

Application Number	Date of Appln	Committee Date	Ward
091174/OO/2009/S1	11th Sep 2009	17th Dec 2009	Chorlton Park Ward

Proposal OUTLINE PLANNING APPLICATION for siting and access for the Metrolink Withington (Princess Road) stop

Location Princess Road, Withington, Manchester

Applicant Miss Lucy Everson , GMPTE, 2 Piccadilly Place, Manchester, M1 3BG

Agent

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 west side of Princess Road, opposite St Bernadette's church in the cutting with one attached track crossing point. The access points for the stop will be to the north and south of the bridge on the west side of Princess Road, with a ramped access to the south side of the bridge and stairs and a lift with stairs wrapped around to the north side of the bridge.

The proposed lift shaft would measure 10 metres in height, measured from track level to top of structure, which equates to approximately 4.3 metres in height from street level at Princess Road.

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 4 letters with comments/concerns received -

- i) Finds the plans acceptable and at this point in time has no objection to the proposals as defined in the submitted documents. Anticipates being kept apprised of the progress of this project.
- ii) Residents of Cavendish Road will be directly affected by the locality of this stop to our home. In principle, have no problem with this application; indeed see the presence of a metro-link stop so close to our home as an advantage, however, there is one point of concern that needs clarifying. Since the development of Didsbury Point, parking on our road has become increasingly limited. Worries that the presence of a tram stop here may encourage commuters using the trams to park on Cavendish Road, exacerbating this problem. Wonders whether this application included plans to ameliorate this, for example providing additional parking specifically for the metro stop, or restricting parking at the end of Cavendish Road to residents only (with free permits for residents). Feels such considerations must be incorporated if our support is to be given to this proposal.
- iii) Concerned that the application is only listing parking control measures on Cavendish Road and not on the extremely narrow avenues, which run off it. Feels that Tunstead Avenue will be particularly vulnerable to this problem because it is the first avenue drivers come to when accessing Cavendish Road. We already have major parking issues and access problems for residents parking and ambulances refuse trucks etc. Hopes that all the small avenues can be included in the parking control measures and look forward to receiving your comments.
- iv) Is concerned about the implications to the wildlife, which has colonised the disused tracks and hopes that every care will be taken. Can you give me any indication as to what the noise implications will be on my property from the Metro's themselves?
- iv) The tram stop could potentially increase the number of people wishing to park and ride, thus park on Cavendish Road and commute on the tram. This could make it difficult for residents to park and increase local traffic. We would prefer the plans for the tram stop to include adequate parking for commuters and also for a residential parking scheme to be implemented throughout working hours (at least) for Cavendish Road and the surrounding streets.

Local residents objections 2 letters received -

- i) Believes that extending the Metrolink is a good proposal the information on parking mitigation is misleading and thinks it should be properly investigated. Believes that the proposed development will introduce a significant amount of extra people looking to park in the area, due to the development being situated on Princess Road where there is no parking the majority of the extra parking will have to be accommodated on Cavendish Road.
- ii) Cavendish Road and the roads nearby already have a lot of people parking on them and the extra people looking to park will make it impossible for local residents to park near their homes. This will also have an adverse affect on road safety and it should be kept in mind that there is a primary school located close by on Cavendish

Road. Whilst the proposal states that parking control measures might be required this can also have a major effect on the local residents being able to park.

iii) The local area map shown on sheet 7 of the design and access plan incorrectly shows the Withington Hospital. Over 5 years ago this was converted into flats and houses where I now live. Has this been taken into account when the parking issue has been looked at?

iv) Would like to see a full report done by an external body looking into the parking issues for local residents using up to date information. There is currently undeveloped land close by that could be changed into a car park to provide the extra space that is needed by the people wanting to use the Metrolink.

v) Loss of value to property.

vi) Reduction in quality of life whilst works take place as this will be a lengthy process.

Local residents support 1 letter received-

i) Seems like an excellent idea.

Head of Environmental Health (Regulatory and Enforcement Services) - Recommends conditions be attached to any approval relating to external lighting, noise and wheel washing.

Head of Highways Services - There are no highway objections in principle to submitted plans. The minor amendments from renewal application 073980/RO/2004/S1 are in line with previous highway comments.

Head of Green Space Division - No objection to the proposed construction works subject to any trees to be removed being replaced in accordance with the agreed replacement programme for Metrolink.

South Manchester Regeneration - No comments received at time of writing this report.

Manchester Leisure - No comments received at time of writing this report.

Greater Manchester Police (Design for Security) - Have previously been in discussion with the applicant in relation to this proposal and at this stage has no further comments to make relating to the proposed layout and access. As this is an outline application would recommend further liaison with this consultancy if/when a reserved matters application is made to ensure that the details of the development do not inadvertently create opportunities for criminal activity or raise the fear of crime in the area.

Nell Lane Tenants and Residents Association - No comments received at time of writing this report.

West Didsbury Residents Association - Have made comprehensive comments. They feel that the station could possibly be named 'Hough End' or 'Cavendish Rd' or 'Princess Parkway' instead of 'Withington' as the name could easily be misleading for Metrolink passengers.

The stop would benefit from increased bicycle parking facilities. Car parking restrictions on Cavendish Rd alone may not be adequate due to the position of the station on a major commuter route.

There are some fine mature trees above the cutting, which greatly enhance the amenity and ecology of the location and every effort should be made to retain them. Though the tree survey recognises (see conclusion) that 'there are a number of trees around the edge of the site that will enhance any development and care should be taken at the design stages to ensure that these trees are retained' we are extremely disappointed that the drawing shows no individual mature specimen trees are numbered or specified as important for retention.

We note that a method statement to ensure the protection of retained trees will be required- this will be impossible unless trees are numbered properly. The vagueness of the tree survey allows for inappropriate clear felling. WDRA wishes to avoid the clear felling which was carried out at and beyond the St Werburgh's Rd station site in spite of very similar recommendations made by the Faber Maunsell survey for the St Werburgh's Rd station site.

We feel that where at all possible tree retention is far preferable to any new planting especially as there is already exists a very good "species diversity, age structure, and overall condition of the tree population on the site". The established habitat around the site station site also hosts bats, which are a biodiversity indicator species. We note that Faber Maunsell suggest "sympathetic constructing techniques" for paths, hard standing and access whilst retaining the existing trees and we would expect the tree plan to show how this can be achieved.

Ecological Issues: We have expressed concern about the need to protect and replace important wildlife habitats such as ponds and trees lines. It is impossible to divorce the station planning applications from the wider context of the whole cutting which, during 50 years of disuse, has developed into a biodiverse linear ecosystem and valuable green corridor hosting at least 2 protected species and many other species and habitats included in GM's Biodiversity Action Plan.

We request that full ecological surveys for both protected and non protected species along the entire route be carried out.

Bats at Hough End / Withington stop: Bats have been witnessed at least three 55kHz Soprano Pipistrelle bats emerge in the vicinity of the bridge under Princess Rd at the proposed Withington station site this summer at dusk and along the entire length of the railway cutting between Hough End and East Didsbury. The wooded cutting is important foraging and commuting habitat for bats.

A dynamic habitat survey of bat foraging activity along the route and around the proposed station site should also be carried out by licensed bat workers, not just the

tree inspection recommended. We are concerned that more thorough bat survey work has not been specified in relation to the outline planning application.

Bats and Lighting: Point out that diffuse lighting can be highly detrimental to bats and insect biodiversity. Due to the presence of bats at the station site and along the entire route WDRA asks that the needs of bats be taken fully into consideration in relation to lighting.

The presence of a protected species is a material consideration when considering a proposal that, if carried out, would be likely to result in harm to the species or its habitat.

LPAs should consider attaching planning conditions/entering into planning obligations to enable protection of species. They should also advise developers that they must comply with any statutory species protection issues affecting the site. The presence and extent to which protected species will be affected must be established before planning permission is granted.

Badger: There are 5 independent badger sightings by local residents on the 3B section beyond Hough End/ Withington stop.

Withington station is situated directly adjacent to Princess Rd, which is a very busy 4 lane commuter road. The only safe route for badgers to cross the Parkway is along the track bed under the Princess Rd bridge adjacent to the proposed station site.

We therefore request that full consideration be given at the outline stage as to how the design of this station (and indeed all other stations along 3B) can enable the safe and unimpeded movement of badgers along the 3B route.

Mitigation: A list of documents and EMPs are attached to the Withington Station application stating that GMPTE will plant 5 trees for every one felled and that lost habitats will be replaced etc. These policies are commendable but non-specific and on paper only - they now need to be applied on the ground at the station sites and at stated locations along the route at the earliest possible stages of the planning process. The only observable mitigation to be carried out so far on route 3A is inclusion of a small temporary pond for displaced breeding amphibians near Brantingham Rd.

We therefore request that GMPTE follow up on their commitment to replacing habitats and introduce practical habitat and species compensation measures (showing where, when and how) along the route. These measures need to be incorporated in all outline plans and to be considered as integral to the 3B development from the outset.

WDRA has provided evidence to enable forward planning of mitigation measures in specific locations along the route. However, if information provided by local residents is not considered acceptable we feel that full phase 2 species surveys can be the only basis for proper mitigation measures and planning consent at the outline planning stage.

Local Tree Warden - The report appears to give carte blanche to removal of all trees in the disused railway line and all trees behind those that border Princess Road. It does this by clumping all the trees together into 4 groups. Two groups which border Princess Road are given a "B" category which is retention desirable while the other two groups (one throughout the train line) and the other behind the group bordering Princess Road are given "C" category. "C" category is for trees that could be retained i.e. could be removed. There are no individual trees marked as important or ones to retain. As they say they have not tagged any particular trees for retention and therefore I am afraid that clear-felling will be deemed appropriate on the back of this report.

Furthermore the developers are given support for clear felling if they then put in new trees: "The proposed development will provide an opportunity to improve the species diversity, age structure and overall condition of the tree population within the site. This could be achieved through implementing a tree planting scheme." This is despite species being identified as: Horse Chestnut, Birch, Lime, Poplar, Goat Willow, Elm, Hawthorn, Sycamore and Ash. Without recommendations for replacement trees to be of the same or similar maturity there will be significant loss to habitat in the area. Given that the railway line is a significant "green corridor" in the city it is difficult to understand why it does not receive category A -Ai) Particularly good examples; perhaps rare or unusual species, or forming an essential part of arboricultural features e.g. avenues.

Indeed given the wildlife findings including 2 endangered species located in the railway it is even more difficult to understand how the trees are deemed to be Category C - Trees with very limited conservation or other cultural benefits.

GMPTE - Initial response to residents' concerns

It is proposed to construct a bay on the south west side of Princess Road which will provide for two disabled persons parking spaces and a vehicle drop-off area close to the ramp access to the tram stop, whilst maintaining traffic flow on the main road. In addition further parking control measures (in the form of traffic regulation orders) might be required on Cavendish Road. It is considered that additional parking measures to mitigate against the effects of commuter parking are not required at this location.

GMPTE's further comments in relation to WDRA's concerns are as follows:

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

GMPTE's commitment to retain trees where possible is outlined within the Design and Access Statement. The removal of trees will be strictly regulated by the Local Authority in accordance with the Metrolink Code of Construction Practice (CoCP). No development shall commence until prior written agreement has been received from Manchester City Council, for the removal of any existing trees or hedges, for all

proposed trimming and/or lopping works and for any works in close proximity to any root systems. 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 also be agreed.

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

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, best practice guidance and the GMPTE Tree Replacement, Habitat Replacement and Aftercare Policies. These measures include ensuring that any trees or hedges, which are not required to be taken down under the Contract, are protected by fencing and visible barriers prior to works commencing. These fences and barriers will be maintained throughout the period of the Construction Works and will include for the protection of the area occupied by the tree roots. The timing of the erection of the fencing, and of its removal, shall be agreed with the relevant local authority. Such fencing will be of a nature and type as to afford sufficient protection against the type of Construction Works being undertaken nearby.

In addition, any vegetation clearance will be carried out where possible before the end of February to avoid the bird breeding season. Where this is not possible vegetation will be surveyed by a suitably qualified ecologist a maximum of 24 hours prior to removal. Vegetation clearance will only be permitted in the event that the onsite ecologist is satisfied that there are no nests located within the area.

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 was carried out by an ISA certified Arborist, 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:

Withington Arboriculture Survey Report, Faber Maunsell, August 2008

At the proposed Withington stop the tree survey revealed a total of 4 groups of vegetation, which were generally considered to be in fair condition. Of these, 2 groups were identified as retention category 'B' (retention most desirable) and 2 groups as retention category 'C' (trees which could be retained). No retention category 'A' (retention most desirable) or 'R' (trees for removal) trees were identified on this occasion.

Manchester City Council confirmed that there were no Tree Preservation Orders in force at the Withington site and that the site was not incorporated within 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.

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.

Issues

There is a site specific policy in the Unitary Development Plan - Policy CB13d Transport is relevant and states:

The Council intends to develop a network of off-street cycling and pedestrian routes in Chorlton. Particular attention will be given to: -

d) the routing of a cycle-way and a footpath alongside the proposed Metrolink extension through Chorlton and Barlow Moor to Didsbury.

Furthermore, 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 policy 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.

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.

The Regional Spatial Strategy (RSS) for North West England - The RSS was adopted in September 2008 and replaces the previously published Regional Planning Guidance. 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 (PPS1), Delivering Sustainable Development - 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.

Furthermore, PPS1 sets out the Governments 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 Change¹, 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 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.

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.

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 particularly given the location of this particular stop, being some distance away from houses.

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 - Whilst it is recognised that the proposal may create some localised parking issues, it is anticipated that a solution to this could be a localised small scale scheme to mitigate against the effects of commuter parking, in the form of traffic regulation orders applied to very specific roads to be confirmed with the City Council's Highways Engineers.

Disabled Access - The combination of the ramp and lift 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.

Ecology - The 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:

- o Reducing congestion;
- o Improving labour market connectivity;
- o Journey time benefits;
- o Reducing Social Exclusion;
- o Transport integration; and
- o 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:

- o Remote from primary north-south transport corridors (social inclusion benefits are reduced)
- o Remote from main roads making the stops less accessible for mobility impaired passengers
- o In quiet areas which are less desirable from a security point of view (less passive surveillance)
- o Not optimised in terms of proximity to shops and businesses
- o Platforms located on curves which are less desirable as stepping distances between tram and platforms are increased
- o Stops located within constrained sites making the provision of accessible infrastructure such as ramps and lifts less feasible
- o 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 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 - Construction of the stop requires that some trees will require removal. A tree survey plan with the stop proposals overlaid was provided by the applicant as part of the Arboricultural Survey Report to BS5837:2005. GMPTE has a Tree and Habitat Replacement Policy which includes the replacement of five trees for every one tree removed (5:1 replacement) and this is to be implemented as part of the scheme in consultation with Manchester City Council. However, GMPTE have confirmed the working footprint of the engineering works will be kept to a minimum and areas of woodlands, scrub and trees retained wherever possible. A suitable condition is proposed accordingly.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation APPROVE

On the basis that the proposal will provide a sustainable and accessible form of public transport to serve the local community in accordance with the Unitary Development Plan for the City of Manchester in particular policies CB13(d), E2.6, H2.2, T2.4 and DC26 and there are no material considerations of sufficient weight to indicate otherwise.

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 and lift enclosure (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 CB13d and 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: 4007_A_PL13_01, 4007_A_PL13_02, 4007_A_PL13_03 and 8497/RG stamped as received 11th September 2009 and 7th September 2009.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 and CB13d 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 and CB13d 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 Withington Tram Stop. The scheme shall take the form of Traffic Regulation Orders Unless otherwise agreed, after a period of 2 years, the implemented scheme shall be reviewed by the Highway Authority for effectiveness at mitigating the effects of Metrolink commuter parking and modifications and additions shall be made by the Highway Authority where necessary.

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 and CB13d 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: 091174/OO/2009/S1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

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

Engineering Services
Environmental Health
Environment & Operations (Trees)
South Manchester Regeneration
Manchester Leisure
Greater Manchester Police
Steve Hobson, Crime Reduction Officer
Nell Lane Tenants & Residents Association
Approximately 359 neighbouring residential properties and businesses were notified within the area bounded by Princess Road, The Boulevard, Cavendish Road, Bradwell Avenue, Ormskirk Avenue and Minehead Avenue

Representations were received from the following third parties:

8 Bradwell Avenue, Manchester, M20 1JX
15 Bradwell Avenue, Manchester M20 1JX
82 Montmano Drive, Manchester, M20 2EB
9 Tunstead Avenue, Manchester, M20 1JY

Relevant Contact Officer : Melanie Tann
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