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Whalley Range Ward	Application Number 084355/CC/2007	Date of Appln 20th Sep 2007	Committee Date 13 th March 2008
Proposal	CONSERVATION AREA CONSENT Demolition of existing building to facilitate redevelopment of site with part 3, part 4 storey block of 31 flats with basement parking		
Location	Polex Hotel, 78 Dudley Road, Whalley Range, Manchester, M16 8DH		
Applicant	MCR Contractors Ltd, Suite 5, Lower Chatham Street, Manchester, M1 5SU		
Agent	Hodder Associates 113-115 Portland Street, Manchester, M1 6DW		

Introduction

This application and the accompanying planning application for redevelopment (084350/FO/2007/S1) were deferred for site visit at Planning and Highways Committee on the 17th January 2008.

At Planning and Highways Committee on the 14th February 2008, members were minded to refuse the applications on the grounds that:

1. There was insufficient justification to substantiate the loss of the existing building on the site
2. The development would not contribute to the character and appearance of the Conservation Area
3. The development constituted an overdevelopment of the site
4. The scale and massing of the building were inappropriate; and
5. There were concerns expressed in relation to the impact of the development on residential amenity.

Members requested that the Head of Planning report back to the next meeting on whether there were relevant planning considerations that could reasonably sustain a decision to be minded to refuse.

Conclusion

The Head of Planning's recommendation has not changed and is still to approve the application.

If the Committee is minded to refuse based on the concerns raised, the following reason for refusal is suggested:

Insufficient justification has been submitted to accompany the application, to enable the Local Planning Authority to determine whether or not the loss of the building currently on site, would adversely impact upon the character and appearance of the Whalley Range Conservation Area, contrary to Policy DC18.1 of the Unitary Development Plan for the City of Manchester.

As this application is for Conservation Area Consent, the reason for refusal as outlined above could only relate to the demolition of the property known as the Polex and not to the merits of the redevelopment of the site.

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The site measuring 0.22 hectares, is occupied by two large two story detached and two semi detached dwellings at the junction of Dudley Road and Russell Road in Whalley Range. The area is characterised by large detached and semi detached residential properties, which formed part of the basis for the reasoning behind the dedication of the area as Whalley Range Conservation Area in 1992.

However, the particular group of properties now known as the Porex Hotel (originally constructed c. 1913) have been linked over time with unsympathetic extensions to facilitate the use of the premises for budget accommodation. The grounds to the rear have been given over wholly to large areas of concrete for surface level parking to be used in association with the hotel.

The development proposed would involve the demolition of the buildings on site and replacement with a part three storey, part four storey building to form 31 self contained flats with basement car parking for 31 cars accessed from a gated entrance from Russell Road.

This site has an extant consent under the cover of application 070269/FO/2003/S1 for the conversion of the existing hotel into 21 self-contained flats, erection of 2 x two storey extensions and the provision of 21 car parking spaces at surface level. This application was approved by Planning and Highways Committee on the 15th April 2004.

Consultations

The Conservation Area Consent application has been advertised as affecting the character and appearance of the Whalley Range Conservation Area. The planning application has also been advertised. Site notices for both applications have been displayed.

Local Residents -

Objections were received from 27 local residents from 19 different addresses, in relation to both applications 084350/FO/2007/S1 for planning which is the subject of this report and for 084355/CC/2007 for Conservation Area Consent.

Objections are on the grounds that the development proposed:

- constitutes overdevelopment of the site
- would lead to an increase in traffic and on/off site parking
- would see the demolition of the existing buildings which contribute to the character of the Conservation Area within which the site is located (which could be renovated and subdivided for flats, as approved under the cover of application 070269/FO/2003/S1 or returned to family accommodation)
- would add to flattened developments in the locality, for which there is no need
- would lead to a loss of trees (trees to be planted requested to be placed under TPO)
- would adversely impact upon neighbouring residential amenity by virtue of; loss of privacy, loss of views, increase in noise disturbance, loss of value of property, construction disturbance
- is too high and too large
- is not designed in a way that compliments existing buildings in the Conservation Area, described as anonymous and modern
- is not constructed using sympathetic materials

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Objections have also been received on the grounds that there are currently problems with the existing facility.

One letter of support has been received on the grounds that the development will attract professionals to the area.

Whalley Range Forum

The forum expressed the same concerns as residents on the whole, a specific criticism was that there are a number of buildings that are the subject of this application, however, as the Poxex hotel has been perceived as one building for some time and has only one registered postal address, the local planning authority are satisfied that it is procedurally correct to process the application as submitted.

The forum expressed the additional concern that a single car parking space per unit was unrealistic and that this would in turn place additional demands on street parking in an area that already experiences significant parking load due to the adjacent hospital. They also considered that a singular vehicle access appears inappropriate in the same context.

They concluded that “the revised proposal for 31 flats replacing the previous application for 36 flats (exceeding the 21 flats in the approved application for the conversion of the existing buildings) remains highly problematic regardless of the improved architectural handling of the proposed building. A development of this nature represents an unnecessary intensification of apartment style accommodation that directly contravenes planning policy in addition to being excessively dense for the site compromising traffic management and the amenity of neighbours. It fails to positively address the neighbourhood by providing accommodation unsuited to family occupation.”

English Heritage – The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Manchester Conservation Area and Historic Buildings Panel –The panel were unconvinced that sufficient justification has been forwarded to substantiate the loss of the existing buildings on site.

Issues

Paragraphs 4.26 and 4.27 of national Planning Policy Guidance Note 15 : Planning and the historic environment states:

“In exercising conservation area controls, local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question; and, as with listed building controls, this should be the prime consideration in determining a consent application. In the case of conservation area controls, however, account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole.

The general presumption should be in favour of retaining buildings which make

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a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (paragraphs 3.16-3.19 above). In less clear-cut cases - for instance, where a building makes little or no such contribution - the local planning authority will need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been held that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area.”

A 63 page document entitled ‘Conservation Appraisal and PPG15 Justification Statement’ prepared by Stephen Levrant Heritage Architecture was submitted to accompany the Planning and Conservation submission.

This assesses the contribution of the building currently on site and offers justification as to why the development proposed would preserve and enhance the character of the Whalley Range Conservation Area.

The local planning authority have had regard to the documentation submitted with both the Conservation Area Consent and planning application, responses from consultees and residents and have conducted a site inspection.

It is considered that the development proposed would enhance the appearance of the Conservation Area, having regard to the condition of the current premises, which at best makes a neutral contribute to the character of the conservation area and having regard to the design, scale, mass and materials to be used in the proposed scheme.

A recommendation of approval is therefore made subject to a condition to provide that demolition shall not take place until a contract for the carrying out of works of redevelopment has been made.

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)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by the of the application is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and country Planning Acts.

Recommendation Minded to Approve with conditions following the signing of the Section 106 in relation to the application for planning

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permission on the basis that the proposal is in accord with the City Council Unitary Development Plan in particular Policy DC18 since the new building will make a positive contribution to the Conservation Area while the existing buildings are not original and at best make a neutral contribution to the character of the area.

Conditions and/or Reasons

1) The works to which this consent relates must be begun not later than the expiration of three years beginning with the date of this consent.

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as applied and modified in relation to buildings in conservation areas.

2) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the building works for the redevelopment of the site approved under 084350/FO/2007 has been made, and evidence of that contract has been supplied to the City Council as Local Planning Authority.

Reason.

In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following demolition of the existing building.

3) 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:

Reason - To ensure that the development is carried out in accordance with the approved plans and pursuant to policy DC18.1 of the Manchester Unitary Development Plan.

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: 084350/FO/2007/S1 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 held by the Planning Division.

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

English Heritage (NW Region)
Whalley Range Forum
Whalley Range Conservation Area Group

Apartment 1-7 28, 29, 30, Flat 8 - 14 30, 31, 32, Apartment 1 - 2, 32, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 58, 62, 64, 66, 68, Flat 1 - 2 70, Ground Flat 72, Flat 1 - 4 76, Flat 1 - 4 80, 81a, 81b, 83 - 102, 104, 106, 108, 110, Flat 1 - 38, Tangmere Court, Flat 1 - 15, Sycamore Court, Dudley Road, Manchester, M16 8BR

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2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 35 37a, 37b, 39, 63, 65, 67, 69, 71, 71a, Flat 2 – 98, The Luncheon Club, B U P A, Manchester Hospital, Flat 1 - 7, Goodwood Lodge, Russell Road, Manchester, M16 8DJ

1, 3, 5, 7 Manor Avenue, Manchester, M16 8DX

2, 4, 6, 8, 10, 12, 14 Deeping Avenue, Manchester, M16 8GB

1 – 10 (inc 7a, 9a) 12 Rowan Avenue, Manchester, M16 8AP

55, 73, 75, 77, 79, 81, 83, 85 - 87, 90, 92, 115, 117, 119, 119a, Rowan Lodge, 121, 121a, 123, 123a, Flat 1 - 27, Dudley Court, Flat 1 - 75, Zandra House, Carlton Road, Manchester, M16 8BE

25, 25a, 27, 29, 31, 33 Wood Road, Manchester, M16 8BH

39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71 Victoria Road, Manchester, M16 8DQ

Representations were received from the following third parties:

Miss V Llanwarne, 100 Dudley Road, Manchester, M16 8BR

Mr I Macrae, 104 Dudley Road, Manchester, M16 8BR

Mr Matthew Valentine, 86 Carlton Road, Manchester, M16 8BE

Mr G Rizzo, 66 Dudley Road, Manchester, M16 8DE

T P Muskett, Flat 36, Tangmere Court, Dudley Road, Manchester, M16 8DF

Ms I Davies, Flat 34, Tangmere Court, Dudley Road, Manchester, M16 8DF

Mr T MCGovern, Flat 7, Tangmere Court, Dudley Road, Manchester, M16 8DF

D B Goodkin, Flat 1, Dudley Court, Carlton Road, Manchester, M16 8DA

Mr Maher, 71 Victoria Road, Manchester, M16 8DQ

Pete Simpson, 89 Dudley Road, Whalley Range, Manchester

Helena & Edward Richards, 88 Dudley Road, Whalley Range, Manchester

Dr M.R.Avis, 95 Dudley Rd, Whalley Range, Manchester

Carol Packham & Tim Greenaway, 96, Dudley Road, Whalley Range, Manchester

Ms S Hyatt, 114 Dudley Road, Whalley Range, Manchester, M16 8BR

Tenant, 70-78 Dudley Rd, Whalley Range, Manchester

Mr G Dover and J Collins, 81 Carlton Road, Whalley Range, Manchester

Ms L Wray, 112 Dudley Road, Whalley Range, Manchester, M16 8BR

Mr And Mrs Bruck, 85 Carlton Road, Manchester, M16 8BZ

Mr A Perry, 101 Dudley Road, Whalley Range

Mr and Mrs Sanderson, 41 Dudley Road, Manchester

Faheem Aftab, 86 Dudley Road, Manchester, M16 8BR

Whalley Range Forum, c/o JNR8 Youth and Community Centre, 82, Cromwell Avenue, Whalley Range

Relevant Contact Officer : Jennifer Connor
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