
Application Number	Date of Appln	Committee Date	Ward
089491/FO/2009/S2	8th Jun 2009	23rd July 2009	Didsbury East Ward

Proposal Erection of single storey building to form Sure Start Centre with associated landscaping and boundary treatment

Location Childrens Centre, Didsbury Park, Didsbury, Manchester, M20 5LJ,

Applicant Mr Barrie Sant , ISG Regions Ltd., Level 5, Building 1., Exchange Quay, Salford Quays, Manchester., M5 3EA,

Agent Mr Bryan Walker, Halliday Meecham, 4th Floor 111 Piccadilly, Manchester, M1 2HY,

Description

This application relates to a site approximately 640m² (6,889 ft²) in size which is located at the end of Gillbrook Road but within Didsbury Park. Within the site stands a single storey wooden building which is currently vacant but last used as a children's nursery. The perimeter of the site is maturely landscaped with a variety of trees and bushes. The whole of Didsbury Park is located within the Didsbury St. James Conservation Area.

To the north of the site there is a footpath within the park and beyond that there is a pedestrian gate which leads to Gillbrook Road, a cul-de-sac off which lies two other cul-de-sacs, namely Rushton Street and Knight Street. The remainder of the site is surrounded by Didsbury Park.

The applicants are proposing to demolish the existing building and replace it with a single storey building with a larger footprint in order to provide a Sure Start Centre. To facilitate the development the applicant is proposing to fell 10 of the trees which run along the perimeter of the site. No parking spaces are proposed within the site and it is anticipated that the centre would operate between 8.00am to 6.30pm, Mondays to Fridays.

The Conservation Area Consent application to demolish the existing building is also on this agenda (ref. 090309/CC/2009/S2).

Consultations

Local Residents – Six letters have been received from local residents, 1 in support of the proposal and 5 against it, though a number of those objecting to the application do not object to the principle of Sure Start, just the location of this particular facility. The comments in support of the proposal have been summarised as:

- The new Sure Start Centre will be a very welcome facility in Didsbury Park.

The comments against the proposal can be summarised below:

- The proposal will be a considerable augmentation of the present child care provision on the site, yet no off-street parking provision is proposed.

- Vehicular access to the Sure Start Centre will only be possible via Elm Grove or Grange Lane and then Gillbrook Road, all of which can be heavily congested with parked cars. This proposal would exacerbate the existing parking problems, lead to further congestion and potential accidents, as well as hinder the progress of emergency and refuse collection vehicles.

- The current parking problems are worse during the evening and at night, if the centre is used during these times the problems will be exacerbated further.

- Given the current parking and manoeuvring problems it is going to be difficult to construct the facility.

- It would be preferable to provide vehicular access to the facility from the Wilmslow Road access adjacent to Viceroy Court.

- It is unlikely that everybody using the Sure Start Centre will arrive by foot given that the catchment area is 3½ miles.

- Policy DB1 in the UDP states that Council wishes to protect primarily residential streets such as the side streets in Didsbury Village from high volumes of non-residential traffic passing through and parking in these streets, this proposal will be contrary to this policy.

- Policy DB7 states that the Council will implement traffic management measures in order to reduce on-street parking problems on a number of residential streets around Didsbury Village. No parking facilities have been provided with this application, therefore the development is contrary to this policy.

- Policy DB8 states that new commercial developments will normally be required to make a positive contribution to the needs of the Didsbury centre for parking. The proposed scheme worsens the situation, rather than seeking to improve it.

- The Sure Start Centre will drastically increase the footfall of people attracted to Didsbury Park and subsequently directly in front and by the side of the nearest houses on Gillbrook Road.

- Concern has been raised about who will use the Sure Start Centre.

Didsbury Village East Residents' Association – No objections.

Friends of Didsbury Park – No objections.

Greater Manchester Police – There must be a secure area for the storage of prams, preferably this should be within the building. In addition, the perimeter of the site should be secured by 2.4 metres (7.8 feet) high weld meshed fencing.

Landscape Practice Group – The integration of this building in its environment is particularly important as it is being built in a prominent location within a park which is in a conservation area. It is very important that the visual impact of this building is sensitive to its environment.

Head of Highway Services – Existing appears to be 16 children and 2 staff. Proposed appears to be 30 children and 4 staff plus other professionals. The usual maximum parking requirement would therefore be approximately 6. The scheme has none, which means that surrounding streets would have to accommodate this number.

In addition, dropping-off and pick-up would rise from current 5 to approximately 10, which also would have to be accommodated on surrounding streets.

For those arriving via Gillbrook Road, the existing footway width of only 1m. outside nos. 2 and 4 is inadequate.

The application states that no off street parking will be provided at present, implying that there will be in the future. Where would the access for that be?

The envisaged daily service route (i.e. from the Wilmslow Road park gates) would not be acceptable if the park gates are normally closed during the day.

Environment and Operations Technical Services (Green Spaces Manager) –

Any trees lost as a result of the proposal should be replaced within the park.

Head of Regulatory and Enforcement Services – Any comments will be reported at the committee.

Travel Change Team / Transport Policy Unit – Have recommended some changes and additions to the work done in relation to the travel planning, to promote sustainable modes of travel, gather data in relation to the first six months of the operation of the building and have a named staff member to liaise with the Travel Change Team.

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 policies DB1, DB7, DC18 and DC25 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 DB1, *General Policy*, states that the City Council will have regard to the general policies in part 1 of the Plan in order to retain the primarily residential character of the area.

Policy DB7, *Transport*, states that DB7 the City Council will implement traffic management measures in order to reduce on-street parking problems on a number of residential streets around Didsbury Village (Elm Grove and Grove Lane on the list of residential streets).

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. Policy DC25, *Day Nurseries*, states that in determining planning applications for day nurseries, the City Council will have regard to:

- the suitability of the site or building proposed;
- the availability of safe and convenient arrangements for the dropping off and collection of children and for staff car parking;
- the adequacy of the local traffic circulation system and prevailing local traffic conditions;
- the adequacy of outdoor play areas;
- ease of access for all, including disabled people;
- the effect on the amenity of neighbouring residents.

An objector has made reference to policy DB8, as this refers specifically to new commercial development, which the Sure Start Centre is not, that policy is not considered of relevance in this issue

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 previous use of the site as a nursery, the principle of a Sure Start Centre in the same location is considered 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 Didsbury St. James Conservation Area.

Access for Disabled People – The centre will be fully accessible for disabled visitors and employees.

Pedestrian and Highway Safety – Gillbrook Road and the two cul-de-sacs off it, Rushton Street and Knight Street, are all subject to high levels of on-street parking, particularly during the evening and at night. During the day, on-street parking is still an issue, but not as prevalent as during the evening or at night. Given the above it is anticipated any impact on pedestrian and highway safety as a result of on-street parking would be experienced during the evening or at night.

The applicants have stated that the majority of the parents and carers who will use the Sure Start Centre will arrive by foot throughout the day. In addition, the applicants have confirmed that the Sure Start Centre will not be operating during the evening, though it has stated there is an interest from local civic groups to use the facilities during the evening.

In terms of staff numbers, the applicants have confirmed that there will be 4 staff members present at the Sure Start Centre. It is hoped that a number will be employed locally, in line with other Sure Start Centres, however, if a number do arrive by car it is felt that the surrounding streets could accommodate this additional on-street parking.

As the surrounding highway network has the capacity to accommodate the additional traffic movements and on-street parking that would be associated with this use during the day and the use would not be operating during the evening or at night, apart from the occasional local meeting to which the majority of people would walk, it is not considered that the proposal and the resultant daytime on-street parking would have a detrimental impact upon existing levels of pedestrian and highway safety experienced within the vicinity of the site.

Regarding deliveries to the site, the applicant has confirmed that these would take place via a small van which will access Didsbury Park via the gates on Wilmslow Road. Construction traffic will also utilise this entrance, not the one off Gillbrook Road.

Notwithstanding the above, the applicant has submitted a Travel Plan indicating how they propose to minimise vehicle traffic to the site, and the Transport Policy Unit are

satisfied that with some revisions the Travel Plan would be acceptable. These are awaited.

Residential Amenity – The childminder and creche facilities in the Sure Start Centre are located furthest away from the nearest dwellings on Gillbrook Road, as such it is not considered that the use itself would have a detrimental impact upon current levels of residential amenity.

There is a plantroom in one of the elevations facing the dwellings on Gillbrook Road and to prevent any disamenity an appropriately worded acoustic insulation condition is suggested in this instance.

Design – The proposal is a simple, functional design with brickwork elevations, a metallic roof and significant areas of glazing to the southern elevation. As it is single storey and of flat roof construction it is not considered that the design of the building will be intrusive to the park surroundings, overall the design is considered acceptable.

Siting – The proposed building would be sited further away from the dwellings on Gillbrook Road than the existing nursery, the siting is therefore considered acceptable.

Impact upon the Conservation Area – As the existing building is in a somewhat dilapidated condition, it is considered that its replacement with a contemporary designed single storey building will enhance the appearance of the Didsbury St. James Conservation Area. Therefore it is not considered that the proposal will have a detrimental impact upon the overall character of this conservation area.

Trees – The applicant has agreed to plant replacement trees within Didsbury Park to compensate for the loss of those trees required to be felled to facilitate the development, in line with the City Council's Tree Strategy 11 replacement trees are to be planted. A condition requiring the submission of the details and locations of the replacement trees is suggested in this instance.

Crime and Disorder – A pram store has been provided within the scheme. In addition, the applicants have amended their scheme to indicate that the development will be enclosed by a 2.4 metres high weld mesh fence as recommended by GMP.

Sustainability – The applicants have confirmed that they are committed to achieving a BREEAM rating of *very good*, any approval granted will be conditioned to that effect.

Conclusion

Given the assurances that have been made that the proposed Sure Start Centre would not be open during the evening or at night, at a time when the pressures of on-street parking on Gillbrook Road, Rushton Street and Knight Street is at it's highest, it is considered on balance that siting what would be a more intensive use on this site is acceptable.

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 revisions to the submitted framework Travel Plan) 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 DB1 states that the City Council will have regard to the general policies in part 1 of the Plan in order to retain the primarily residential character of the area, it is not believed that the character of the area will be harmed

Policy DB7 states that the City Council will implement traffic management measures in order to reduce on-street parking problems on a number of residential streets around Didsbury Village, it is not believed that the proposal will lead to undue levels of on-street parking.

Policies E2.7, E3.8 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.

It is believed the proposal complies with policy DC25.

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: (2-)-01, 02, 03 and 04 , (9-)01 and 02a.

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

3) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

4) 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.

5) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

8.00am to 6.30pm, Mondays to Fridays.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

6) 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".

7) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least *VERY GOOD*. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before the buildings hereby approved is 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.

8) Before the development hereby approved commences, the plant room as indicated on approved plan no. (2-)01, shall be acoustically insulated in accordance with a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority in order to limit the break out of noise. The scheme of acoustic treatment shall thereafter be maintained unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

9) 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.

10) No development shall commence until a hard and soft landscaping scheme, including details of the replacement trees to be planted within Didsbury Park, 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 agree 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.

11) Prior to the first occupation of the development hereby approved, a detailed Travel Plan (to be based on the approved framework Travel Plan), including particulars of its implementation and monitoring, shall be submitted to and approved by the City Council as Local Planning Authority. The Travel Plan shall then be implemented and reviewed in accordance with those approved details unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - To encourage the use of transport other than single occupancy of a car in accordance with the principles of sustainable transport, pursuant to the provisions contained within Planning Policy Guidance 13.

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: 089491/FO/2009/S2 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
Neighbourhood Policing Team (W Didsbury Police Station)
Didsbury Civic Society
Didsbury Village East Residents' Association
Friends of Didsbury Park
32-37 Viceroy Court
15-21 Heritage Gardens
1-27, 2-4 Gillbrook Road
1-17 Knight Street
1-21 Rushton Street
10-18 Grange Lane

Representations were received from the following third parties:

8, 14, 15, 16 Knight Street,
2j, 4 Gillbrook Road
Didsbury Village East Residents' Association
Friends of Didsbury Park
Greater Manchester Police

Relevant Contact Officer : David Lawless
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