

List No 9

Application Number	Date of Appln	Committee Date	Ward
091071/FO/2009/S1	28 th Aug 2009	17 th Dec 2009	Whalley Range Ward

Proposal Erection of a terrace of 5 x 3 storey dwellings following the demolition of existing buildings, 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

This application was placed before the Planning and Highways Committee on 19th November 2009. At that meeting the committee resolved to defer deliberation of the application in order to allow the applicant to amend the scheme.

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 erection of a terrace of five 3 storey dwellings following the demolition of the existing dwellings. Five parking spaces are proposed, one is to be sited on the retained driveway to no, 28 Wellington Road, three new spaces would be provided at the front of the proposed terrace, while the remainder would be provided at the side of the proposal. Previously four of the parking spaces had been located at the rear of the terrace and were to be accessed via a driveway at the side of the proposal. However, following negotiations the scheme has now been amended to that now placed before the committee. To facilitate the development one of the existing trees, rated as a *category B* tree, would be felled.

A Conservation Area Consent application for the demolition of the pair of semi-detached dwellings also appears on this agenda under reference 091146/CC/2009/S1

Planning permission has previously been granted on the site in 2004 for a 4 storey block of 12 apartments (069608/FO/2003/S1).

Consultations and Notifications

Local Residents – Local residents have been notified of the revisions to the proposal and any comments will be reported at the committee. Five letters were received in connection with the original scheme, the main points of which are outlined below:

- As there are too many flats in the area the introduction of family homes is welcomed.
- The proposed development is of the right scale and fits in with the roof lines of the adjacent dwellings.
- Trying to squeeze five dwelling where there is currently two represents overdevelopment.
- The design of the building shows no attempt to blend in with the conservation area.
- The unspoilt Victorian square of gardens between Wellington Road and Mayfield Road would be lost. Driveways and parking should be provided at the front of the development.
- The security of dwellings on Mayfield Road would be weakened by the proposed rear parking.
- Any floodlighting in the rear car park will impact upon the amenity of local residents.
- An increase in the number of households on the site will lead to an increase in noise and disturbance.
- Insufficient parking spaces are proposed.
- The proposed terrace extends beyond the neighbouring properties.
- The gardens are too small for the development, fewer units would enable larger gardens to be provided.
- The rear parking area might be used for anti-social activity.

The Whalley Range Conservation Area Group – The group have made the following comments on the original scheme, any comments in respect of the revised proposal will be reported at the committee:

- 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 design of the proposed development is bland.
- 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.

Green Space Manager – No objection to the proposed tree removal.

Greater Manchester Ecology Unit – Bats observed on the site are not roosting on the site but have been observed flying through it. Since the vegetation being used by the bats is being retained the development should have no impact on them.

As a tree is proposed to be felled it is recommended that the timing of this removal be restricted to protect nesting birds. A condition to this effect should be placed on any permission restricting the felling to outside of the main bird breeding season, i.e. March to July inclusive. In addition to this, a further condition regarding biodiversity enhancements (bird and bat boxes) is suggested.

Design for Security, Greater Manchester Police (GMP) – GMP's comments in respect of the revised proposal are awaited. Their original comments recommended that the proposed parking be incurtilage at the front of the property, rather than at the rear as originally proposed.

Issues

Unitary Development Plan (UDP) – There are no specific policies for the site. However, in dealing with this application in this area consideration is given to policies H2.2, E2.7 and E3.8 in Part 1 of the UDP and policy DC18 in part 2 of the UDP

Policy H2.2 states that the City 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 E2.7 states that the City Council wishes to ensure that buildings and areas of special architectural or historic interest are retained, maintained and, where necessary, restored.

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

Policy DC18, *Conservation Areas*, 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.

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."

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 – Given the predominantly residential nature of the area and the previous consent the principle of the development is acceptable. Notwithstanding this, consideration must be given to the proposals impact upon existing levels of residential amenity and pedestrian and highway safety enjoyed in the vicinity of the site, along with the proposal's impact upon the character of the Whalley Range Conservation Area.

Access for Disabled People – The level of provision is considered acceptable.

Design – The design of the development has been informed by the adjoining properties and as such is traditional in nature. It is proposed to be constructed from red brick with contrasting band courses and headers, while full height gable ends break up the elevations and add interest to the facades.

Scale – The proposal has been designed to have similar eaves and ridge heights of the existing buildings on Wellington Road, accordingly the scale of the development is acceptable.

Siting – While the proposal does project further back into the site than the adjoining properties, it does follow the front building line established by the adjoining dwellings.

Pedestrian and Highway Safety – This proposal should generate fewer vehicle movements than would have been associated with the previously approved flat development, as such it is not considered that this proposal would have a detrimental impact upon the existing levels of pedestrian and highway safety enjoyed along this stretch of Wellington Road.

Car Parking – The location and number of the proposed parking spaces is considered acceptable.

Residential Amenity – The level of activity that will be associated with five dwellings will not have a detrimental impact upon the existing levels of residential amenity enjoyed by neighbouring residents. In addition, it is not considered that the proposal will lead to any loss of privacy due to overlooking.

To ensure that residential amenity is preserved the windows in the side elevations at 1st and 2nd floor levels shall be obscurely glazed by condition.

Sufficient private amenity space is to be provided for the future occupants of the proposed dwellings following amendments to the location of the proposed parking spaces.

Impact upon the character of the Whalley Range Conservation Area – 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.

Given that the design and scale of the proposed dwellings is more in keeping with the character of this conservation area than the existing properties, it is felt that the proposed demolition and redevelopment of the site would preserve and enhance the character of this conservation area.

Trees – Only one of the existing trees on the site is to be felled to facilitate the development. As this tree is not categorised as being of high quality and value its removal is considered acceptable.

Landscaping – The applicants have amended the proposed landscaping scheme to include for the retention of the original front wall and gateposts, as well as using block paving for the car parking spaces and driveways. Notwithstanding these amendments, the applicants have been requested to provide information on a sustainable drainage system to be installed under the block paving.

Crime and Disorder – The applicants have amended the proposed parking facilities along the lines suggested by GMP.

The standard Secured by Design condition will be attached to any approval granted.

Sustainability – The applicants have stated their intention to achieve 3 stars under the Code for Sustainable Homes accreditation system.

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 receipt of an amended landscaping plan incorporating a sustainable drainage system) on the basis that the proposal is in accordance with the City Council's Unitary Development Plan, in particular the following policies and there are no material considerations of sufficient weight to indicate otherwise:

Policy H2.2 states that the City Council will not normally allow development which will have an unacceptable impact on residential areas. It is not believed that the proposed development will have a detrimental impact in terms of noise, vibration, traffic generation, road safety and air pollution or through its scale and appearance.

Policy E2.7 states that the City Council wishes to ensure that buildings and areas of special architectural or historic interest are retained, maintained and, where necessary, restored. This proposal complies with this policy.

Policy E3.8 states the Council wishes to enhance the appearance of its Conservation Areas and will where appropriate, designate further areas. This proposal complies with this policy.

Policy 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 complies with this policy.

Conditions

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: PS-01, 02C, 03D, 04, 05, 06, 07, 08, 09, 10, 11; 2080.03 and 04D.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 and policies E2.7 and E3.8 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 and E2.7 of the Unitary Development Plan for the City of Manchester.

4) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref 2080.04D, shall be implemented not later than 12 months from the date of commencement of works. 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 E2.6 of the Unitary Development Plan for the City of Manchester.

5) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with Policies E2.4 and E2.6 of the Unitary Development Plan for the City of Manchester.

6) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the residential accommodation 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.

7) The first and second floor windows in both side elevations shall be fitted and thereafter maintained with obscure glazing unless otherwise agreed in writing by the City Council as local planning authority.

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

8) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) sustainability rating of at least three stars under Code for Sustainable Homes. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before any of the buildings hereby approved are first occupied.

Reason - In order to minimise the environmental impact of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, policies ER13 and DP3 of Regional Planning Guidance for the North West (RPG13) and the principles contained within The Guide to Development in Manchester 2 SPD and Planning Policy Statement 1.

9) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how Secured by Design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

10) 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) The sustainable drainage system hereby approved, as shown on plan no. ***, shall be implemented in full and thereafter maintained unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To reduce the increased risk of flooding pursuant to Planning Policy Statement 25, "Development and Flood Risk"

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: 091071/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:

Greater Manchester Police
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:

Greater Manchester Police
Greater Manchester Ecology Unit
Whalley Range Conservation Area Group
24 Wellington Road, Whalley Range
27, 29, 33, 35 Mayfield Road, Whalley Range

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

Conservation Area Consent report follows

List No 10

Application Number	Date of Appln	Committee Date	Ward
091146/CC/2009/S1	28 th Aug 2009	17 th Dec 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

This Conservation Area Consent application was placed before the Planning and Highways Committee on 19th November 2009. At that meeting the committee resolved to defer deliberation of this application in order to allow the accompanying planning application for the redevelopment of the site (ref. 091071/FO/2009/S1) to be amended.

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, which has been amended since the previous sitting of the Planning and Highways Committee, is also on this agenda (item 9, 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:

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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