

Application Number	Date of Appln	Committee Date	Ward
091102/FO/2009/S1	7th Sep 2009	22nd Oct 2009	Chorlton Ward

Proposal Erection of 3 storey building to form 2 commercial units (342 square metres) A1, A2 and B1 use, with 4 apartments above with associated refuse store, cycle store and landscaping, (amended design to that approved under 079735/FO/2006/S1)

Location 62 Beech Road, Chorlton, Manchester, M21 9EG,

Applicant Bury Homes, Unit 2 Heatley House, Mill Lane, Heatley, Lymm, WA13 9SD

Agent Mr James Hindley, Foulkes Pickering Architects, 160/164 Wellington Road, Withington, Manchester, M20 3FU

Description

This application relates to a vacant site formerly occupied by a factory building located at the junction of Beech Road and Acres Road, within the Beech Road local shopping centre and the Wilbraham Road/ Edge Lane Conservation Area. The site, measures 0.07 hectares (0.17 acres), originally comprised a two storey building fronting Beech Road with a single storey workshop to the rear. Most of the site was covered with buildings though there was a deep forecourt used for parking on Beech Road. The premises were used for the manufacture of shop fittings within Class B2 General Industrial of the Use Classes Order.

The north side of Beech Road at this point is predominantly commercial in nature, though on the south side there are residential properties including a recently constructed flat development. The western boundary of the site is formed by the gable wall of the factory which abuts the rear gardens/yards of residential properties on Stockton Road and which was retained when the factory was demolished. The northern boundary is the line formed by the gable wall of the houses currently under construction. Facing the site across Acres Road, which is unusually narrow, are residential properties, set behind small front gardens.

In November 2006 planning permission was granted for the erection of a 3 storey building comprising 394 square metres commercial floorspace on ground and first floors (Class A1, A2, B1) and one flat at first floor level and 3 flats on the second floor and erection of a terrace of five 3 storey houses with associated car parking following demolition of existing building, ref. 079735/FO/2006/S1. Earlier this year construction of the development commenced however, it transpired that the site was some 2 metres shorter than on the approved plans, the width of the site was accurate. Construction of the 5 houses has commenced, as these are not affected by the discrepancy in the length of the site. However, to build the commercial unit and flats as approved would have encroached into the forecourt. This was deemed to have an unacceptable impact on the character of the Conservation Area. The developer has therefore amended the scheme and this application seeks approval only of the commercial units and four flats. 079735/FO/2006/S1

It is proposed to erect a three storey building, with a first and second floor link above the access road connecting to the houses currently under construction. The ground floor would comprise a commercial unit set behind a colonnaded façade, the entrance hall to the flats, a separate entrance to the first floor commercial unit and separate rooms for the storage of effuse for the commercial units and flats. The first floor would contain the second commercial unit and a two bed flat. The second floor would accommodate the remaining three flats. A lift is provided and all of the flats are capable of being adapted to become fully accessible. Four parking spaces are proposed for the flats within the courtyard at the rear of the site, one space being DFA2 compliant. A cycle store will also be provided. The building elevationally follows the same principles as that previously approved though the footprint has been reduced. The building would be set behind a forecourt the same depth as that previously approved. The commercial units would initially be available for use within Use Classes A1 shops, A2 Financial and Professional Services and B1 Offices.

As part of the development a footpath will be created on Acres Road where currently there is none, in addition to a localised widening of the carriageway.

Consultations

Local residents/Businesses - Three letters have been received in respect of the proposed development. Two of the letters are objecting to the roof terraces on the rear elevation of the 5 houses. These houses do not form part of this current application (there is approximately 23 metres between the rear elevations of the houses and those on Stockton Road, which is in excess of the nationally accepted minimum). The third letter is broadly in favour of the development but is concerned about it achieving Secured By Design accreditation.

Ward Members - Councillors Val Steven and Sheila Newman have objected to the proposed development as they feel that four flats on the site represents an overdevelopment of the site.

Regulatory and Enforcement Services - There are no objections to the proposed development and recommend that conditions relating to fume extraction, opening hours, noise insulation, refuse storage and delivery times be attached to any approval. In addition historical Records held by the Contaminated Land Section indicate the possible presence of significant levels of contamination and recommend an appropriate condition.

Highway Services - Concerned about the width of the footpath, requires traffic regulation orders on Acres Road to prevent its use by patrons of the businesses on Beech Road, there should be clear delineation between the public and private and for maintenance purposes and all construction on adopted highways to be carried out in liaison with Environment on Call.

Issues

UDP - The relevant policies are CB1, which seeks to protect and improve the quality of the built and open environment and retain the primarily residential character of the Chorlton area. Policy H1.2, which looks to provide a range of

housing to meet the differing needs of residents, H2.2 sets out to protect residents from the harmful effects of development. Policies H2.7, S2.5 and I3.1 require new developments to be of a high standard of design. Policy I1.6 looks to locate commercial activity in existing centres. Policy DC.7 seeks to ensure that new housing developments are accessible.

Policies DC18 and E2.7, look to protect conservation areas from the adverse effects of developments.

Regional Spatial Strategy - The RSS was adopted as part of the Development Plan for the City of Manchester in September 2008. The relevant policies are:

DP1 Which sets down the spatial principles that underpin the RSS

DP2 Which Promotes sustainable communities, including the fostering of sustainable relationships between homes, workplaces and other concentrations of regularly used services and facilities.

DP7 Promotes environmental quality, including good design.

Principle - Beech Road is a small local centre nestling in a tight knit residential area. The site currently contains a non-conforming use that is inappropriate to this location. The principle of a mixed development, comprising commercial floorspace, flats and houses on the site, is therefore the most appropriate form of development.

Disabled Access - All of the flats are capable of being made fully accessible.

Crime and disorder - Any comments will be reported.

Site layout - The site layout remains broadly the same as the previously approved development on the site with the size of the forecourt remaining the same. The discrepancy in the size of the site has been addressed through the redesign of the building and the access to make them less wasteful of space.

Design - PPG15 accepts that good contemporary architecture is appropriate within a Conservation Area, where it is informed by the existing architectural styles whilst contrasting with it. The design of the proposed buildings it is considered will make a positive contribution to the area.

Proposed Uses - The use of the commercial units for A1, A2 or B1 purposes are fully consistent with the location of the site within a local centre. The UDP and Planning Legislation actively encourage the introduction of living accommodation above commercial units as it is felt that it increases security through increased activity and natural surveillance.

Parking - The provision of one space for each of the flats is in line with the City Council's current practice. Few if any of the commercial units within the Beech Road local centre have off-street servicing or parking for staff. This is an acceptable approach within a local centre as remains the same as for the previously approved scheme.

Residential amenity - Three houses on Acres Road and the new flat development facing the site on Beech Road are the only residential properties facing the new development. In the case of the latter the distance between properties would be 21 metres and on Acres Road the distance is 12 metres. Both are considered satisfactory and on Acres Road it is greater than the gap that previously existed and characteristic of the closeness of properties in the area. Both are the same as that previously approved.

Impact on the Conservation Area - The proposed development has been designed to retain the key characteristics of the conservation area, such as the forecourt, the scale and massing and the modern interpretation of detailing found on existing buildings whilst not being a pastiche. The proposed development would serve to enhance the conservation area.

Refuse Storage - The entrance to the refuse store is 6 metres from the entrance to the flats, which is well within the limit of 30 metres set down in the City Council's waste management strategy. A separate refuse street is proposed for the commercial units.

Amenity Space - Two of the four flats are provided with balconies overlooking Beech Road. The absence of amenity space is one of the lifestyle changes that is often accepted by people wishing to live above commercial properties or in commercial centres.

Conclusion - The principle of this development was established with the granting of the earlier permission. This scheme is born out of an error and the solution rather than compromising the forecourt, an important aspect of the areas character has through the redesign of the building produced the same amount of high quality development in a more compact and efficient form and is acceptable in its own right.

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

Approve on the basis that the proposal is in accord with the City Council's Unitary Development Plan in particular policy CB1, which seeks to protect and improve the quality of the built and open environment and retain the primarily residential character of the Chorlton area. Policy H1.2 which looks to provide a range of housing to meet the differing needs of residents, H2.2 sets out to protect residents from the harmful effects of development. Policies H2.7, S2.5 and I3.1 require new developments to be of a high standard of design. Policy I1.6 looks to locate commercial activity in existing centres. Policy DC.7 seeks to ensure that new housing developments are accessible and policies DC18 and E2.7 look to protect conservation areas from the adverse effects of developments and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

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: 681. 01. P200, 681.01-P201, 681.01-P300, 681.01-P301, and 681.01-P302,

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2, H2.7, S2.5, I3.1 and DC18 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, H2.7, S2.5 I3.1 and DC18 of the Unitary Development Plan for the City of Manchester.

4) Details of the proposed boundary treatment, including colour, shall be submitted to and approved in writing by the City Council, as local planning authority, before the use commences.

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, pursuant to policies H2.2 and H2.7 of the adopted UDP.

5) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policies H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester.

6) The permitted hours of opening of the commercial/retail units are to be agreed individually with the City Council as local planning authority prior to the occupation of the respective units.

Reason

In order that the local planning authority can achieve the objectives both of protecting the amenity of local residents and ensuring a variety of uses at street level in the redeveloped area pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

7) No loading or unloading in respect of the commercial units shall be carried out except between the following hours:

From 7.00am to 8.00pm Mondays to Saturdays inclusive.

No loading or unloading to take place on a Sunday

Reason

In the interests of residential amenity pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

8) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from traffic on Beech Road shall be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Reason

To secure a reduction in noise from traffic on Beech Road in order to protect future residents from noise nuisance pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

9) Before the development hereby approved commences a scheme for the 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.

10) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure 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 a secure 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".

11) 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, H2.7, S2.5, I3.1 and DC18 of the Unitary Development Plan for the City of Manchester.

12) The wheels of contractor's 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.

13) Development shall not begin until details of the off-site highway works and Road Traffic Orders have been approved in writing by the City Council as local planning authority. The development shall not be occupied until the works and orders have been implemented in accordance with the approved details.

Reason

To ensure that satisfactory access is provided from the public highway to the proposed development in the interests of the safety and convenience both of those using the development and those using the highway pursuant to policies E3.5 and H2.2 of the Unitary Development Plan for the City of Manchester.

14) Nothing shall be constructed, deposited or allowed to grow to a height greater than 1 metre within sight lines of 2.4 metres by 90 metres at the junction of Beech Road and Acres Road

Reason

In the interests of highway and pedestrian safety pursuant to policies E3.5 and H2.2 of the Unitary Development Plan for the City of Manchester.

15) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment the Desk Study) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal Scheme shall be carried out, before development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to 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: 091102/FO/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)
Greater Manchester Police
Chorlton Civic Society
Beech Road Traders
5 to 67 Acres Road,
18 to 44 Chequers Road, Manchester,
46 to 66, 66a, 66b, 66c, 68a, 68 to 72, 93 to 119, 131, 135 to 141 Beech Road,
Flats 1 and 2, Belgravia House, 68 Beech Road,
Flats 1 and 2, 52 Stockton Road,
17 to 27, 50 Stockton Road,
Flats 1 to 7, 35 Stockton Road,
Flats 1 to 3, 33 Stockton Road,
29, 31, 31a, 33a, 46, 48 Stockton Road,
The Coach House, Beech Road,
Flats 1 to 5, Beech Mews, Beech Road,
Flats 1 to 12, 123-125, Beech Road,
55 High Lane, Flat 5, 13-15, Stockton Road, Manchester, M21 9FB
Flats 1 to 8, 13-15, Stockton Road,
1 to 12 Hardy Avenue,

Representations were received from the following third parties:

Councillor Val Stevens
Councillor Sheila Newman
23, 35, 27 Stockton Road

Relevant Contact Officer : Dave Morris
Telephone number : 0161 234 4539
Email : d.morris@manchester.gov.uk