
Application Number	Date of Appln	Committee Date	Ward
091196/FO/2009/S2	11th Nov 2009	11th Mar 2010	Didsbury West Ward

Proposal Erection of a 4 storey building to form 16 apartments (amended Block C, as previously approved under application 082214/FO/2007/S2 and as subsequently amended under application 084990/FO/2007/S2)

Location Needham Hall, 18 Spath Road, Didsbury, Manchester, M20 2EH

Applicant Mr Andrew McMurtrie, P J Livesey Living Space (North) Ltd, Ashburton Park, Beacon Road, Trafford Park, Manchester, M17 1AF

Agent ,

Description

Needham Hall is located to the west of the Spath Road/Holme Road junction. Formerly used as a student halls of residence, planning permission was granted in 2007 (ref: 082214/FO/2007/S2) to change Needham Hall itself into 11 apartments and erect six 3 to 4 storey buildings within the grounds to form 27 townhouses and 8 apartments. The applicant has partially implemented the consent by converting Needham Hall and erecting three blocks of townhouses (blocks A, E and F). Building work on blocks B and D (5 and 4 townhouses respectively) has not commenced, while preliminary work on block C (originally approved as 6 townhouses and 8 apartments) has already commenced.

To the south of the site lies Marie Louise Gardens, while to the east, on the opposite side of Holme Road there are a number of dwellinghouses and a block of apartments. Dwellinghouses are located to the north and west of the site on the opposite side of Spath Road and Palatine Road respectively.

The applicants are seeking consent to amend block C by erecting a 4 storey building comprising of 16 apartments in place of the approved 6 townhouses and 8 apartments. As the footprint of the proposed block C is the same as the originally approved block C, the applicants have commenced work on the proposed block C at their own risk by utilising the original consent.

The applicants have stated that with the exception of block C, the townhouses at the Needham Hall site have been well received by prospective occupiers and only 2 remain to be sold after a year on the market. However, the agents acting on their behalf advise that the townhouses in block C will not be readily saleable in current market conditions, partly because of their size, being 2 bed units with extensive floor areas and partly because of their unconventional layout, i.e. they have apartments above them. While the applicants are pleased with recent enquiries on the other house types on this site, they are disappointed with the lack of interest in the large 2 bed townhouses proposed in block C and feel that they now have no option but to amend the development to enable the company to offer 2 bed apartments of a type that has proved to be popular on this site.

The applicants obtained planning consent in December 2009, under reference 090397/FO/2009/S2 to switch the location of blocks B and D, while also adding an additional townhouse to block B.

Consultations and Notifications

Local Residents – Two letters of objection has been received, the main points of which are outlined below:

- The height of the proposed building is not in keeping with the surrounding properties and will adversely impact upon the architectural and natural aesthetics of the surrounding area. The ground level of the site is already some four to five feet above the pavement.
- The construction of such a tall building will adversely impact on natural light conditions to a number of properties.
- Spath Road does not have sufficient infrastructure/road access to support high density accommodation.
- More dwellings mean more cars and more parking along Holme Road.
- Is there not an over-provision of flats and small houses in the area already?

Ward Members – Cllr Clayton has objected to the proposal on the following grounds:

- The proposed development increases the number of dwellings on the site. This is bound to lead to increased parking problems and increased traffic on the quiet residential roads serving the site.
- The increase in the number of units represents overdevelopment.
- The plans deposited do not seem to show [communal] waste management and recycling provision adequate for the number of units.
- Since the grant of outline planning permission in 2005 the city council has adopted a policy of preferring family houses as opposed to apartment blocks in all areas except the city centre. This application is going in the reverse direction and should be refused on that basis. The claim in the documents that the two bedroom apartments are suitable for families is essentially spurious.
- More recently the council has adopted the DCLG policy (PPS3) of requiring [20%] affordable units in larger residential developments. The policy specifically states that development should not be sub-divided into smaller applications so as to avoid the de-minimus limits on the numbers. In this case in respect of this application one should look at the whole Needham development. With the revised count of 58? units there should be 11 or 12 affordable units of which 2 or 3 should be made available as social housing. Even if the application was considered entirely on its own there should be five affordable units including one social housing unit.
- The revised appearance of the largest block appears utilitarian and out of keeping with both the Hall and what are mostly individually architect designed properties round about.
- Any approval should have a condition that every unit should have at least one designated parking space free of additional annual charges on site and that the leases should prohibit division of the title or subletting of the parking provision.
- The application should also be liable for the construction infrastructure levy.

Holme Road Residents Association – Objects to the proposal for the following reasons:

- This is a significant change from the building of family houses to unwanted apartments. This is not family housing as was originally approved and is totally unacceptable. This is contrary to the Strategic Regeneration Framework for South Manchester which states that the emphasis behind new housing schemes should be to maintain and increase family housing in the area.
- This building is a floor and a third higher than the other blocks and is overpowering and unsympathetic to Needham Hall, the other blocks and the character of the area.
- There are no 4 storey buildings in the Holme Road/Spath Road area
- The proposed building would present an obtrusive and overtly dominant building in full view of the homes of Holme Road and the general public who walk along to Marie Louise Gardens. It would be more appropriate if block C was 3 storeys high.
- This is overdevelopment and markedly different to that which was originally approved and should therefore be refused.

Didsbury Civic Society – Objects to the proposal for the following reasons:

- This development was promoted as being family friendly housing when it was originally approved. To increase the number of flats is contradictory to this and just as importantly section 7.4 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance which states that the balance of development in areas like this should now revert to the provision of a range of family housing more traditionally characteristic of these parts of the City

Head of Regulatory Services – Suggests the imposition of a ground contamination condition.

Environment and Operations Technical Services (Green Space) – No objections to the proposed construction works subject to tree protection being implemented in accordance with BS 5837, “Trees in Relation to Construction”, 2005 and retention of all trees on site. The proposed tree protection measures are considered acceptable.

Issues

Unitary Development Plan (UDP) – There are no site specific policies in the UDP for this site. However, when dealing with applications of this nature consideration is given to policies H2.2, H2.7 and E2.6 in Part 1 of the UDP and Development Control Policy DC7 in Part 2 of the UDP.

Policy H2.2 states that the City Council will not allow development which will have an unacceptable impact on residential areas. The matters the City Council will consider in coming to such a decision will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Policy H2.7 states 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 enduring arrangements for its maintenance.

Policy E2.6 states that the Council will prevent wherever possible the loss of existing trees.

Development Control Policy DC7, "*New Housing Development*", states that the City Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people, including those who use wheelchairs, wherever this is practicable.

City Council Interim Policy Approach (Housing Development Pipeline: Planning Response) – On 13th September 2006 the Executive Committee of the Council approved an interim policy approach in respect of proposals for high density residential developments. It states that high density apartment led developments outside the city centre and its fringes will not be supported by the Council, unless it can be demonstrated that such development is required on a particular site to achieve the City's aims and objectives.

North West of England Plan Regional Spatial Strategy (RSS) to 2021 (adopted September 2008) – The following policies are considered to be of relevance:

Policy DP1, *Spatial Principles* – The following principles underpin the RSS

- promote sustainable communities;
- promote sustainable economic development;
- make the best use of existing resources and infrastructure;
- manage travel demand, reduce the need to travel, and increase accessibility;
- marry opportunity and need;
- promote environmental quality;
- mainstreaming rural issues;
- reduce emissions and adapt to climate change.

Principle of the Proposal – Given the residential nature of the site, the principle of proposal is considered acceptable. However, as the applicant is proposing to change the type of accommodation offered, i.e. the block will consist solely of apartments, the proposal will have to be assessed against the City Council's Interim Policy Approach referred to above.

While it is regrettable that 6 family houses are proposed to be replaced with 8 apartments, thereby bringing the total number of apartments in block C to 16, it is acknowledged that the applicants have encountered difficulties in selling any of the units that make up the original block C. If the applicants are unable to sell any of the units in block C then it is anticipated that work will cease and the shell of the building, which currently stands at ground floor level, will remain until the market is more buoyant. In this instance, it is considered preferable to have a completed and occupied apartment building on the Needham Hall site rather than a partially

constructed building which would occupy an important corner of this development and potentially have a damaging impact upon the levels of visual amenity enjoyed in the area.

It is considered that by approving amendments to block C the development will proceed and therefore meet the City's aims and objectives of providing a variety of house types and the successful regeneration of a brownfield site. Furthermore, it should be noted that even if this amendment obtained planning consent the total number of dwellings proposed for the site would be 22 out of the 49 residential units proposed.

Overall Number of Units Proposed on the Site – This current application would add 2 units to the development, increasing the total to 49 units, 24 of which are already completed (11 apartments and 13 townhouses). This total of 49 units still compares favourably in terms of development density with the outline permission for 59 dwelling units on the site.

Access for Disabled People – The proposed apartments are accessible.

Design – While being of the same height and footprint as the previously approved scheme (082214/FO/2007/S2), the design of the current proposal when originally submitted was inferior to that approved in 2007. Following negotiations with the applicant, the elevations of block C have now been amended, through the introduction of additional glazing and feature panels, in an effort to ensure that the design is of the same quality as originally approved.

Overall the design of the proposal is considered acceptable.

Residential Amenity – The proposed building is located in the same position as that previously approved, therefore it is considered there is no increase in loss of privacy to the occupants of the dwellings on the opposite side of Holme Road or those residing in the other dwellings in the Needham Hall development.

Visual Amenity – The proposed revisions to the design of block C will not impact upon the current levels of visual amenity enjoyed within the vicinity of the site.

Pedestrian and Highway Safety – It is not considered that the addition of two extra units would generate such additional levels of traffic to and from the site so as to prove detrimental to levels of pedestrian and highway safety enjoyed along Holme Road and the surrounding highway network.

Trees – The proposed building is no closer to the existing trees than that previously approved, therefore it is not considered that the proposal would impact upon their future retention. In addition to this it should be noted that the applicant's tree protection measures are considered acceptable by the City Council's tree surgeon. To ensure that the tree protection measures are adhered to a condition requiring them to be in place during the construction of block C is suggested.

Landscaping – A condition requiring the submission of a landscaping scheme for block C will be attached to any approval granted.

Parking – The total number of parking spaces remains unchanged from the previous approved application for the resiting of blocks B and D.

Crime and Disorder – A condition requiring that block C achieves *Secured by Design* accreditation will be attached to any consent granted.

Code for Sustainable Homes – The applicants have confirmed that they will achieve level 3 in Code for Sustainable Homes.

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

Recommendation **APPROVE** on the basis that the proposal is in accordance with the City Council's Unitary Development Plan, in particular the following policies and there are no material considerations of sufficient weight to indicate otherwise:

Policy H2.2 states that the City Council will not allow development which will have an unacceptable impact on residential areas. It is not believed that the proposed development will have a detrimental impact in terms of noise, vibration, traffic generation, road safety and air pollution or through its scale and appearance.

Policy H2.7 states 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. It is considered that this proposal is of high standard of design

Policy E2.6 states that the Council will prevent wherever possible the loss of existing trees. While the loss of some of the existing trees is regrettable it is felt that the planting of 99 replacement trees compensates for this loss.

Development Control Policy DC7, "*New Housing Development*", states that the City Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people, all of the proposed accommodation is accessible.

Conditions

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: 072-00-1001H, 1022F 1023H, 1322G and 4002B; Bodcell Tree Root Protection literature received on 17th February 2010

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 and Policy H2.7 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.

4) In this condition "retained tree" means an existing tree which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 year from [the date of the occupation of the building for its permitted use].

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387:2005.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with plan no. 072-00-4002-B and the Bodcell Tree Root Protection literature received on 17th February 2010 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with

this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area, pursuant to Policies E2.4 and E2.6 on the Unitary Development Plan for the City of Manchester.

5) No development shall commence until a hard and soft landscaping treatment scheme for block C has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise agree 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 Policy E2.6 of the Unitary Development Plan for the City of Manchester.

6) Before the development hereby approved commences a scheme for the segregated storage 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 public health, pursuant to policy H2.2 of the adopted UDP.

7) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least three star sustainability rating under the Code for Sustainable Homes. 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.

8) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how Secured by Design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not

be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of Secured by Design accreditation.

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".

9) The wheels of contractor's 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.

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: 090397/FO/2009/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 held by the Planning Division.

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

Didsbury Civic Society
Holme Road Resident Association
Lancaster Road & Spath Road Residents
12 Dundreggan Gardens, Didsbury, Manchester, M20 2EH
1-8 Hawthornden Cottages, Palatine Road, Manchester, M20 2TT
Flat 1 - 6, Spath Holme, Holme Road, Manchester, M20 2TX
Flat 1-13, Hawthornden, 201 Palatine Road, Manchester, M20 2TT
Flat 1-12, Beechwood Court, Holme Road, Manchester, M20 2UA
The Lodge, Marie Louise Gardens, Holme Road, Manchester, M20 2UP
23-25 Holme Road, Didsbury, Manchester, M20 2UP
Flat 1-16, Cairncroft, Holme Road, Manchester, M20 2UP

Representations were received from the following third parties:

Didsbury Civic Society
Holme Road Resident Association
12 Dundreggan Gardens, Didsbury, Manchester, M20 2EH
25 Holme Road, Didsbury, Manchester, M20 2UP

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