manchester, M19 1TE
1 – 20 (incl) Denshaw Close, Manchester, M19 1TG
686 Burnage Lane, Manchester, M19 1NA
1 – 28 (incl) Milton Court, 590 Burnage Lane, Manchester, M19 1RX
639 Burnage Lane, Manchester, M19 1WB
467-469 (odds) Kingsway, Manchester, M19 1QJ
23B Lane End Road, Manchester, M19 1NB
Milton Court, 590 Burnage Lane, Manchester, M19 1RX
23B Lane End Road, Manchester, M19 1WA
Tesco Stores Ltd, Burnage Lane, Manchester,
Kingsway Auto Electrical Services, 10 Lane End Road, Manchester, M19 1WA
Express Hire Service, 11 Lane End Road, Manchester, M19 1WA
Reproduction Furniture, 2 Lane End Road, Manchester, M19 1WA
The Manchu Wok, 4-6, Lane End Road, Manchester, M19 1WA
Portfolio, 5 Lane End Road, Manchester, M19 1WA
S A Newsagent, 8 Lane End Road, Manchester, M19 1WA
Pizza Pizza, 9 Lane End Road, Manchester, M19 1WA
473a, Kingsway, Manchester, M19 1NR
Stanley Racing, 471 Kingsway, Manchester, M19 1NR
The Kitchen Appliance Shop Ltd, 473 Kingsway, Manchester, M19 1NR
838 Burnage Lane, Manchester, M19 1RS
840 Burnage Lane, Manchester, M19 1RS

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Shell Kingsburn, Kingsway, Manchester, M19 1RA
Kingsway Taxis, 7a, Lane End Road, Manchester, M19 1WA
Apartment 1 – 24 (incl) Kingsburn Court, 300 Fog Lane, Manchester, M19 1SE
700a, Burnage Lane, Manchester, M19 1NA
Fazeli's Pizza & Kebab House, 676 Burnage Lane, Manchester, M19 1NA
Thompson Greengrocer, 678 Burnage Lane, Manchester, M19 1NA
Tandoori Royale Restaurant, 682 Burnage Lane, Manchester, M19 1NA
Azeem Properties, 700 Burnage Lane, Manchester, M19 1NA
Jade House Take Away, 13 Lane End Road, Manchester, M19 1WA
Nice N Tasty, 15 Lane End Road, Manchester, M19 1WA
Spicy Taste, 17 Lane End Road, Manchester, M19 1WA
Deansgate Insurance Services Ltd, 19 Lane End Road, Manchester, M19 1WA
The Barber Shop, 21 Lane End Road, Manchester, M19 1WA
Lancewise Pharmacy, 2a, Lane End Road, Manchester, M19 1WA
Ambiance Sun & Beauty, 680 Burnage Lane, Manchester, M19 1NA
Spar Stores, 674 Burnage Lane, Manchester, M19 1NA
California Wines, 704-706, Burnage Lane, Manchester, M19 1NA
Sun In September, 588 Burnage Lane, Manchester, M19 1NA
8 Fenwick Drive, Manchester, SK4 3QH
Louises Hair Design, 23 Lane End Road, Manchester, M19 1WA
I M A B, 23b, Lane End Road, Manchester, M19 1WA

Representations were received from the following third parties:

Environmental Health

Chris Hall, 818 Burnage Lane, Manchester, M19 1RS,
M Hills, 820 Burnage Lane, Manchester, M19 1RS,
Mr _ Mrs N G Gardiner, 11 Lavister Avenue, Manchester, M19 1RT,
Habib Ejiz, 631 Burnage Lane, Manchester, M19 1WB,
Mr Glen Hardy, 43 Lane End Road, Manchester, M19 1NB,
Ms Doreern Robinson, 10 Lomas Close, Manchester, M19 1TE,
Mr Alan Taylor, 588 Burnage Lane, Manchester, M19 1NA,
Alan Taylor, Sun In September, 588 Burnage Lane, Manchester, M19 1NA
Chris Hall, 818 Burnage Lane, Manchester, M20 1RS
M Hills, 820 Burnage Lane, Manchester, M19 1RS

Relevant Contact Officer: : Don Dunlevey
Telephone No. : (0161) 234 4582
Email : d.dunlevey@manchester.gov.uk