

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
091678/OO/2009/S2	24 <sup>th</sup> Nov 2009	17 <sup>th</sup> Dec 2009	Didsbury West Ward
<b>Proposal</b>	OUTLINE APPLICATION for siting and access for the Metrolink West Didsbury stop		
<b>Location</b>	Former Railway Line At Lapwing Lane/Palatine Road, West Didsbury, Manchester		
<b>Applicant</b>	Miss Lucy Everson, 2 Piccadilly Place, Manchester, M1 3BG		
<b>Agent</b>			

### **Description**

This application relates to the expansion of the Metrolink South Manchester Line. Outline planning permission is being sought to construct a new Metrolink stop as part of the Metrolink Phase 3B contract along the existing railway cutting of the former Midland railway line. Layout and access are to be considered as details, with all other matters being reserved.

Originally Outline permission was granted in January 2002 that consent was subsequently renewed in January 2005 and has now expired.

It is proposed to install a twin platform Metrolink stop to the south of the junction of Lapwing Lane and Palatine Road in Blackburn Park Conservation Area. The east platform adjacent to the Northern Lawn Tennis Club, would be accessible via steps and ramped access. The west platform adjacent to Lapwing Lane would be accessible via lift, steps and pedestrian track crossing. Disabled parking bays and Cycle Parking would be located near the existing taxi rank on Lapwing Lane.

The proposed stop would also include provision for cycle racks, shelter, CCTV, Ticket Vending Machines (TVMs), Passenger Information Displays (PIDs), Poster Cases, Signs, Lighting, Seating, Bins and Passenger Emergency call Points (PECs). The detailed layout and design of the stop would be the subject of a future Reserved Matters Application, should this application be approved at Outline stage, therefore, details of the above are to be confirmed and submitted at that stage.

### **Consultations**

Local Residents - letters of objection and representation have been received, from local residents, the main comments of which are outlined below:

Local residents comments/concerns received from No. 2 Lyndhurst Road and 7 Trafalgar Place -

- Given the current pressure on local residents parking, has any provision been made for the additional parking requirements needed to accommodate commuters from the Cheshire area using the station to access central Manchester?

How will this affect local residents and any on-street parking adjacent to local houses?

Do you intend to provide additional parking facilities for the proposed station, or institute local parking restrictions which will affect residents of the area?

- What analysis has been done on the increase (or otherwise) of traffic in the area? How was the conclusion reached that no additional parking would be required? As probably the stop most easily accessed metrolink from the M60 and M56, surely commuters will consider it prudent to drive to the stop, leave cars and take the metro into town. Surely the location and popularity of the park and ride at Siemens each Christmas indicates that this area is easily accessed by people from outside the immediate area. I am concerned that any increase in traffic will make it impossible to get to and from my house.

The application notes that measures will be taken to reduce noise from the station, what guarantees are there that surrounding houses won't be impacted?

What measures will be taken to stop noise from passengers arriving and leaving late at night? I am concerned that in this highly residential area, an increase in foot traffic will have a negative impact on the area. I am also concerned that the plan relies on the location of the platform to reduce noise, but there is no evidence in the application that this will be adequate.

What analysis has been done on crime levels in an area when a metro stop is introduced? I see that there are measures in place to stop people congregating on the platforms and in the stations, how will you discourage them from hanging around outside? Northenden has a problem with young people hanging around the town centre at night, we don't want to migrate this problem to West Didsbury. At the moment there is nothing at this location to encourage them to come here. A metrolink may draw thieves, big issue sellers, beggars, where they know there will be a steady throughput of people. The impact on the whole area must be considered, the plan at the moment just ensures that the platform itself is secure possibly moving any potential undesirable elements into the surrounding area.

Local residents no letters of objections have been received

No comments have been received from statutory consultees at the time of the writing of this report. Their comments will be reported as late representations to committee. Comments were requested from:

Head of Environmental Health (Regulatory and Enforcement Services)

Head of Highways Services

Contaminated Land Section

Environment & Operations (Trees)

South Manchester Regeneration

Greater Manchester Police (Design for Security and Crime Reduction)

Greater Manchester Ecology Unit

Didsbury Civic Society

West Didsbury Residents Association

Blackburn Park Conservation Society

### **Issues**

There is no site specific policy in the Unitary Development Plan that relates to this application site, when dealing with applications of this nature, consideration is given to policies E2.6, H2.2 and T2.4 in part 1 of the UDP and policies DC18 and DC26 in part 2 of the UDP.

Policy E2.6 states that the Council will prevent wherever possible the loss of existing trees and, in addition, will encourage extensive broadleaved tree planting schemes especially as a means to enhance informal recreational areas and to improve the appearance of built up areas.

Policy H2.2 states that the Council will not normally allow development, which 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 T2.4 states that the City Council will expect developments to make adequate provision for their car parking requirements.

DC18 states that the City Council will give particularly careful consideration to development proposals within Conservation Areas.

a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:

i) the relationship of new structures to neighbouring buildings and spaces; ii) the effect of major changes to the appearance of existing buildings; iii) the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees); iv) the effect of signs and advertisements; v) any further guidance on specific areas which has been approved by the Council.

b. The Council will not normally grant outline planning permission for development within Conservation Areas.

DC26.1 The Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

**North West of England Plan Regional Spatial Strategy (RSS) to 2021 (adopted September 2008)** – The RSS provides a framework for development and investment in the region over the next fifteen to twenty years. It contains policies that address core principles of development, including the following:

DP2: Promoting sustainable communities - Ensuring development contributes to a high quality of life for existing and future residents;

DP 5: Manage Travel Demand - Ensuring development is located so as to reduce the need to travel, especially by car, and to enable people as far as possible to meet their needs locally.

DP7: Promote Environmental Quality - Ensuring that new development demonstrates good design and respect for its setting;

**Planning Policy Statement 1 (PPS 1, "Delivering Sustainable Development")** – PPS1 states that planning proposals should be determined in accordance with the development plan, unless material considerations indicate otherwise. PPS1 encourages the promotion of urban and rural regeneration to improve the well-being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. In addition to this PPS1 clearly outlines the importance of creating sustainable communities

**Planning Policy Guidance 13 (PPG 13, "Transport")** - The objectives of PPG13 are to integrate planning and transport at the national, regional, strategic and local level to:

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

Furthermore, within the context of the local transport plan, local authorities should work in partnership with public transport providers and operators, and use their planning and transport powers to improve public transport in ways which will reinforce the effectiveness of location policies in the development plan. The aim should be to establish a high quality, safe, secure and reliable network of routes, with good interchanges, which matches the pattern of travel demand in order to maximise the potential usage of public transport.

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's objectives for the planning system, and how planning should

facilitate and promote sustainable patterns of development, avoiding flood risk and accommodating the impacts of climate change. The Planning Policy Statement Planning and Climate Change<sup>1</sup>, provides expanded policy on planning's contribution to mitigating and adapting to climate change.

**Planning Policy Statement 9 (PPS9, "Biodiversity and Geological Conservation")** – PPS9 (para 1[vi]) states that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. 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.

Furthermore, paragraph 16 states that planning authorities should ensure that species such as Great Crested Newts and Bats are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations.

**Planning Policy Guidance Note 15 (PPG15, "Planning and the Historic Environment")** – PPG15 Chapter 5 specifically relates to Transport and Traffic Management. It states at para 5.7 that, "When the opportunity occurs, the possibility of reusing structures for new transport schemes should

always be examined. Disused railway viaducts and bridges provide an environmentally advantageous solution for such schemes, in both rural and urban areas, especially in environmentally sensitive areas. The restoration and conversion of historic structures such as these can be a positive benefit from a transport scheme."

**Principle of the Proposal** - The proposal would provide a sustainable and accessible form of public transport. Notwithstanding this, consideration must be given to the proposal's impact upon the existing levels of residential and visual amenity enjoyed within the vicinity of the site.

**Ecology** – An Extended Phase 1 Habitat survey has been carried out along the entire length of the proposed East Didsbury extension, as a consequence of this and in line with recommendations made in the report a full suite of phase 2 species specific surveys were commissioned. A further Extended Phase 1 Habitat Survey was carried out by two ecologists on 6th and 7th May 2009 which were specific to the stop application sites. Mitigation measures are outlined in these documents to be

undertaken in consultation with Natural England and Greater Manchester Ecological Unit.

This development will result in an impact upon protected species, namely Badgers, Bats and Breeding Birds. As a result, before planning permission can be granted the following three tests from the European Habitats Directive and the Conservation (Nature Habitats and Conservation) Regulations 1994 must be satisfied:

- 1) That the development is "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 consequence of primary for environment.
- 2) That there is "no satisfactory alternative".
- 3) That the derogation is "not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

The tests are addressed below:

1. That the development is "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 consequence of primary for environment.

GMPTE have stated that the Didsbury Extension to Metrolink intercepts four major corridors into the regional centre from South Manchester. All stops along the 3B extension are located in residential areas, providing people an alternative to using the car for trips from these areas to the regional centre, and other key destinations.

The extension has an important role in supporting travel behaviour change, which is required in the public interest for the following reasons:

- Reducing congestion;
- Improving labour market connectivity;
- Journey time benefits;
- Reducing Social Exclusion;
- Transport integration; and
- Job Creation.

2. There is no satisfactory alternative:

GMPTE have stated that they have considered alternative locations for the Didsbury Stops. The alternative sites analysed were not considered satisfactory for a number of reasons which are GMPTE summarised as below:

- Remote from primary north-south transport corridors (social inclusion benefits are reduced)
- Remote from main roads making the stops less accessible for mobility impaired passengers

- In quiet areas which are less desirable from a security point of view (less passive surveillance)
- Not optimised in terms of proximity to shops and businesses
- Platforms located on curves which are less desirable as stepping distances between tram and platforms are increased
- Stops located within constrained sites making the provision of accessible infrastructure such as ramps and lifts less feasible
- Certain stop locations would affect GMPTE's ability to retain and link into the existing Trans Pennine Trail leisure facility

3) That the derogation is "not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

Given the above, and the involvement of Natural England and GMEU in the consideration of proposals put forward with regards to habitat mitigation and replacement and the landscape plan which will offer compensation for lost habitat areas, the impact upon protected species is considered to be acceptable.

**Trees** – The removal of trees will be strictly regulated by the Local Authority in accordance with the Metrolink Code of Construction Practice. GMPTE's commitment to retain trees where possible is outlined within the Design and Access Statement.

#### Specific Mitigation for Trees

Section 3.6 of the CoCP refers to Urban Ecology and stipulates measures to protect trees that maybe directly or indirectly affected by the works to be consistent with BS 5837 – Trees in Relation to Construction, guidance and the GMPTE Tree Replacement, Habitat Replacement and Aftercare Policies. Any vegetation clearance will be carried out where possible before the end of February to avoid the bird breeding season. If this is not possible vegetation will be checked by an ecologist a maximum of 24 hours prior to removal.

Mitigation will be developed throughout detailed design to protect retained trees, however there are a number of general principles, in accordance with BS 5837, the CoCP and the Ecology Management Plan that will be taken in to account to protect trees:

The working footprint will be kept to a minimum and areas of woodland, scrub and trees will be retained wherever possible.

Where trees will not be directly impacted by the works, mitigation will be implemented to ensure that the trees are not impacted by the works. The trees to be retained and the method of protection will be in accordance with BS 5837:2005 Trees in relation to construction recommendations.

In general as detailed in the GMPTE Code of Construction Practice significant trees and hedges that are to be retained will be protected by fencing and visible barriers before works commence, this will be advised by the project arboriculturist.

Where trees are to be removed, in accordance with GMTPE Metrolink Phase 3 Tree Policy at least 5 young trees will be planted for every tree removed and at least 2 saplings will be planted for every sapling removed.

The contractor shall comply with the requirements of The Wildlife and Countryside Act 1981 (as amended); the Town and Country Planning Act 1990 (Tree Preservation Orders); Hedgerow Regulations SI 1997/ 1160.

In accordance with Manchester City Council (MCC) requirements for planning applications a tree age and condition survey undertaken in accordance with the British Standard BS 5837: 2005 Trees in Relation to Construction was undertaken at all the proposed Metrolink stops along the Didsbury line as part of the Metrolink 3B expansion scheme. The following site specific report was produced:

West Didsbury Arboriculture Survey Report, Faber Maunsell, August 2008

The tree survey carried out at the proposed West Didsbury stop revealed a total of 7 items of vegetation, 1 individual tree and 6 groups. Of these, 3 trees/groups were identified as retention category 'B', 3 trees/groups as retention category 'C' and 1 tree as retention category 'R'. No retention category 'A' trees/groups were identified on this occasion.

**T5** was identified as retention category 'R' (tree to be removed). This tree is considered to be unsafe and should be removed as soon as it is reasonably practicable; its removal is of high priority.

Manchester City Council confirmed that at West Didsbury no Tree Preservation Orders were in force on the land, however that the land was located in a Conservation Area.

It was also noted that the proposed development would provide an opportunity to improve the species diversity, age structure and overall condition of the tree population within the site.

**Conservation** - Section 72 of the Town and Country Planning Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. It is considered that the scheme proffered uses an existing corridor and existing structures within the Blackburn Park Conservation Area to achieve the accommodation of a sustainable mode of transport. Subject to the use of suitable materials for works to existing structures (bridges) and landscaping, it is considered that the scheme would enhance the appearance of the Conservation Area.

**Residential Amenity** - It is considered that whilst there will be some impact upon the residential amenity arising from the development proposed with regards to noise, activity and people coming and going. Suitable measures can be in place to mitigate against the greatest impacts and allow for the satisfactory operation of the stop without undue harm.

**Traffic** - Although a full Traffic Impact Assessment has not been undertaken it is the view that the proposed stop should not be a major generator of traffic.

**Parking and Vehicular Movement** - Whilst it is recognised that the proposal may create some localised parking and highways safety issues, no concerns have been raised by Highways Services, as yet, were objections to be received it is anticipated that a solution to localised parking issues could be a localised traffic regulation order, relating to very specific roads to be confirmed with the City Council's Highways Engineers, equally the highway safety concerns can be addressed in a similar manner and a suitable condition could be appended to any approval subject to the agreement of GMPTE.

**Disabled Access** - The ramp makes the proposal accessible. Designated disabled parking spaces have been indicated on proposed plans.

**Crime and Security** - At the time of the reserved matters application measures to ensure the safe operation of the stop will have been worked up in detail in respect of CCTV, emergency call points, lighting and security staff, as part of GMPTE's initiatives to help passengers feel more secure when travelling on Metrolink.

**Noise** - It is not believed that a full Noise Impact Assessment is required at this Outline stage. Appropriate noise conditions are recommended and more detailed information would be requested at the Reserved Matters stage.

**Property Value** - This is not considered to be a material planning consideration and can not be addressed as an issue by the Local Planning Authority.

**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 the expiry of the consultation period and no objections of material weight being received from those notified or consulted) 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: E2.6, H2.2, T2.4, DC18 and DC26.

### **Conditions and/or Reasons**

1) Applications for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission. The development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2) Approval of the details of the appearance, landscaping, and scale of the site and associated development, including the ramps, (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Plans and particulars of the reserved matters shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason - To ensure the satisfactory development of the site and because this application is in outline only.

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) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority:

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 of the Manchester Unitary Development Plan.

5) No development shall commence until a hard and soft landscaping treatment scheme 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 that respects the character and visual amenities of the area, in accordance with policy H2.2 of the Unitary Development Plan for the City of Manchester.

6) The Metrolink stop shall be designed according to a scheme to minimise the level of noise produced from the development. The design should include features such as barriers, sound absorption treatment and careful siting and orientation of public address systems. The scheme shall be submitted to and approved by the City Council before the development commences.

Reason - To protect the amenity of adjoining and nearby residential properties from the noise of trams entering and leaving the station, the public address system and passengers using the station pursuant to policies H2.2 and DC26 of the Unitary Development Plan for the City of Manchester.

7) A scheme for the protection of the habitat of all protected species inhabiting the site shall be submitted to and agreed in writing by the City Council as local planning authority before the development commences, this scheme shall be implemented in full accordance with the approved details and to a timetable agreed in writing by the local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with Policies E2.2, E2.3 and E2.4 of the adopted Manchester Unitary Development Plan.

8) No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the local planning authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason - To ensure the satisfactory drainage of the site pursuant to policy E1.3 of the Unitary Development Plan for the City of Manchester

9) Development shall not begin until details of the facilities required for the storage of oils, fuels, or chemicals have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason to prevent pollution of the water environment pursuant to policy E1.3 of the Unitary Development Plan for the City of Manchester

10) 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.

11) Prior to the Stop being operational, unless otherwise agreed, a scheme shall be prepared and implemented for the mitigation of the effects of commuter parking associated with the stop. The scheme shall also resolve any highway safety issues and take the form of Traffic Regulation Order and a road safety scheme which shall be prepared and tested.

Reason - In order to facilitate the development, protect residential amenity and secure satisfactory disabled access and in the interests of local amenity pursuant to policy H2.2. of the UDP for the City of Manchester.

12) No development shall commence until prior written agreement has been received from Manchester City Council, for the removal of any existing trees or hedges. This agreement shall detail which trees and hedges are to be protected and which are to be removed. In addition, any measures and / or working methods necessary to safeguard the trees, which are to be retained, shall be agreed.

Reason – In order to ensure that the development is carried out in a way that respects the character and visual amenities of the area, in accordance with policy H2.2 of the Unitary Development Plan for the City of Manchester.

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

Environmental Health  
Engineering Services  
Contaminated Land Section  
Environment & Operations (Trees)  
South Manchester Regeneration  
Greater Manchester Police  
Steve Hobson, Crime Reduction Officer  
Greater Manchester Ecology Unit  
Didsbury Civic Society  
West Didsbury Residents Association  
Blackburn Park Conservation Society

Approximately 370 neighbouring residential properties and businesses were notified within the area on Ballbrook Avenue, Central Road, Palatine Road, Redclyffe Road, St Aldwyn's Road, Danesmoor Road, Holmwood Road, Lapwing Lane, Lyndhurst Road and Elm Road.

**Representations were received from the following third parties:**

2 Lyndhurst Road, Manchester, M20 3JU  
7 Trafalgar Place, Palatine Road, Manchester, M20 3TF

**Relevant Contact Officer** : Jennifer Connor

**Telephone number** : 0161 234 4545

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