
Application Number	Date of Appln	Committee Date	Ward
092089/OO/2009/N1	23rd Dec 2009	11 th March 2010	Crumpsall Ward

Proposal OUTLINE APPLICATION for residential development comprising 120 units, including means of access from Blackley New Road, and environmental enhancement works and all other matters reserved.

Location Former Bowker Bank Dye Works, Industrial Estate Adjoining Pond And Land To Rear Of 227-279 Blackley New Road, Crumpsall, Manchester.

Applicant Blackley Mere Developments Ltd, C/o Agent

Agent Mr Andy Frost, Jones Lang Lasalle Ltd, Chancery Place, 50 Brown Street, Manchester, M2 2JT

Description

The Site

The application site is located on land at the Bowker Vale Industrial Estate, in the Crumpsall ward of North Manchester and measures approximately 6.42 Ha in area. Part of the application site due to the proposed vehicular access, lies within the Blackley ward. The application site lies to the immediate south of the River Irk and includes the industrial buildings and associated areas of hard standing, two reservoirs associated with the historic industrial use of the site and substantial surrounding wooded areas. The rear gardens of other residential properties on Blackley New Road lie to the immediate north of the application site on the opposite bank of the River Irk. The application site also includes two residential properties on Blackley New Road (numbers 249 and 247), which would be required to be demolished in order to provide a new vehicular access to the main area of the application site.

The site is set down below the existing surrounding residential uses on Blackley New Road and Bowker Bank Avenue and Wilton Road within the River Irk Valley.

The industrial estate part of the site contains a number of older industrial buildings and areas of hard standing. This area of built form is contained to the eastern portion of the site bounded to the north and east by the River Irk, to the south by a wooded embankment leading to rear gardens of properties on Wilton Road, and to the west by one of the two reservoirs on the site. The application information indicates that the industrial use of the site dates back to 1848 when it was originally used as a Print Works and since 1922 as a bleaching, dyeing and finishing works. The site is currently occupied by a textile related business, primarily for storage and distribution purposes. There are also two existing dwellings on the site which are occupied by the site caretaker. A further area of hardstanding associated with the Broughton Angling club, is located along the existing access lane to the south of the two reservoirs. The industrial buildings are set at lower site levels than the surrounding wooded areas and reservoirs. The two reservoirs are designated as Site of Biological Importance grade C.

The remainder of the site includes two reservoirs used by the Broughton Angling Club. The reservoirs were originally used in association with the industrial processes taking place elsewhere within the application site. There are significant wooded areas around the reservoirs and along the edge of the river bank, these areas of woodland appear to have been unmanaged and as a result there are large numbers of self seeded trees.

The existing vehicular access to the industrial uses on site is via a road from Bowker Bank Avenue, which drops down into the site under a Metrolink bridge. The Bowker Bank Metrolink stop lies approximately 200 metres to the immediate west of the application site.

The Application

The application is in outline for residential development comprising 120 residential units with means of access from Blackley New Road. All matters relating to layout, scale, appearance and landscaping are reserved.

The proposal involves the re-development of those areas of the application site, which currently contain the buildings associated with the industrial use of the site. Whilst the application is in outline with all matters except access reserved for future consideration, the applicant has provided an indicative layout of how the site could accommodate the proposed amount of residential properties proposed.

The masterplan layout indicates the proposed infilling of the most westerly reservoir and development of residential properties to the eastern and western side of the retained most easterly reservoir in order to accommodate the proposed level of residential units. Access to the site is proposed to be via a new access taken from Blackley New Road; this would require the demolition of a pair of existing semi-detached properties on Blackley New Road (numbers 247 and 249) and the construction of a new bridge to cross the River Irk and into the main area of the application site, internal site roads would then link the residential properties. The current existing vehicular access would be retained for emergency access only and would not be open to general traffic.

As indicated above the application is for the provision of 120 residential units across the site. The application indicates that residential properties would be between 2 and 3 storeys in height and the indicative masterplan shows these to be generally in the form of semi-detached dwellings. The associated accommodation schedule states that 84 no. houses are proposed, with the other residential units in the form of 36 no. apartments. Car parking spaces across the site would be at 100% provision (120 spaces) with an additional 30 spaces for the angling club. The layout shows that there would be two blocks of apartment buildings, one located on the northern bank of the retained reservoir and the other on the opposite bank. The application incorporates details, which state that the proposed apartments would be specifically for elderly people above 60 years of age.

The proposal also includes overall landscape principles in which the site would be developed to maintain the positive aspects of the site, which are primarily the reservoir, river corridor, certain areas of woodland and the hidden nature of the site.

The principles also state that the development would introduce new footpath links to existing footpaths in the area. The accommodation of 120 residential units as shown on the indicative masterplan would result in the removal of a significant number of existing trees on the site.

Consultations

Ward Members

Councillor Richard Leese – Objects to the application. He considers the proposal is over dense, with unsuitable housing types particularly the proposed apartments. It reduces the number of ponds on the site and turns the retained one into a roundabout. He believes the site to be a ‘green lung’ and wildlife haven. The proposal would destroy a rare habitat in such an urban location but would compound this by bringing an intrusive bridge across the Irk Valley from Blackley New Road. As well as the destruction of habitat the proposal would bring significant visual disamenity to residents in adjacent parts of what is Higher Blackley ward.

Councillor Anna Trotman – Objects to the application on environmental grounds including and the creation of another new junction on Blackley New Road.

Councillor Ken Barnes – Objects to the application.

Local residents – 22 letters of objection; 5 emailed and 9 comments on the City Councils public access system have been received also objecting to the proposal. In summary the objections relate to:

- Impact of the proposal on the ecology of the area and the SBI;
- The applicant has inaccurately described the site as ‘brownfield’ the current industrial development only covers approximately 1.3 hectares of the total site area of 6.4 hectares. The information within the Archaeological Desk Based Assessment shows that apart from the buildings the remainder of the site has never been developed;
- As a neighbour of the site I have witnessed a number of birds not listed within the bird survey.
- Contrary to UDP policy E2.2
- Increase in traffic on Blackley New Road as a result of the proposal;
- There is a known problem with drainage and the capacity of the sewers in the area;
- The proposal will increase the risk of subsidence within Crumpsall;
- Concerns regarding the potential for the proposal to increase crime and anti social behaviour;
- Impact of the proposal on the views from residential properties on Blackley New Road.
- Impact on traffic including noise from the new access road on my property;
- The River Irk already floods onto my land the development will make this worse;
- Impact of the proposal on existing services including schools and hospitals within the area;
- We should be compensated for the loss of our peace aspect to the rear of our house;

Manchester City Council Arboricultural Officer – The proposal would require the removal of a large number of trees around the reservoirs. Although most of the trees would not be worthy of protection individually they would be as a woodland setting. A number of trees within the area shown for total tree removal are worthy of individual protection. He objects to the proposal due to the loss of a woodland area with amenity value and the loss of trees worthy of individual protection.

The Wildlife Trust for Lancashire, Manchester and North Merseyside – Object to the proposal within the Masterplan. They are very concerned about the potential loss of wildlife interest in much of the area of the current SBI, including the land that surrounds the reservoirs. In addition to the wildlife value of the SBI site, itself, it forms an important part of the River Irk Green Corridor, alongside other areas of wildlife interest nearby. The proposal would seriously deplete the wildlife interest of the site itself and the wider surrounding area.

Natural England – Notes that the submitted Environmental Statement has considered the current nature conservation value of the site and mitigation measures to remove any residual impact of the development have been suggested and that opportunities to enhance the nature conservation and landscape value have been explored. Natural England recommends that the mitigation measures suggested in the Environmental Statement are made a condition of planning permission if it is granted. They are not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application. Natural England state that the local planning authority has a duty under the Natural Environment and Communities Act (2006) to have regard to the purpose of conserving biodiversity.

GMP Design for Security – Do not support the application. There are a number of issues with the indicative layout but principally the means of access and the permeability of the site. Due to the constraints of the site they are of the opinion that the potential for improvement to the layout would be limited. Consequently, the development would not provide a sufficiently safe and secure environment for future residents.

Greater Manchester Geological Unit – Have found that there are no active waste sites in the immediate vicinity of the proposed development.

4NW – Do not consider the application meets their criteria for commenting on.

Environmental Health – Recommend that conditions relating to acoustic insulation of residential properties and waste management are attached to any approval.

Contaminated Land Section – Recommend a contaminated land condition be attached to any approval.

Coal Authority – No objection. Recommend that their Standing Advice be included within any decision notice.

Greater Manchester Ecology Unit – Object to the application. The Ecology Unit have significant concerns regarding the proposal and object to the loss of the western

reservoir, which falls, within Bowker Vale Reservoirs Site of Biological Importance (SBI). The proposed mitigation does not adequately mitigate for the loss of this biodiversity feature and there are concerns regarding the achievability of the proposed mitigation scheme and the long-term management of biodiversity features on the site. The proposals represent an unacceptable impact on an identified feature of nature conservation value; the proposed mitigation and landscaping do not address those impacts.

Environment Agency – Object to the application. In the absence of adequate mitigating factors or compensatory proposals, they object to the proposed development. The destruction of the reservoir / wetland habitat (Part of the Bowker Vale Reservoirs SBI) and significant new built development along the River Irk corridor would have a detrimental impact on biodiversity.

Highways Services – The Transport Assessment was produced in 2008 and contains some statistical and design discrepancies due to the delay in submission and some relatively minor changes to the masterplan. There is also no trip generation included for the angling club to feed into the junction analysis. However, they believe the findings and conclusions contained in the addendum to the report as reasonable. The detailed design of the bridge would need to be inspected by MCC bridges and structures section to ensure that it is up to adoptable standards. The access road is assumed to require adoption if this is the case a section 38 agreement with Highway Services would be required. They believe that the shared space element of the proposal in its current indicated form is unlikely to be adoptable. Any works outside of the site boundary particularly at the new junction on Blackley New Road will require a section 278 to cover the works. They do have concerns regarding accessibility of the site by non-car modes with significant distances from the far end of the site to the access on Blackley New Road and may act as a barrier to residents walking to local amenities. This may increase the reliance on the car to access properties.

United Utilities – No objection, subject to a condition being attached to any approval for a scheme to be submitted confirming how surface water will be managed. UU request that no surface water discharges directly or indirectly to the combined sewer network.

GMPTE – The application site is reasonably well located in relation to public transport. There is an existing bus stop on Blackley New Road near the proposed junction and any proposed alterations to the highway should incorporate provision for safe and efficient operation of this bus stop. It would be expected that a residential travel plan would be developed to encourage future residents to use sustainable modes of travel.

Special Needs and Support Housing Group – Do not support the principle of provision of elderly retirement accommodation in this location. The application site is in a category 'A' area i.e. an area with high provision of supported housing and highly unsustainable. The site is also very close to some older persons developments that are currently underway.

Greater Manchester Archaeological Unit - To secure the implementation of the historic building survey and the programme of archaeological work, GMAU recommend that planning conditions are attached to the consent as follows: 'No demolition should commence until the applicant has secured the implementation of a programme of historic building recording to be undertaken in accordance with a written scheme of investigation submitted and approved in advance by the local planning authority'; and, 'No development groundworks should commence until the applicant has secured the implementation of a programme of archaeological works to be undertaken in accordance with a written scheme of investigation submitted and approved in advance by the local planning authority.'

Environmental Impact Assessment

This application is accompanied by an Environment Statement, which presents the results of an Environmental Impact Assessment of the construction and operational impacts of the scheme on the surrounding environment. The ES includes a number of technical assessments on: Ecology and Nature Conservation; Geology, Soils and Contaminated Land; Water Resources; Cultural and Archaeological Heritage; Landscape and Visual Impacts; Noise and Vibration; Air Quality; and, the Human Environment and Land Use.

Policy

PPS 1 'Delivering Sustainable Development'

This document sets out the overarching planning policies on the delivery of sustainable development through the planning system.

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development. The statement indicates that regeneration of the built environment alone cannot deal with poverty, inequality and social exclusion and that these issues can only be addressed through better integration of all strategies and programmes, partnership working and effective community involvement.

PPS3: Housing

PPS3 sets out the national planning policy framework for delivering the Government's housing objectives.

The housing policy objectives provide the context for planning for housing through development plans and planning decisions. PPS3 states the specific outcomes that the planning system should deliver are:

- High quality housing that is well-designed and built to a high standard.
- A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
- A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
- Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

- A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.

Local Planning Authorities and Regional Planning Bodies will, in particular, need to consider sustainability issues as some sites will not necessarily be suitable for housing. There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.

In general, in deciding planning applications, Local Planning Authorities should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.

PPS 9 'Biodiversity and Geological Conservation'

PPS 9 sets out planning policies on protection of biodiversity and geological conservation through the planning system.

The statement sets out the key principles that local planning authorities should adhere to ensure that the potential impacts of planning decisions on biodiversity and geological conservation are fully considered.

PPG13 'Transport'

The objectives of this guidance are to integrate planning and transport at the national, regional, strategic and local level to:

- promote more sustainable transport choices for both people and for moving freight;
- promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and
- reduce the need to travel, especially by car.

PPS 25 'Flood Risk'

This guidance looks at how flood risk should be considered at all stages of the planning and development process. It details the importance of the management and reduction of flood risk in planning, acting on a precautionary basis and taking account of climate change.

Circulars

Circular 6/2005 advises Local Planning Authorities to give due weight to the presence of protected species on a development site to reflect EC requirements. This may potentially justify a refusal of planning permission.

EU Directives

European Community Habitats Directive 1992 requires that UK to maintain a system of strict protection for protected species and their habitats

Northwest of England Regional Spatial Strategy to 2021

In terms of regional policy, the Regional Spatial Strategy for the North West was adopted in September 2008. The Regional Spatial Strategy forms part of the statutory development plan for every Local Authority in the North West and provides a framework for development and investment over the next fifteen to twenty years. The following policies are considered relevant:

Policy DP 1 - This policies sets out the principles which underpin RSS and include; promoting sustainable communities; promoting sustainable economic development; make the best use of existing resources and infrastructure; manage travel demand, reduce the need to travel, and increase accessibility; promote environmental quality.

Policy DP 2 - Building sustainable communities – places where people want to live and work - is a regional priority in both urban and rural areas. Sustainable Communities should meet the diverse needs of existing and future residents, promote community cohesion and equality and diversity, be sensitive to the environment, and contribute to a high quality of life.

Policy DP 3 states sustainable economic growth should be supported and promoted, and so should reductions of economic, environmental, education, health and other social inequalities between different parts of the North West, within the sub-regions, and at local level.

Policy DP4 states that development should build upon existing concentrations of activities and existing infrastructure.

Policy DP5 states that major growth should, as far as possible, be located in urban areas where strategic networks connect and public transport is well provided. All new development should be genuinely accessible by public transport, walking and cycling, and priority will be given to locations where such access is already available.

Policy EM 1 states proposals and schemes should deliver an integrated approach to conserving and enhancing the landscape, natural environment, historic environment and woodlands of the region. Priority should be given to conserving and enhancing areas, sites, features and species of international, national, regional and local landscape, natural environment and historic environment importance. The policy states that where proposals and schemes affect the region's landscape, natural or historic environment or woodland assets, prospective developers and/or local authorities should first avoid loss of or damage to the assets, then mitigate any unavoidable damage and compensate for loss or damage through offsetting actions with a foundation of no net loss in resources as a minimum requirement.

Policy EM1 (B): states that proposals and schemes should secure an increase in the region's biodiversity resources by contributing to the delivery of national, regional and

local biodiversity objectives and targets for maintaining extent, achieving condition, restoring and expanding habitats and species populations. This should be through protecting, enhancing, expanding and linking areas for wildlife within and between the locations of highest biodiversity resources, including statutory and local wildlife sites, and encouraging the conservation and expansion of the ecological fabric elsewhere.

Policy EM1 (d) states proposals and schemes should encourage a steady targeted expansion of tree and woodland cover and promote sustainable management of existing woodland resources.

Policy EM 3 Green Infrastructure - Proposals and schemes should aim to deliver wider spatial outcomes that incorporate environmental and socio-economic benefits by conserving and managing existing green infrastructure; creating new green infrastructure; enhancing its functionality, quality, connectivity and accessibility.

Policy L4 Regional Housing Provision – States local authorities should monitor and manage the availability of land identified in plans and strategies and through development control decisions on proposals and schemes, to achieve the housing provision (net of clearance replacement) set out in the RSS.

Policy L 5 Affordable Housing - Plans and strategies should set out requirements for affordable housing , and the location, size and types of development to which these requirements apply.

Policy MCR 1 Manchester City Region Priorities this policy states a high level of residential development will be encouraged in the inner areas of the City Region. Environmental improvements will be focused where they are most needed and will have the greatest benefit to facilitate the sustainable development of the Regional Centre and Inner Areas.

Unitary Development Plan for the City of Manchester

The application site lies within the Irk River valley, which is covered by policy CC2 of the adopted Unitary Development Plan. The two reservoirs on the application site are also identified within the development as Sites of Biological Importance.

Part 1 Policies:

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

Policy H2.2 states the Council will not allow development that will have an unacceptable impact on residential areas. The matters which the Council will consider in coming to such decisions 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 E1.4 states that noise levels will be controlled by the careful design of new roads so that the lines and levels selected minimise the impact of noise on Local people.

Policy E1.3 indicates that the Council will promote measures to decrease the level of pollution in the City's watercourses including rivers and canals, and groundwater sources.

Policy E2.2 states that permission will not normally be granted for development which would adversely affect designated sites of special scientific interest, sites of biological importance and geological interest and ancient woodlands

Policy E2.4 states the Council will ensure that the effects upon wildlife are taken fully into account when considering development proposals.

Policy E2.6 states the Council will prevent wherever possible the loss of existing trees and, in addition, will encourage extensive broadland tree planting schemes.

Policy E3.4 indicates that the Council will create a network of safe and attractive major linear recreational open spaces by linking and making better use of river valleys, canals, disused railways and other appropriate areas of open space.

Policy E3.5 states the Council will promote measures which will lead to a safer environment for all people living in and using the City. These measures will include:-

- a) ensuring that the layout of new development is designed with safety in mind and does not lead to the creation of isolated areas;
- b) designing landscaping schemes so as to minimise the risk of attack;
- c) that community facilities are located where they are easy and safe to get to;
- d) providing safe places for children to play;

Policy T3.1 states that the particular needs of both pedestrians and cyclists should be catered for in the design of new developments and new road and public transport schemes.

The following Part 2 policies of the UDP are relevant in considering this application.

CC1 states the Council will have regard to the general policies in Part 1 of the Plan in order to:-

- reduce the problems caused by vacant and derelict land and buildings by encouraging redevelopment, especially of smaller sites where shape and location would discourage proper maintenance for open space;
- provide a network of green routes for pedestrians and cyclists between different parts of the area;
- create a safer environment and allow for a greater sense of personal safety for all sections of society, especially children and the elderly;

Policy CC2 is a specific policy relating to the Irk Valley it states: As one of the City's major green fingers, the Irk Valley will continue to be subject to policies aimed at environmental improvement, recreational development and the protection of wildlife.

Improvements will be made not just to benefit nearby communities, but also to produce linear pedestrian and cycle routes through the valley with the route being positioned near to the river wherever practicable.

Policy DC6 relates to proposed residential development on "backland" sites, that is, sites with limited access to a road because they are surrounded by housing or other uses. It states that in these circumstances development will not be permitted unless:

- there is no loss of privacy to adjoining dwellings and associated rear gardens;
- access and parking arrangements do not significantly increase noise and disturbance for occupiers of existing adjoining dwellings;
- the scale and design of the development is compatible with the character of buildings in the surrounding area;
- there is sufficient space between the proposed and existing dwellings to avoid problems of significant overshadowing or of over-dominant appearance affecting either the existing or the proposed dwellings;
- the proposal does not involve the loss of important trees or other natural features of high amenity value or the loss of locally important wildlife habitats;

Policy DC2a.1 states Planning permission will be refused when it cannot be demonstrated that development proposals will contribute to the achievement of the following objectives for the City's local communities:

- to ensure a more even spread of "special needs" accommodation within local areas and across the City as a whole, in order to encourage provision closer to where needs arise and avoid the need for people to move from their local community to find the accommodation they require;
- to ensure the protection of the residential character and amenity of family housing within established communities;
- to avoid the unnecessary loss of the bigger dwelling houses available for larger and extended families;
- to help local communities accommodate a range of special needs without the risk of social stress;
- to avoid stigmatising a particular neighbourhood or a particular type of accommodation;
- to create and retain a positive perception of all areas of the City as a contribution towards the goal of maintaining stable and self-sustaining communities;
- to attempt to sustain the vitality and viability of local economies, by encouraging a wide diversity of social groups to live within all parts of the City;
- to avoid creating disproportionate stress on local services, such as health and education; and
- to avoid additional pressure on primary and secondary health care provision in parts of the City where there are already identified concerns about adequacy of services.

Guide to Development in Manchester Supplementary Planning Document (2007)

The SPD is intended to guide proposals that will help to develop and enhance an environment within Manchester so that they are visually attractive, have a unique and positive sense of place and which properly caters for the functions which it accommodates both now and in the future.

Affordable Housing Supplementary Planning Document (2008)

This document provides planning guidance about the mix of new housing provision required in Manchester to meet the requirements of the City's planning policies and government guidance about planning policies for housing provision, as set out in PPS 3.

This guidance proposes a City-wide target for 20% of new housing provision to be affordable housing on development sites which are larger than the thresholds, the application site would meet these thresholds.

It is envisaged that 5% of new housing provision will be social rented. This will be addressed on a site-by-site basis. Provision will be targeted to address specific affordable housing needs taking account of the particular requirements in the area of the proposed development. A further 15% of the new housing provision is envisaged to be intermediate housing, delivering affordable home ownership options. The proportion of intermediate or social rented housing might vary on each site.

The applicant has indicated that the proposal would not provide any affordable housing due to financial viability of the scheme if affordable housing was to be provided. No negotiation regarding the provision of affordable housing on this site has been undertaken following the submission of this planning application.

North Manchester Strategic Regeneration Framework (NMSRF)

The NMSRF defines the strategic context for the regeneration of North Manchester. It establishes key principles and objectives across the range of inter-related social, economic and physical issues affecting the area. It identified the importance of the Irk Valley and that a high quality open space network was an important part of the regeneration of the area north of the City Centre.

Manchester City Council Annual Monitoring Report 2009

The annual monitoring report indicates that the continuing recession means that the housing market is unlikely to deliver at a level to meet RSS targets in the short term, although activity is continuing on a number of sites under construction and new starts on site have been made during 2008/09. Levels of extant planning permissions remain high and although the number of new permissions has fallen, there are sufficient ready to develop sites in Manchester to meet the five year requirement when the market recovers.

Issues

Planning History

The application site has been subject of previous applications for redevelopment as well as other applications relating to the existing buildings on the site.

044158/00/North1/93 - Redevelopment of industrial premises and ancillary land for residential and recreational purposes, including retention of reservoirs and creation of pedestrian/cycle paths and emergency access. Refused 31/03/94

41231 – Proposed redevelopment of the dyeworks, reservoir and associated open land for housing including road access across the River Irk from Blackley New Road. Refused 11/06/92

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is:

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range.

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection - a requirement on local planning authorities to have regard to the Directives requirements above, and

- a licensing system administered by Natural England.

Policy E2.4 of the Unitary Development Plan states the Council will ensure that the effects upon wildlife are taken fully into account when considering development proposals.

Circular 6/2005 advises local planning authorities to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission".

PPS9 (2005) advises local planning authorities to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm (local planning authorities) will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives (local planning authorities) should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where significant harm cannot be prevented or adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises local planning authorities to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The Environmental Statement (ES) accompanying the application provides a technical assessment of ecology matters and the results of a number of surveys undertaken. These surveys indicate:

- The two dominant habitat types on the site are broadleaved woodland and standing open water with additional features including the River Irk;
- The presence of Japanese Knotweed along the bank of the River Irk;
- The reservoirs support a moderately diverse band of emergent plants, only two species of aquatic plant were identified;
- The Eastern reservoir whilst containing a more diverse community of aquatic invertebrates than the other reservoir still contained a relatively poor diversity, the surveys did discover some species of note in both reservoirs. The ES states the diversity was slightly higher than when surveyed in 2006 but still low indicating an impacted community;
- No Great Crested Newts were observed on the site;
- 21 Species of birds were recorded including Song Thrush, Bullfinch, Dunnock, Willow Warbler and Grey Wagtail all of which are either Red or Amber listed birds of conservation concern;
- No evidence of past or current use by Bats was found during daytime inspection of trees, no evidence of past or current roosts was found during the daytime inspections. No bats were confirmed emerging from any of the buildings during the two emergence surveys. A small number of Bats were observed flying over the roof of the workhouse complex towards the river. Bats were recorded foraging and commuting along the River Irk corridor and the woodland area to the south eastern corner of the site and also around the two reservoirs;
- No recordings were made of water voles, although Mink droppings were observed which is likely to reduce of a water vole population persisting;
- The banks of the River Irk may provide suitable lying up sites for otters but no potential sites were identified. Otters may use the section of the Irk adjacent to the site as part of a wider territory.
- The two reservoirs support common toad, common frog and smooth newts.
- Three nationally scarce crane-fly species, and a ladybird species, formerly considered rare but now more widespread were recorded from the wet woodland in the south east corner of the site.

The Greater Manchester Ecology Unit has raised concerns with the submitted Environment Statement and some of its findings particularly in relation to the Site of Biological Importance (SBI) designation of the two reservoirs. On the basis of the surveys reported within the ES, GMEU consider the reservoirs still to contain species that would meet the selection criteria for SBIs. In addition they do not consider that the proposed mitigation adequately mitigates for the loss of this biodiversity feature (the reservoir) and they have concerns regarding the achievability of the proposed mitigation scheme and the long-term management of biodiversity features on the site. They consider that the proposals represent an unacceptable impact on an identified feature of nature conservation value. They also state that the reservoirs suffered considerably from the inappropriate application of herbicide in 2004.

The Environment Agency has also objected to the application. They identify the

importance of wetland habitats as important wildlife habitats that support a wide variety of plants and animals. They also state that standing open waters, which include ponds, are also recognised as a priority habitat under the UK Biodiversity Action Plan. Development is listed as one of the major threats to these habitats. Article 10 of the Habitats Directive requires Member States to encourage the management of features of the landscape that are of major importance for wild flora and fauna.

They consider that the development site forms an important role as green infrastructure and can mitigate and aid adaptation to climate change. RSS Policy EM3 provides support for such green infrastructure planning. They consider it essential that these ecological and green infrastructure elements, are actively protected and preferably expanded, and not lost as part of future development.

The EA also consider that this would result in a significant amount of new disturbance along this portion of the River Irk corridor, pre and post development, which has been largely undisturbed for well over a hundred years based on historic maps.

They consider that there is insufficient information provided to demonstrate that the scheme can avoid or appropriately compensate for this loss of mature wetland and riparian habitat. They do not consider that the current mitigation compensates for the significant loss of this habitat and fails to provide enhancement as part of the overall scheme.

Planning Policy Statement 9 establishes that development should not harm biodiversity and should seek to protect or enhance existing areas of nature conservation value. PSS 9 also recognises the value of locally designated sites. PPS9 also states "Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused".

The application is in outline and matters relating to layout, scale, landscaping and appearance are reserved. However, the application is supported by a masterplan, which indicates that the proposed quantum of development (120 residential units) can be accommodated on the site. The masterplan and supporting information, including the Environmental Statement, indicate that in order to deliver this level of development the western reservoir would need to be infilled. The two reservoirs on the application site are both designated within the Bowker Vale Reservoirs SBI and identified as such in the adopted Unitary Development Plan. UDP policy E2.2 states that permission will not normally be granted for development, which would adversely affect designated sites of special scientific interest, sites of biological importance and geological interest and ancient woodlands.

Whilst the ES considers that the designated SBI is at a lower ecological value now than when it was designated it also acknowledged that there has been an increase in surveyed species since 2006. The GMEU confirm that the reservoirs were subject of a significant pollution event in 2004 through the inappropriate application of a

herbicide. GMEU also confirm that on the basis of the findings of the surveys undertaken for this application, the reservoirs would meet the site selection criteria for a SBI. It is not considered that the application has provided sufficient justification that would override the loss of a significant part of the Bowker Bank SBI.

It is considered that the application does not adequately demonstrate that the significant harm to the designated SBI, habitats and identified species within the application site, that would be caused by the proposed quantum of development can be adequately mitigated against. It is considered that the application does not accord with national policy contained in PPS9, regional policies EM1 and EM1 b of the RSS or policies E2.2, E2.4 and E2.6 of the adopted Unitary Development Plan.

Regeneration

The proposal would result in the redevelopment of an industrial site, which the applicant has indicated is unsuitable for continued employment use due to its poor location and the existing buildings being of poor physical condition. Whilst the proposal would address the current poor condition of part of the site and buildings, it is not considered that this outweighs harm caused by the overall development.

Residential Amenity

The application includes the provision of a new vehicular access and river crossing leading from the proposed residential properties up to join Blackley New Road. This would involve the demolition of a pair of semi-detached properties (249 – 247 Blackley New Road). This access road would form the primary vehicular and pedestrian access for the proposed development of 120 residential properties and include the angling club who would continue to have use of the retained reservoir.

The new road and bridge would be the primary vehicular access to the proposed residential development and would introduce noise and disturbance to residential properties as situation that does not currently exist for those residential properties affected. Due to the locations of vibration monitoring chosen by the applicant it is unclear what the potential impacts of vibration from the proposed bridge on existing residential would be.

It is considered that the proposed new vehicular access would give rise to an increase in disamenity to those residential dwellings located on either side of the proposed access road (numbers 251 and 245 Blackley New Road) and in particular the occupiers enjoyment of their private gardens. Whilst residential properties on Blackley New Road will currently experience some level of disturbance from vehicular traffic, the new access road would exacerbate this disturbance to private rear and side gardens contrary to policy H2.2 and DC6 of the adopted Unitary Development Plan for the City of Manchester.

Visual Amenity

The site by virtue of its topography and setting sits predominantly lower than surrounding residential uses. The masterplan indicates residential properties of 2-3 storeys in height. The loss of trees on the southern bank of the Irk would result in the

rear of residential properties on Blackley New Road having views towards the proposal site, however the distances involved are not considered to give rise to unacceptable visual amenity impacts.

However, the introduction of a bridge across the River Irk and new access road into the site are considered to give rise to unacceptable visual impacts on those existing residential properties on Blackley New Road. In addition the introduction of a bridge structure in the proposed form into the Irk Valley in this location is also considered to have an unacceptable visual impact on the character of this part of the river valley contrary to the intention of policy E3.4 of the adopted Unitary Development Plan for the City of Manchester.

Safety and Security

GMP Design for Security do not support the application, they have raised specific concerns with the indicative layout and proposed access points. They believe that due to the site's remote location in relation to surrounding streets, in particular Blackley New Road. They also consider that the lack of activity and surveillance on the routes between the site and Blackley New Road would deter residents from walking and especially at night. The lack of through traffic to Bowker Bank Avenue would leave users of this pathway feeling isolated and vulnerable to crime. The side boundaries of the two properties either side of the proposed access road would be exposed without sufficient surveillance.

Provision of retirement accommodation

The City Council's Special Needs and Support Housing Group do not support the principle of provision of elderly retirement accommodation in this location. They state that the application site is in a category 'A' area i.e. an area with high provision of supported housing and highly unsustainable. In addition the site is also very close to some older persons developments that are currently underway including: Fairholme extra care scheme, Whitebeck Court extra care scheme and the council build programme for older persons bungalows.

It is considered that the provision of residential accommodation for the elderly in this location is contrary to policy DC2a.1 of the adopted Unitary Development Plan for the City of Manchester.

Conclusion

It is considered that the application has failed to adequately demonstrate that the proposed residential development and associated access would not lead to adverse impacts on the designated Bowker Bank Site of Biological Importance as identified within the Unitary Development Plan and contrary to policy E2.2 within it.

Insufficient information has been provided to demonstrate that the scheme can avoid or appropriately compensate for the loss of mature wetland and habitats on the site contrary to policies E2.4 and E2.6 of the adopted Unitary Development Plan. It is also considered that the proposed mitigation does not compensate for the significant loss of habitats and fails to provide enhancement as part of the overall scheme contrary to

national policy contained within PPS9 and regional policy contained within the Regional Spatial Strategy for the North West policies EM1 and EM1b.

The development would result in significant loss of a woodland area contrary to policy E2.6 of the adopted Unitary Development Plan for the City of Manchester and have unacceptable impacts on the Irk Valley 'Green finger' as identified within policy CC2 of the UDP.

The proposed new vehicular access would lead to unacceptable levels of disamenity to neighbouring residents on Blackley New Road contrary to policies H2.2 and DC6 of the adopted Unitary Development Plan for the City of Manchester.

It is considered that the indicative masterplan and the proposed new vehicular access route would not provide a safe and secure environment for future or existing residents contrary to policy E3.5 of the adopted Unitary Development Plan and the Guide to Development Supplementary Planning Document.

The proposal would lead to the introduction of a bridge structure in a form and location that would give rise to unacceptable impacts on the visual amenity of residential properties on Blackley New Road and on the character of the Irk River Valley contrary to policies H2.2 and E2.4 of the adopted Unitary Development Plan and the Guide to Development Supplementary Planning Document.

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

Recommendation REFUSE

On the basis that the application is contrary to: national policy contained within PPS9; RSS for the Northwest of England policies EM1 and EM1b; policies H2.2, E2.2, E2.4, E2.6, E3.5, DC6 and CC2 of the adopted Unitary Development Plan for the City of Manchester; and the Guide to Development Supplementary Planning Document.

Reasons

- 1) The proposal will result in an adverse impact on a designated Site of Biological Importance contrary to policy E2.2 of the Unitary Development Plan for the City of Manchester.
- 2) The proposal will result in an undue loss of amenity to occupants of neighbouring properties, in particular as a result of undue noise and disturbance from vehicular traffic using the proposed access road and is thereby contrary to policy H2.2 and DC6 of the Unitary Development Plan for the City of Manchester.
- 3) The proposal would result in significant harm to biodiversity identified within the application site which cannot be prevented, adequately mitigated against, or compensated for and is thereby contrary to national policy contained within PPS9, Regional Spatial Strategy for the Northwest policies EM1 and EM1b, and policies E2.2, E2.4 and E2.6 of the adopted Unitary Development Plan for the City of Manchester.
- 4) The proposal by virtue of its location and proposed access would result in an unsafe and unsecure environment for future and existing residents contrary to policy E3.5 of the adopted Unitary Development Plan and the Guide to Development Supplementary Planning Document.
- 5) The proposed access road and bridge by reason of their nature, scale and appearance would adversely affect the visual amenity of the occupiers of the adjoining residential properties and would be unduly detrimental to the character and amenity of the Irk River Valley. As such the proposed development would be contrary to policies H2.2 and E2.4 of the adopted Unitary Development Plan for the City of Manchester.
- 6) The proposal when considered alongside existing and proposed provision within the area, would give rise to an unacceptable level of residential accommodation for the elderly the surrounding locality and would thereby be contrary to policy DC2a.1 of the adopted 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: 092089/OO/2009/N1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

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

Engineering Services (Bridges Section)
Engineering Services
Environmental Health
Contaminated Land Section
Director Of Housing
Environment & Operations (Trees)

Special Needs & Supported Housing
North Manchester Regeneration Team
Environment Agency
GMPTE
Greater Manchester Police
The Coal Authority
United Utilities Water PLC
Natural England
Council For British Archaeology
Greater Manchester Geological Unit
Lancashire Wildlife Trust
Greater Manchester Ecology Unit
4NW
1 Ellbourne Road, Manchester, M9 8EU
2,4,6,8,10,12 14 16 Buckland Avenue, Manchester, M9 8FU
203, 205, 207, 209 227 229 231 233 235 237 320 322 324 326 328 330 332 Blackley
New Road, Manchester, M9 8FS
39, 41,43 Chudleigh Road, Manchester, M8 4PW
1, 3, 5,7, 9, 10, 11, 11a, 12, 14,15,16,18,19, 17, 20 ,22, Dinorwic Close, Manchester,
M8 4FT
101,103, 105,107, 109, 111, 115,113, 117,119,121,123 Wilton Road, Manchester,
M8 4PD
Bowker Bank Avenue, Manchester, M8 4LD
89, 91 Wilton Road, Manchester, M8 4PD
218 Middleton Road, Manchester, M8 4NA
2, 4, 6, 8, Bowker Vale Gardens, Manchester, M9 8EY
2 Carr Bank Avenue, Manchester, M9 8FT
297 299 301 303 400 402 404 406 408 410 412 414 416 418 420 422 Blackley New
Road, Manchester, M9 8ET M9 8FR
Buswe House, 208 Middleton Road, Manchester, M8 4NA
1 2 Kendall Road, Manchester, M8 4NE
Kendall Road, Manchester, M8 4WD
Motorists Discount Store, 210 Middleton Road, Manchester, M8 4NA
Flat 1, 212 Middleton Road, Manchester, M8 4NA
Heaton Park Kitchen, 212 Middleton Road, Manchester, M8 4NA
Flat 2, Flat 3, Flat 4, Flat 5, 212 Middleton Road, Manchester, M8 4NA
214-216, Middleton Road, Manchester, M8 4NA
364 366 368 Blackley New Road, Manchester, M9 8FR
1 2 3 5 Roch Bank, Manchester, M9 8FL
12 Carr Bank Avenue, Manchester, M9 8FT
Middleton Road, Manchester, M8 4NA
196 198 200 Middleton Road, Manchester, M8 4NA
1 3 5 7 9 11 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35
36 38 40 42 Bowker Vale Gardens, Manchester, M9 8EY
239 241 243 245 247 249 251 253 255 257 259 261 263 265 267 269 271 273 275
277 279 362 Blackley New Road, Manchester, M9 8FS
1 3 4 5 6 7 8 9 10 11 13 15 17 19 21 22 Carr Bank Avenue, Manchester, M9 8FT
10 12 34 36 37 38 39 40 41 43 44 45 46 47 48 49 50 Bowker Vale Gardens,
Manchester, M9 8EY
1 2 3 4 Mountford Avenue, Manchester, M8 4LN

1 3 5 7 9 11 14 16 18 20 22 24 26 28 30 32 Bowker Bank Avenue, Manchester, M8 4LF

1 2 3 4 5 6 7 8 9 10 11 12 Monica Avenue, Manchester, M8 4LJ

93 95 97 99 Wilton Road, Manchester, M8 4PD

15 17 19 21 23 25 42 44 46 48 50 52 Bowker Bank Avenue, Manchester, M8 4LF

77 79 81 83 85 87 Wilton Road, Manchester, M8 4PD

2 4 6 8 10 12 Bowker Bank Avenue, Manchester, M8 4LF

142 144 148 146 150 152 154 156 158 160 162 164 190 192 194 Middleton Road, Manchester, M8 4LB

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 Gwendor Avenue, Manchester, M8 4LE

14 18 16 20 Carr Bank Avenue, Manchester, M9 8FT

65 Wilton Rd, Crumpsall, M8 4PD

Representations were received from the following third parties:

229, 233, 237, 241, 243,245, 257, 259, 265, 269, 271, 275, 277, 279, 326, 328, 400, Blackley New Road, Manchester,M9 8FG

11a, 15, 16, 19, 20 Dinorwic Close, Manchester, M8 4FT

65, 85, 109 Wilton Rd, Crumpsall, M8 4PD

4 Buckland Avenue, Manchester, M9 8FU

Relevant Contact Officer : Robert Griffin
Telephone number : 0161 234 4527
Email : r.griffin@manchester.gov.uk