

Application Number	Date of Appln	Committee Date	Ward
090309/CC/2009/S2	8th Jun 2009	23rd Jul 2009	Didsbury East Ward

Proposal CONSERVATION AREA CONSENT for demolition of existing nursery building to facilitate erection of Sure Start building

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

Applicant Mr Barrie Sant, ISG, 5th Floor Building 1, Exchange Quay, Salford Quays, Manchester, M5 3EA

Agent Mr Bryan Walker, Halliday Meecham, 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 seeking Conservation Area Consent for the demolition of the nursery building in order to facilitate the construction of a Sure Start Centre on the site.

The planning application to erect the new Sure Start Centre is also on this agenda (ref. 089391/FO/2009/S2).

Consultations

Local Residents – No comments received.

Didsbury Village East Residents' Association – No objections.

Friends of Didsbury Park – No objections.

Didsbury Civic Society – 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 the existing building – The existing nursery building is in a dilapidated condition and is of no architectural or historical merit. Given this, it is not considered that it makes a positive contribution to the character of the conservation area and its demolition is therefore considered acceptable.

Impact upon the Character of the Didsbury St. James Conservation Area – For the reasons outlined above, it is not believed that the loss of the existing nursery building will have a detrimental impact upon the overall character of this conservation area. Furthermore, as the redevelopment scheme (ref. 089391/FO/2009/S2) is considered to be superior in terms of design, it is felt that the proposed demolition and redevelopment of the site would both preserve and enhance the character of this conservation area.

Control of Demolition – It is usually the case that a condition restricting demolition until a contract for the redevelopment of the site has been signed is attached to a Conservation Area Consent permission. However, given the run down appearance of the existing nursery building it is not felt that such a condition is warranted in this instance.

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 approval of the accompanying planning application 089391/FO/2009/S2)** on the basis that the proposed demolition and subsequent redevelopment of the site would preserve or enhance the character of the Didsbury St. James 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.

Conditions

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.

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: 090309/CC/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:

English Heritage
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:

Didsbury Village East Residents' Association
Friends of Didsbury Park

Relevant Contact Officer : David Lawless
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