

List No. 5

Old Moat Ward	Application Number 083778/FO/2007/S1	Date of Appln 20th Dec 2007	Committee Date 14th Feb 2007
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Proposal Erection of a 6 storey building and plant room comprising 285 square metres of retail floorspace (Class A1) with 17 self contained flats with 12 car parking spaces on a mezzanine level accessed by a car lift from Copson Street

Location Former Cine City, 494 Wilmslow Road, Withington, Manchester, M20 3BG

Applicant Goldbound Properties Ltd, 160 To 164 Wellington Road, Withington, M20 3FU

Agent SW Foulkes Architects 160 To 164 Wellington Road, Withington, M20 3FU

Description

This application involves the demolition of the existing cinema building and the erection of a 6 storey building and plant room comprising 285 square metres of retail floor space (Class A1) with 17 self contained flats (2 bedrooms) with 12 car parking spaces on a mezzanine level accessed by a car lift on Copson Street. Servicing of the retail unit at ground floor would be from a loading area on Copson Street and additional service access would be available to the south elevation from an existing right of way.

The proposed development is located at the junction of Wilmslow Road and Copson Street and is currently occupied by a former cinema, which has been vacant for some time. The building lies within the Withington Conservation Area as designated on the 1st July 1983. The cinema dates from the Edwardian period and is not listed, although the adjacent White Lion public house is listed (Grade II).

The White Lion is currently vacant and is the subject of a separate planning application at this time for the erection of a three storey extension with two storey link and conversion of first and second floors into 11 self - contained flats, plus use at ground floor as 2 bars (Class A4).

The Cine City site has had a previous planning approval under the cover of application 066797/FO/SOUTH1/02 granted 20th March 2003. This granted planning permission for the demolition of the existing cinema and erection of a five storey mixed development comprising of a basement car park, five ground floor retail units and 17 apartments (15 two bed and 2 one bed) on 4 upper floors.

The demolition itself was authorised under the cover of Conservation Area Consent application 066810/CC/SOUTH1/02.

Consultations

Local Residents / Local Businesses - Cravens Shoe Repairs at No. 11 Copson Street strongly object to the plans on the grounds that the vehicular access being formed onto Copson Street to allow access to the car lift would endanger pedestrians and lead to a loss of trade due to disruption.

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Comments received from the resident of No. 63 Hill Street, No. 11 Patten Street and No. 1 Heaton Road expressing concerns in relation to the proposed contemporary architectural style, loss of the current building, impact upon the Withington Conservation Area, oversupply of flatted development, disruption during construction, lack of parking provision and lack of tree planting as part of the scheme.

Elected Members – Councillors Firth, Jones and Wheale of neighbouring Withington Ward have commented that they felt the originally submitted plans were too tall, that they were disappointed that there is not a community use allocated to the building and that the design could have been more imaginative. A formal request was made for the allocation of Section 106 monies for improvements to pavements in Withington Village. They were supportive of the parking provided by the scheme.

Withington Civic Society – Commented upon the originally submitted plans that the plans represented an over development of the site and that they would like to see a reduction in height. They found the design “bland” and wanted to see “more interesting design.” Furthermore they questioned the provision of further flats having regard to the Housing Development Pipeline. They were supportive of the parking provided by the scheme.

Head of Engineering Services – The applicant is to enter into a Section 278 Agreement to carry out the following works on the highway:

1. Construction of the waiting area for vehicle and modifications to TRO's (if necessary)
2. Relocation of one of the existing bollards on Copson Street to enable easy manoeuvres of vehicles into the car lift
3. Resurfacing of the Footways adjacent to the site
4. Provision of a short guardrail to provide pedestrian visibility splays for the car lift.

Head of Environmental Health – Do not object to the application subject to the imposition of conditions relating to restrictions of hours for deliveries, servicing and collections and opening, details of fume extraction from the commercial premises and acoustic insulation.

Director of Housing – No comments received

Head of South Manchester Regeneration Team - No comments received

Manchester Conservation Areas and Historic Building Panel – The panel had concerns in relation to the design of the originally submitted plans.

Greater Manchester Police (Architectural Liason Unit) – Note that the plans correspond with those on which the Crime Impact Statement was based and therefore support the application.

Issues

Unitary Development Plan – There are no site specific policies, however in determining the application regard has been had to the following UDP Withington and general policies.

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Policy WB.1 states that proposals in Withington must ensure that the area remains an attractive location in which to live and work, protects and enhances the quality of Withington village and other shopping areas as local shopping centres, retains the primarily residential character of the area and encourages commercial opportunities.

Policy H2.2 seeks to protect residential accommodation from the adverse affects of development, H2.7 and I3.1 both of which require new developments both residential and commercial to be of a high standard, DC18 which addresses the need for developments to preserve or enhance the conservation area and the Guide to Development in Manchester which sets down the guiding principles for new developments. Policy E3.5 requires developments to design out crime.

Regional Guidance - Policy DP1 advises that economy in the use of land and buildings is required. New development should be located so as to make the most efficient use of land, promote appropriate mixes of uses within a site and its wider neighbourhood, make efficient use of transport facilities and assist people to meet their needs locally. The proposal makes use of previously developed land within a local shopping centre. It is therefore considered that the proposal generally complies with this policy.

Policy DP3 states that new development must demonstrate good design quality and respect for its setting, including the integration of new development with surrounding land uses, taking into account the setting, quality, distinctiveness and heritage of the environment and the use of sympathetic materials, more eco-friendly and adaptable buildings and community safety and "designing out crime".

Policy UR4 establishes targets for the recycling of land and buildings. It sets a target of achieving 90% within Manchester between 1996 and 2016. This proposal is in accordance with the aims of Policy UR4.

Planning Policy Guidance Note 15, "Planning and the Historic Environment" - The guidance notes states in paragraph 4.14 that "...special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. "

Furthermore, it states in paragraph 4.19 "The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission,...".

On the subject of new build in conservation area, the guidance note states in paragraph 4.17 that "What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own."

Principle – The use of this site for a mix of retail and housing is acceptable in principle in this district centre location in the heart of a Conservation Area with mixed residential and commercial character. This is also having regard to the fact that there is an extant consent for a similar nature of development on this site. This scheme would comprise wholly of two bed apartments as opposed to

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the previous approval which had two one bed apartments proposed, which would improve housing choice in the area.

Siting - The proposal is located on the site of the former Cine City and provides an urban design solution which is fully in accordance with the development Guide for the City of Manchester.

Design – The design of the proposed building is of a contemporary nature and following revisions to the size and scale of the building, it is now considered that it would sit more comfortably within the street scenes of both Wilmslow Road and Copson Street, albeit it has a slight increase in mass at roof level over the extant consent. Whilst the present proposal is contemporary in nature, such a design solution is not unacceptable in principle and would not be out of place with the larger Victorian terraces of shops and flats found on both sides of Wilmslow Road in the vicinity. The building has been designed to complement the bulk and massing of the listed public house next door and will retain the grade II listed pillars on the front of the adjacent forecourt.

The ground floor of the building visible from Wilmslow Road and Copson Street will be predominantly glazed, set between buff brick pillars with deep section aluminium shop fronts. Above ground floor level the building will be constructed using brick with windows set into deep reveals. The corner feature would be clad in stainless steel, the building capped by antracite metal.

A strong feature of the development would be the introduction of suspended pods to both the Wilmslow Road and Copson Street elevation. This would be framed in gun metal grey cladding with recessed panel walls set behind metal fin grills. To the Wilmslow Road elevation this feature is reminiscent of the hoarding to the front elevation of the building on site. Above these pods the built form would be recessed away from both Wilmslow Road and Copson Street, reducing the scale and massing of the proposal when viewed from the street scene.

On balance the proposed development is believed capable of making a positive statement, as well as adding to the vitality and viability of the area.

Disabled Access – The retail unit at ground floor will have level access to all entrances. The apartments and car parking mezzanine floor with allocated disabled width spaces are accessible by lift. The internal arrangement is such that the developments satisfies the requirements of Design for Access 2.

Car Parking - The scheme provides for the parking of 12 cars to the first floor of the building which is accessed by a car lift entered from Copson Street. Whilst this is fewer than the total number of flats in the building (17) and fewer than approved under the cover of application 066797/FO/SOUTH1/02 (14), it is considered to be acceptable given that the development is located within the heart of the local district centre and is close by a major public transport route along Wilmslow Road.

The access into the car lift from Copson Street remains as per the previous approval on site.

Sustainability

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A condition is suggested to secure a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'very good' or 'excellent' and at least three star sustainability rating under the code for sustainable homes for those elements of the development which are residential in nature. No elements of onsite renewables are proposed as part of this scheme.

Affordability

The original submission was brought forward before the current emerging housing policy.

Ground floor use - At this time there is no end user for the ground floor retail unit. Given the location of the site within a district shopping centre, it is considered that the use would be wholly acceptable and would support the vitality and viability of Withington, particularly the southern end of the Village.

Residential amenity – It is not considered that the development proposed would adversely impact upon the residential amenities of surrounding properties.

Conclusion – Interest in the development of this site has focused on the loss of the current building, which is a landmark building that has contributed in its history to the vitality and viability of Withington as a district centre. Conservation Area Consent is in place for the demolition of this building, which has fallen into a dilapidated state over the years.

Planning permission exists on the site for a development, which, in aesthetic and elevational terms is of a lesser quality and potentially would make a lesser contribution to the character of the Withington District Centre and Conservation Area.

It is considered that the scheme proposed could offer the opportunity for a landmark development that would compliment the approved Pleasure Bar on the other side of Wilmslow Road and the forthcoming redevelopment of the White Lion Public House. The scheme also offers the opportunity to complete a corridor into the south of Withington Village that would enhancing the district centre.

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 approval of the application is proportionate to the wider benefits of approval

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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 **MINDED TO APPROVE subject to the signing of a Section 106 agreement for improvements to the public realm within the vicinity of the development site.**

The Council has taken the information submitted to accompany this application into consideration and the application is approved on the basis that the proposal will generally accord with the policies contained within the Development Plan, specifically the Unitary Development Plan Policies WB.1 H1.2 (Housing - Housing Provision), H2.2 (Housing - Residential Development), H2.7 (Housing - Design of Housing), I3.1 (Employment & Economic Development), DC18 (Conservation Areas) and E3.5 (Environmental Improvement & Protection), in that the development would make the area more safe and attractive; would be of a high standard of design and make a positive contribution towards improving the character of the Withington Conservation Area; there would not be any significant impacts on the residential amenities of adjoining occupiers; would promote regeneration and an improved environment; would include secure cycling parking facilities; would be mixed use and contribute to the mix of accommodation in the area; would be accessible for people whose mobility is impaired; and generally the proposal would provide a high quality facility within the area to the benefit of the wider surrounding community allowing the continuing regeneration of the locality and there are no material considerations of sufficient weight to 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 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. Pursuant to policy H2.2 of the Manchester Unitary Development Plan.

3) 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 of the area within which the site is located, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

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4) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries / waste collections on Sundays / Bank Holidays.

Reason - To safeguard the amenities of the occupiers of the residential accommodation.

5) Where any commercial use has the likelihood of carrying on business which generates fumes or strong odours, then 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 occupiers of the residential properties.

6) The retail premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

08.00 - 23.00;

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

7) No loading or unloading shall be carried out on the site after 20.00 on Saturdays or before 07.30 on Sundays. Loading or unloading shall be restricted to the period between 11.00 and 17.00 daily.

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development plan for the City of Manchester.

8) Before the retail use commences, the premises, including any externally mounted plant and equipment, shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties.

9) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Wilmslow Road shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial properties. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

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Noise survey data must include measurements taken during early morning rush-hour periods and night time to determine the appropriate sound insulation measures necessary. The internal noise criteria are as follows:

- Bedrooms (nighttime - 23.00 - 07.00) 30dB LAeq
- Individual noise events should not normally exceed 45dB L_{Amax} (BS 8233:1999)
- Living Rooms (daytime - 07.00 - 23.00) 40dB LAeq

Reason: To secure a reduction in noise from traffic sources in order to protect future residents from noise nuisance.

10) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'very good' or 'excellent' and at least three star sustainability rating under the code for sustainable homes for those elements of the development which are residential in nature. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before any of the buildings hereby approved are first occupied.

Reason - In order to minimise the environmental impact of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, policies ER13 and DP3 of Regional Planning Guidance for the North West (RPG13) and the principles contained within The Guide to Development in Manchester 2 SPD and Planning Policy Statement 1.

11) 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 H2.2; and T2.6 of the Unitary Development Plan for the City of Manchester.

12) 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".

13) 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.

14) The details of an emergency telephone contact number for the developer shall be displayed in a publicly accessible location on the site from the

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commencement of development until construction works are complete unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with Policy H2.2 of the Unitary Development Plan for the City of Manchester.

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: 083778/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:

Environmental Health
Director Of Housing
Environment & Operations (Highway Authority)
Greater Manchester Police
Withington Civic Society
Steve Hobson, Crime Reduction Officer

1, Withington Public Hall & Institute, 2, 3, 3a, 4, Sandileaf Ltd, The Old Bake House, 6 Burton Road, Manchester, M20 3GD

Flat 1 - 10, The Parsonage, 2, 3 Parsonage Road, Manchester, M20 4PB

1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21 Patten Street, Manchester, M20 3HD

Flat 1 - 9, 1, Hampden House Psychotherapy Centre, 2-4, Palatine Road, Manchester, M20 3JA

11, 13, 15, 17 Bridgelea Road, Manchester, M20 3BJ

Guy Opticians, 492-494, Gregorys Laundry & Dry Cleaners, 462, M C R Residential, 464, 465, Greggs Of Manchester Ltd, 466, The Royal Bank Of Scotland Plc, 467, Majorone Ltd, 468, Celebrations, 470, 471, Booze R Us, 472, 472a, 473, Cancer Research Uk, 474, Deva Hair Design, Videoscene, 475, Phone City, 476, 476a, 477, Robinsons Butchers, 478, 479, Peak Pharmacy, 480, Colourbox, 481-3, Marks Jewellers Ltd, 482, 482a, D I Y Plus, 484, Max Spielman, 485, Withington Health Foods, 486-488, Flat 1 - 2, 487, Done Bros (cash Betting) Ltd, 487, Pleasure Bar, 489, Faiz Newsagents, 490, 490a, 491, Withington Ale House, 496, 498 Wilmslow Road, Manchester, M20 3BG

Welshod Shoe Repairs, Statons Jewellers, 2, Age Concern, 2, Dental Surgery, 2a, 2b, Doctors Surgery, 4-6, A & A Property Services, 8, 8a, 10, Bolton Leather Co, 11, Hanson Textiles, Peter Jay & Co, Controls Business Services Ltd, Dee Jones & Design, Contract Auto Services, The Building & Roofing Group, Surcon House 11a, Simon Townsend & Co Solicitors, 12, Manchester City Council, Housing, 13, Mighty Pound, N S P C C, 14, 14a, 15, 15a, Withington Fruit & Veg, 16, 16a, Martins Swiss Confectioners, 17, Copson News, E Fad Ltd, 18,

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Lemon Grass Restaurant, 19, 19a, 20, Harry Boodhoo Solicitors, 21, Coffee House, 22, 23, Nix & Sox, 24, 24a, 25, Rear of 25, Help The Aged, 26, 26a, Olive Tree Restaurant, 28, Spinks Bakery Ltd, 29, Olive Tree, 30, 30a, This & That, 31, 32, 32a, Bradshaws, 33 Copson Street, Manchester, M20 3HE

Flat 1 - 4, 4 Moorfield Street, Manchester, M20 3HF

Representations were received from the following third parties:

Mr R Pilling, 27 Bury New Road, Ramsbottom, Bury, BL0 0AR
Alice Taylor, 63 Hill Street, Withington, Manchester, M20 3FY
Richard Lees, 1 Heaton Road, Withington, Manchester, M20 4PX
Mr Morgan, 11 Patten Street, Withington, Manchester, M20 3HD

Relevant Contact Officer : Jennifer Connor
Telephone number : 0161 234 4545
Email : j.connor3@manchester.gov.uk