

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
091146/CC/2009/S1	28th Aug 2009	19th Nov 2009	Whalley Range Ward

**Proposal** CONSERVATION AREA CONSENT for the demolition of existing buildings in order to allow for the erection of a terrace of 5 x 3 storey dwellings with associated car parking and landscaping

**Location** 28 -30 Wellington Road, Whalley Range, Manchester, M16 8EX,

**Applicant** Seddon Homes, C/o Agent

**Agent** Street Design Partnership, 16 Brewery Yard, Deva Centre, Off Trinity Way, Salford, M3 7BB

### **Description**

28-30 Wellington Road are a pair of vacant 2 storey semi-detached dwellings set in a site 0.14 hectares in size within the Whalley Range Conservation Area. The site is maturely landscaped, consisting of hedging, shrubbery and nine mature trees. Each dwelling is served by its own driveway which can accommodate two cars each. Three storey residential properties are situated on either side of the application site, at the rear and also on the opposite side of Wellington Road.

This application is seeking consent for the demolition of the pair of semi-detached dwellings in order to facilitate the redevelopment of the site with a terrace of five 3 storey townhouses. The application to redevelop this site is also in this agenda under reference 091071/FO/2009/S1.

### **Consultations and Notifications**

**Local Residents** – no comments received.

**The Whalley Range Conservation Area Group** – The group have made the following comments:

- The existing houses are relatively modern, not in character and out of scale with the area, it is suspected that they replaced a pair of semis that disappeared during the Second World War. The Group can see no conservation reason for retention.
- The mature sycamore which is proposed to be felled should be retained.
- The original Victorian stone wall and gate posts should be retained and protected.
- Existing front and side privet hedges should be retained and brought back into good order.

**Whalley Range Forum** – no comments received.

**Range Road Residents Group** – no comments received.

## **Issues**

**Unitary Development Plan (UDP)** – There are no site specific policies. However when dealing with an application of this nature consideration is given to policies E2.7 and E3.8 in Part 1 of the UDP and policy DC 18 in Part 2 of the UDP.

Policy E2.7 states that the Council wishes to ensure that buildings and areas of special architectural or historic interest are retained, maintained and, where necessary, restored. The policy continues further stating that it will seek to preserve and enhance the setting of such buildings and areas by the preservation of trees and landscape features.

Policy E3.8 states the Council wishes to enhance the appearance of its Conservation Areas and will where appropriate, designate further areas.

Development Control Policy DC 18 states that the Council will give particularly careful consideration to development proposals within conservation areas and in paragraph (a) that it will seek to preserve and enhance the character of its designated areas by considering the effect of major changes to the appearance of buildings and the desirability to retain existing features such as boundary walls and landscaping.

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

Policy DP1, *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.

Policy EM1 (C), *Historic Environment*, states that plans, strategies, proposals and schemes should protect, conserve and enhance the historic environment.

**Planning Policy Guidance Note 15, "Planning and the Historic Environment"** – The guidance notes states in paragraph 4.14 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. "

Furthermore, it states in paragraph 4.19 "The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission,...".

In addition, in paragraph 4.20 it states that "there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve", continuing with " the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed."

Paragraph 4.26 states that "account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole".

Paragraph 4.27 states that "The general presumption should be favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area" and continues with "consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment". It also states that applications to demolish buildings within conservation areas which make a positive contribution to the character or appearance of a conservation area should be assessed against the same criteria as applications to demolish listed buildings and that such applications should be accompanied by a supporting statement which contains evidence of:

- the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use,
- the adequacy of efforts made to retain the building in use,
- the merits of alternative proposals for the site,

**Planning (Listed Buildings and Conservation Areas) Act 1990** – Section 72 states that in respect of buildings in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

**Principle of the Proposal** – As stated above, the presumption will always be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. If it is found that a building does not make this positive contribution then consent for demolition would not be given until the approval of an acceptable redevelopment scheme.

**Loss of 28-30 Wellington Road** – While the elevations and materials of the residential properties on this stretch of Wellington Road vary, the overall design principles and height are consistent throughout. The only properties which differ from these 3 storey Victorian/Edwardian properties are the 2 storey semi-detached dwellings at 28-30 Wellington Road which date from the 1970's.

Given their appearance and scale, it is considered that the existing dwellings contributes very little architecturally to the character and appearance of this predominantly Victorian and Edwardian conservation area. As a result the City Council does not object in principle to their demolition, subject to there being, in line with PPG 15 guidance, an acceptable redevelopment scheme for the site.

**Impact upon the character of the Whalley Range Conservation Area** – For the reasons outlined above, it is not believed that the loss of nos. 28-30 Wellington Road will have a detrimental impact upon the overall character of this conservation area. Furthermore, as the redevelopment scheme (091071/FO/2009/S1) is considered to in keeping with the architectural style of the Whalley Range Conservation Area, it is felt that the proposed demolition and redevelopment of the site would preserve and enhance the character of this conservation area.

**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 proposed demolition and subsequent redevelopment of the site would preserve or enhance the character of the Whalley Range Conservation Area and it is in accordance with the Unitary Development Plan for the City of Manchester, in particular the following policies and there are no material considerations of sufficient weight to indicate otherwise:

Policies E2.7 and DC18 states that the City Council will seek to preserve or enhance the character of its designated conservation areas by carefully considering the relationship of new structures to neighbouring buildings and spaces and retaining trees. This proposal would comply with both of these policies.

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

1) The works to which this consent relates must be begun not later than the expiration of three years beginning with the date of this consent.

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as applied and modified in relation to buildings in conservation areas.

2) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the building works for the redevelopment of the site (application 091071/FO/2009/S1) has been made, and planning permission has been granted for the redevelopment for which the contract provides, and evidence of that contract has been supplied to the City Council as local planning authority.

Reason - In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following demolition of the existing building, pursuant to policy DC18 in 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: 091146/CC/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:**

Whalley Range Conservation Area Group  
Whalley Range Forum  
Range Road Residents Group  
18 – 34, 23 – 33, 41-43 Wellington Road, Manchester, M16 8EX  
17 - 35 Mayfield Road, Whalley Range, Manchester, M16 8FU  
143 - 149 Withington Road, Manchester, M16 8FD  
41 - 43 Mayfield Road, Manchester, M16 8FU  
Flats at Carlton Grange 17-21, Wellington Road, Manchester, M16 8EX  
Flats at Carlton Range, 20 Alness Road, Manchester, M16 8FX  
Flats at Marcus Garvey Court 147-151, Withington Road, Manchester, M16 8FD  
Flats at 66 Withington Road, Manchester, M16 8FD  
Flats at Regent Court 155-157, Withington Road, Manchester, M16 8EE  
Flats at Lymefield, 153 Withington Road, Manchester, M16 8EE  
Flats at 145 Withington Road, Manchester, M16 8FD  
Flats at Govind Ruia Court, 18 Alness Road, Manchester, M16 8FX

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

Whalley Range Conservation Area Group

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