

Application Number	Date of Appln	Committee Date	Ward
086311/FO/2008/S2	4th Apr 2008	24th Jul 2008	Didsbury East Ward

Proposal Erection of 3 No. x 3 storey buildings to accommodate 48 two bedroomed flats with underground car parking for 61 spaces with associated landscaping

Location The Former Golden Lion, 579 Wilmslow Road, Didsbury, Manchester, M20 3QH

Applicant Seddon Homes, C/o Agent

Agent Street Design Partnership 16 Brewery Yard, Deva Centre, Salford, Manchester, M3 7BB

Description

This application relates to a large free standing public house, previously known as The Golden Lion, and its open car park areas both to the rear of the building and fronting Wilmslow Road. There is a large single storey rear extension to the original building (approved under application ref 049286), which previously housed an indoor children's play area. The application site extends to 0.4 hectares (1 acres) and is situated on the eastern side of Wilmslow Road, immediately to the north of its junction with Ferndene Road.

Immediately adjoining the site to the north along Wilmsow Road is a short row of retail units with residential accommodation on the first floor. To the north and east, the rear of the site immediately adjoins the rear gardens of residential properties on Parkville Road and Lynway Drive and the Manchester Indoor Cricket School, a low flat roofed brick building with no window openings in its elevations. To the south and west are the residential properties fronting Wilmslow Road.

The proposal is for the erection of 3 No. x 3 storey buildings to accommodate 48 two bedroomed flats with underground car parking for 61 spaces with associated landscaping.

The existing vehicular access off Wilmslow Road, adjacent to The Golden Lion Public House, would be repositioned to the north. New pedestrian access points would be created to the three proposed apartment blocks fronting Wilmslow Road.

A total of 9 trees are proposed to be felled, 6 to be retained. It is proposed to replace the trees felled with 30 trees (including 5 landmark trees on the street frontages). The front boundary wall to the development would be a 1.2m high brick wall with iron railings on top, with a total finished height of 1.5m. The rest of the site would be enclosed by a 1.8m feather board fence.

Previously there has been an approval on the site, application 072229/FO/2004/S1 for the erection of 3 no. 3 storey blocks of, in total, 48 self-contained flats with underground parking, with access from Wilmslow Road and associated landscaping after demolition of existing building, consent granted 2nd February 2005.

This permission has a Section 106 agreement for a comprehensive package of works to the nearby Fog Lane Park and to provide a pedestrian crossing on Wilmslow Road.

Prior to this approval a scheme had been allowed under appeal against the refusal of 070179/FO/2003/S1 for the erection of 2 four storey and one part 3 part 4 storey block of apartments forming in total 53 self-contained flats with underground parking and associated landscaping.

Consultations

Objections have been received from No. 11 Lynway Drive, on the grounds that:

- The removal of trees would affect the privacy of neighbouring properties
- Trees shelter wildlife
- Replanting with trees may not be effective due to the basement car park
- Car park layout with regards to the location of the car parking spaces in relation to the position of the properties proposed.

Objections have been received from No. 39 Parkville Road, on the grounds that:

- Overlooking / loss of privacy
- Impact of basement car park on foundations
- Disturbance during construction
- Too many flats, should consider bungalows or an old persons home
- Global warming related to car use and number of housing units
- Car parking problems in the area due to proximity to Christie's Hospital
- Impact on property value

Objections have been received from a neighbour who wishes to remain anonymous, on the grounds that:

The building would come fairly close to the boundary with their property, which lies on Parkville Road. Concerns relate to the size of the proposed building and possible loss of light and overlooking. Concern is also expressed that there are 61 car parking spaces for 48 units and that there is considerable pressure for parking in the area due to the proximity to Christie hospital.

A petition (signed by 40 local residents from 23 separate addresses) has been submitted on the grounds that:

The development would cause disturbance during construction, would cause traffic congestion and the removal of trees would affect the privacy of neighbouring properties.

Withington Civic Society:

- Insufficient amenity space for maximum potential occupancy of 144 persons. Excessive hard landscaping proposed

- Insufficient car parking. A realistic assessment of car use at the scheme would read 48 flats x 2 cars per flat = 96 cars. On site provision is for only 61 spaces. On street parking will be significantly surcharged as a result
- Traditional elevations are welcomed although there are a number of very plain side elevations
- MCC should ensure that it retains appropriate access to the Manchester In-door Cricket Club. This should include maintenance, wheelchair and emergency services access
- The landscaping plan does not appear to fully represent the true number of trees that are proposed for removal. Why do approximately 5 trees at the rear of the amenity space need to be removed ? Every effort should be made to retain existing trees
- Recycling provision is insufficient and should allow residents to make full use of Council recycling services

GMPTE: "There is a bus stop and shelter located on Wilmslow Road on the frontage of the development site. It is considered reasonable to ask the applicant to agree to fund the upgrade of this bus stop and shelter to QBC standard, as future residents will benefit from the improved access to bus services. It was not previously upgraded due to uncertainty over future site access and the possible need to reposition the bus stop.

Should the applicant consider it necessary to reposition this bus stop to improve site access, they should contact GMPTE's Route Development Officer Clair Robinson on 0161 244 1669. Any relocation would remain within the frontage of the site, would be subject to GMPTE's normal consultation procedures, (including nearby residents, the Local Highways Authority and the Police) and would be undertaken at the developer's cost."

John Leech, MP: "Can I add my objection to the recent proposals which will result in the unacceptable loss of trees, that screen residents against the development. Is it not possible to position the undergrounds car park in such a way that would allow the trees to be retained?"

Contaminated Land: No objections subject to the imposition of conditions

Greater Manchester Police: Architectural Liaison Officer – No objections, happy to support the application.

Highways: I have checked the two previous applications on this site from late 2003 and mid 2004 respectively, highways comments were fairly general and I would say, the majority are still applicable to the site (bulleted below). The puffin crossing is not mentioned within the new planning documentation but, as we discussed, it was under the S106 agreements of the previous applications. It would be something we would consider important, especially in light of the notable emphasis on the merits of the public transport provision within the application. Safe access across Wilmslow Road to city bound bus services will be important.

- Parking provision would appear adequate at 63 spaces compared against 48 residential units. Trip generation levels for apartments are generally lower than for houses.
- Footway cross-overs for the shifted vehicular entrance will need to be reinstated by Technical Services at the developer's expense.
- Boundary treatments will need to consider pedestrian visibility for exiting traffic- dwarf walls and railings or other materials allowing clear sightlines are recommended.
- Following consultation with the QBC design team, the bus stop directly outside of the site has not been upgraded as part of the recent programme in anticipation that it will need to be moved as part of the development. I have spoken with Richard Clowes of GMPTE and he is going to check that he's happy with the location of the bus stop relative to the slight shift in position of the main entrance. If the stop requires moving, this would need to be done at the developer's expense.
- A puffin crossing is requested for Wilmslow Road, as per previous applications. This is likely to require either a S278 agreement or be funded from S106 monies as we discussed on the phone.

Green Space Manager: "Certain of the trees on the applicant's drawing 668.01 were found to be misnamed. Their correct titles are shown on the enclosed specification which I have produced. The Ash T4 was plotted 9 metres out of position – I have indicated its truer location on an enclosed copy of the drawing.

I believe the removal of trees T8 to T15 is necessary for the construction of the underground car park. Mr Redhouse of 11 Lynway Drive which adjoins the site expressed concerns to Hugh Gibbons that tree replacements for those removed will be insufficiently large to provide the screening provided by the existing ones. That will be aggravated by the fact that the landscape layout shown in drawing 668.02 leaves a gap in the proposed tree line to the rear of his property.

The trees numbered T1 to T3 are owned by the City Council. Works undertaken in their vicinity should conform to British Standard 5837: Trees in relation to construction. This includes in section 5.2 advise on the Root Protection Area (RPA) which should be equivalent to a circle of 12 times the stem diameter of the trees."

Issues

Unitary Development Plan - There are no site specific policies but part 1 policies H1.2, H2.2, H2.7, E3.3 and part 2 policy DC7 are particularly relevant. Policy H2.2 states the City Council will not allow development that Policy H1.2 seeks to ensure that accommodation is specifically designed for disabled people while DC7 states that the City Council will negotiate with developers to ensure new housing is accessible, at a minimum, at ground floor level. Policy H2.2 states that the Council will not allow development that will have an unacceptable impact on residential areas and it will consider when coming to its decision, amongst other things, scale and appearance of the development, traffic generation and road safety. Policy H2.7 seeks new housing schemes of a high standard of design and similarly policy E3.3 states that the City Council will

encourage new development of the highest quality along its major orbital and radial roads.

Principle - This is a residential area and the proposal is acceptable in land use planning terms but must be judged predominately against its impact on the character of the area, residential amenity and its effect on street parking and traffic generation. Regard must also be had to the extant consents for the site, which could be implemented.

Scale and Massing/Streetscene - The proposed apartment blocks would incorporate 3 storeys of accommodation with a basement, which would represent an improvement on previously approved schemes, which had 3 storey elements. This would make the scale and mass of the development similar to existing larger buildings to the north on Wilmslow Road.

The site occupies a large corner site and the proposed development is considered to follow guidance in the Design Guide to Manchester by providing a development of strong visual interest and a local landmark.

Design - The design of the proposed apartment blocks reflects the character of some of the large detached residential properties on the corner of Wilmslow Road and Broadway, in near proximity to the application site. The proposed apartment blocks pick up on many of the features of these buildings, including piked gables and corner bay windows. The changes made to the design of the scheme represent an improvement on the previously approved schemes.

Siting - Drawings show the apartment blocks set back approximately 10m from the back of the footpath reflecting the deep frontage gardens of properties in the near vicinity along this side of Wilmslow Road. The drawings show significant spacing between the proposed blocks, which allows the development to sit more comfortably within the street scene.

Car Parking / Traffic - The City Council acknowledge that this is a particularly sensitive issues amongst many local residents. However in the light of Government Guidance and City Council policies, the application site is considered to be a highly sustainable location both immediately adjacent to an intensely used public transport corridor and in close proximity to a district shopping centre. It is therefore considered that with regard to this application the proposed car parking provision of greater than 100% (61 car parking spaces to 48 flats) is considered to be acceptable.

Previous Section 106 monies have been paid and retained and will be spent on a pedestrian crossing across Wilmslow Road.

Vehicular Access/Highway Safety – No objections have been raised by the Highways section in relation to the scheme.

Amount of Development - It is considered that the proposed development provides both more than sufficient off street car parking and a relatively large area of private garden while providing accommodation that meets Council accommodation standards. Though the development exceeds Government guidance on density for new housing developments the proposed development provides underground car parking and is considered to retain the character of

this immediate area of Wilmslow Road and therefore is considered to meet the aspirations of Government policy for sites within urban locations adjacent to well served public transport corridors.

Residential amenity - The proposed development does not raise any significant privacy or overshadowing issues. There is a blank side elevational wall in adjacent residential properties within Ferndene, whilst the remaining apartments blocks are an acceptable distance away from the closest residential properties on Parkville Road and Lynway Drive, coming no nearer to the shared boundaries than the schemes already approved on site.

Trees/Landscaping - The proposed development would result in the loss of 9 trees. The proposal would result in the planting of 30 new trees and a detailed landscaping plan has been submitted. Overall the proposed development is considered to provide a positive contribution to the application sites natural environment, however, there have been questions as to the accuracy of the survey submitted. A new landscape proposal will therefore need to be submitted and approved in writing prior to the commencement of any works on site, to be secured by condition to be closely monitored by the City Council.

Legal Agreement - The applicants have agreed to continue the Section 106 that was negotiated on the previous scheme, which contributed to a comprehensive package of works to the nearby Fog Lane Park and highway improvements to and a pedestrian crossing on Wilmslow Road.

Disabled Access - The proposed development provides level access to all the proposed apartment blocks and lifts to all the floors. All flats within the development, are capable of adapted for occupation by disabled people. 6 disabled accessible car parking spaces are provided within the development.

Cycle Storage facilities – 28 bicycle parking spaces have been indicated in the lower ground floor level / basement level.

Crime and Disorder – A Crime Impact Assessment was submitted to accompany this application, the Greater Manchester Police Architectural Liaison Officer has raised no objections to the scheme, which they believe will achieve Secure By Design.

Sustainability - The development would achieve a Very Good rating, to be conditioned, however, there are no elements of renewable energy at this stage. However, the applicant has been asked to give further consideration to this aspect of the development.

Affordability – The developer has submitted a financial appraisal, which stated they were unable to offer affordability. This has been assessed by the Corporate Property team who are satisfied that the financial appraisal makes a good enough case that affordability would not be viable.

Conclusion

The Head of Planning believes that the proposed development would bring forward a high quality residential scheme on a prominent corner site, which is of a better design than previously approved. He is satisfied the scale and massing

of the proposed apartment blocks is appropriate for the site and reflects the character of residential development in the near vicinity. While he is conscious of the ongoing issues related to on street parking and traffic on roads adjacent to the application site the proposed development is not considered to significantly exacerbate the existing situation.

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 of the application is proportionate to the wider benefits of 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 signing of a Section 106 agreement for works to the nearby Fog Lane Park.**

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: ^IN; ^IN;

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.) 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 ^IN; and T2.6 of the Unitary Development Plan for the City of Manchester.

5.) Before development commences, the internal car park area shall be ventilated in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in accordance with the approved details.

Reason - In the interests of public health and to ensure satisfactory conditions within the car parking area pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

6.) Notwithstanding the landscaping details submitted, 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 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 ^IN; of the Unitary Development Plan for the City of Manchester.

7.) 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 2.4 and 2.6 of the Unitary Development Plan for the City of Manchester.

8.) The development hereby approved shall achieve a post-construction rating of "very good" or better under the Eco Homes rating system. A post construction review certificate shall be submitted to and be 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.) The development shall not be occupied unless accreditation, confirming achievement of the Secured by Design standards in respect of the development has been issued by Greater Manchester Police, unless otherwise agreed in writing by City Council as local planning authority.

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

11.) Before the development commences a scheme for acoustically insulating the residential accommodation against noise from Wilmslow 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 AIN; in order to protect future residents from noise nuisance, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

12.) Before development commences details of all external lighting treatments shall be submitted to and approved by the the City Council, as local planning authority.

Reason - To protect the residential amenity of occupiers of neighbouring properties, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

13.) 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.

14.) 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).

The Desk Study shall be prepared by a suitably qualified person whose competence to carry out the Desk Study has been approved in writing by the City Council as local planning authority (an "Expert").

In the event of the Preliminary Risk Assessment Desk Study 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 Scheme) 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, by an Expert before development commences and the Expert shall prepare 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 Site Investigation Report and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

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, an Expert has prepared a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy Site Investigation Report) which shall be 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 Site Investigation Report, which shall take precedence over any Remediation Strategy Site Investigation Report or earlier Revised Remediation Strategy Investigation Report.

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 Part 1 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: 086311/FO/2008/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:

Chief Executive's Landscape Practice Group
Engineering Services
Environmental Health
Contaminated Land Section
Environment & Operations (Trees)
South Manchester Regeneration
Greater Manchester Police
Steve Hobson, Crime Reduction Officer
Didsbury Civic Society
Withington Civic Society
18, 20, 22, Flat 1 - 10, Rutland Court, 24, 26, 28, 30, 32, 36 Oak Road,
Manchester, M20 3DA
1 - 23 Wensley Drive, Manchester, M20 3DD
9, 11, 12 Wolseley Place, Manchester, M20 3LR
7 - 17 The Circuit, Manchester, M20 3RA
5, 7-10 Gordon Place, Manchester, M20 3LD
565, Wensley House, Flat 1 - 12, Clifford House 567a, Boundary Veterinary,
Flats 1- 6 567, Flat 1 - 12, 569, 570, 572, 573a, 574 – 582 (inc. 577a), 584, 586,
588, 590 - 594 Wilmslow Road, Manchester, M20 3QH
1 - 14 Lynway Drive, Manchester, M20 4TS
1 - 6, 8, 10, 12 Ferndene Road, Manchester, M20 4TT
23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 136, 138, 140, 142, 144, 146,
148, 150, 152, 154, 156 Parkville Road, Manchester, M20 4TX
Indoor Cricket Club, 1 - 6 Ferndene Gardens, Manchester, M20 4TQ

2, 4, 6, 8, 10, 11a, 12, 14 -18 Rathen Road, Manchester, M20 4GH

2, 4, 6, 8, 10, 12, 14, 16 Mardale Avenue, Manchester, M20 4TU

Representations were received from the following third parties:

A. D. & M. Redhouse, 11 Lynway Drive, Withington, Manchester, M20 4TS

Mr P & Mrs H Petrou, 39 Parkville Road, Withington, Manchester, M20 4TX

Personal details withheld at the request of individual

Relevant Contact Officer : Jennifer Connor
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