

Application Number	Date of Appln	Committee Date	Ward
090397/FO/2009/S2	6 th Nov 2009	17 th Dec 2009	Didsbury West Ward

Proposal Revised application for Block B and Block D, approved under ref 082214/FO/2007/S2, for the erection of 5 x 3 bed town houses (Block B) and 4 x 4 bed town houses (Block D) with undercroft parking and associated landscaping.

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,

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 the remaining blocks (blocks C – 6 townhouses and 8 apartments; B and D – 4 townhouses each) has not 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.

Due to current market conditions the applicants have failed to sell any of the block B and D townhouses originally approved in 2007. In order to provide a product that is more attractive the applicants have decided to reduce the size of the townhouses in block B, while also adding an extra unit in that block and switching its location with block D. As a result, the applicants are applying for planning permission to switch the location of blocks B and D, while also adding an additional townhouse to block B. As with the original consent, undercroft parking is still proposed beneath blocks B and D, though the applicants are also proposing to extend it further to provide 15 extra spaces. Block B will consist of five 3 bedroom townhouses and block D will consist of four 4 bedroom townhouses. Blocks B and D are to be located along the Holme Road frontage of the site and to the north of Marie Louise Gardens.

An application to amend block C from 6 townhouses and 8 apartments to 16 apartments has also been submitted by the applicant (ref: 091196/FO/2009/S2) though it is not on this agenda.

Consultations and Notifications

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

- The proposed alterations represent a sizeable increase in the width of block B for a miniscule reduction in its height. As the land on which the development is proposed is already 1.2 to 1.5 metres (4 to 5 feet) above footpath level, the increase in width threatens to merge the three blocks into one domineering mass of brick and tile.
- The change in the design of the upper floors and roof creates a more solid and unpleasing facade.
- More dwellings means more cars and more parking along Holme Road.
- Any extension to the underground car parking will impact upon the trees on the Holme Road frontage.

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

- Whilst a slight increase, the proposal is nevertheless overdevelopment and will exacerbate traffic and parking problems at the site.
- Given that there is ferry parking in the underground car park, an additional unit will inevitably lead to residents parking on Holme Road if they wish to use their second car later.

Holme Road Residents Association – Object to the proposal on the following grounds:

- The undercroft parking is flawed as 17 spaces would be made inaccessible by cars being parking in front of them.
- Block B is more imposing on the street scene.

West Didsbury Residents Association – The increase in width of block B and in the amount of underground parking may have an impact upon the trees located along the Holme Road frontage. A plan showing adequate tree protection measures should be submitted.

Greater Manchester Police (GMP) – No objection to the proposed amendments subject to the proposal complying with *Secured by Design*.

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

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.

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

- Policy DP1, *Regional Development Principles*, states that proposals and schemes should be located so as to make effective use of land, buildings and infrastructure and a sequential approach to development should be adopted to meet development needs.

Principle of the Proposal – Given the previous consent on the site the principle of the proposal is considered acceptable. Notwithstanding this, consideration must be given to the proposal's impact upon existing levels of visual and residential amenity and the existing tree coverage.

Access for Disabled People – The proposed townhouses are accessible.

Design – The design of Block D remains as originally approved, though its overall height has increased by 1 metres (3.3 feet) in order to accommodate the undercroft parking. This increase in height has resulted in block D being the same height as block B.

The design of block B differs from that proposed, though the design principles are the same. An increase in the width of block B, due to the additional unit, has resulted in a redesign of the roof to a more traditional form.

Overall the design of the proposal is considered acceptable.

Residential Amenity – The proposed townhouses are no further forward than those 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 the adjoining former lodge at Marie Louise Gardens. An obscure glazing condition is suggested to prevent overlooking from the southern elevation of block D onto the former lodge at Marie Louise Gardens.

Visual Amenity – The proposed revisions to the design and siting of blocks B and D 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 one extra townhouse 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.

Trees – The proposed townhouses and undercroft parking are no closer to the trees on Holme Road than those previously approved, therefore it is not considered that the proposal would impact upon their future retention. A comprehensive tree protection condition will be attached to any consent granted.

Landscaping – In line with the original approval, a condition requiring the submission of a landscaping scheme for works around blocks B and D will be attached to any consent granted.

Parking – The total number of parking spaces originally proposed under application 082214/FO/2007/S2 was 90, this was reduced to 77 and was duly approved. The proposed increase in the size of the undercroft parking would take the total car parking provision on the site to 92. This is considered to be an over-provision for this development and as such the applicants have been requested to reduce the level of parking provision proposed in the undercroft, this is reflected in the recommendation.

Crime and Disorder – A condition requiring that the townhouses achieve *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.

Refuse Storage – It is noted that the proposal has resulted in the store located between blocks C and D being omitted. The applicants have been requested to confirm that sufficient refuse storage facilities exist throughout the development.

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 **MINDED TO APPROVE** (subject to a reduction in the size of the undercroft parking provision) 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:

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 the plans and particulars to be submitted and approved by the City Council as local planning authority 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 blocks B and D 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 agreed 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) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the dwellings hereby approved being occupied. The car parking facilities shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate car parking for the development proposed, pursuant to Policy H2.2 in the Unitary Development Plan for the City of Manchester.

7) 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.

8) 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.

9) 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".

10) All windows in the southern elevations of block B shall be fitted and maintained with obscure glazing, unless otherwise agreed in writing by the City Council as local planning authority.

Reason - In the interests of residential amenity, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

11) 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.

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:

23, 25 Holme Road
1-16 Cairncroft, Holme Road
1-12 Beechwood, Holme Road
Lynwood, Holme Road
1-6 Spath House, Holme Road
7-8 Hawthornden Cottages, Palatine Road
The Lodge, Holme Road
West Didsbury Residents Association
Holme Road Residents Association
Didsbury Civic Society
Greater Manchester Police

Representations were received from the following third parties:

23 Holme Road
25 Holme Road
West Didsbury Residents Association
Holme Road Residents Association
Councillor Clayton
Greater Manchester Police

Relevant Contact Officer : David Lawless
Telephone number : 0161 234 4543
Email : d.lawless@manchester.gov.uk