

List No. 6

Didsbury West Ward	Application Number 079555/OO/2006/S2	Date of Appln 14th Jun 2006	Committee Date 18 th Jan 2007
Proposal	OUTLINE APPLICATION for the erection of a 2-4 storey building to form 14 apartments, with associated basement parking and landscaping, in connection with the future extension and conversion of The Rookery into 8 apartments.		
Location	The Rookery, 196 Palatine Road, Didsbury, Manchester, M20 2WG,		
Applicant	Median Homes Ltd Marshall House, 255 Wellington Road South, Stockport, SK2 6NG		
Agent	Paul Butler Associates 31 Blackfriars Road, Salford, Manchester, M3 7AQ		

DESCRIPTION

This application relates to a linear site which is located off Palatine Road. The site is approximately 0.3 hectares (0.75 acres) in size and currently consists of a 2 storey detached dwellinghouse, namely The Rookery, and a detached single storey garage block which can accommodate four vehicles. Both buildings are located towards the rear of the site, while the remainder of the site is given over to lawn and the long driveway off Palatine Road.

To the north of the site lies nos. 11-13 Mersey Meadows and the sheltered accommodation of Berkeley Court, while to the south lies an area of open space, beyond which stands Riverside Lodge, a recently constructed residential development consisting of 34 apartments. To the east of the site, on the opposite side of Palatine Road, there is a wooded area which forms part of the Wrengate House office development. The site is close to the Green Belt and within the Mersey Valley Area.

The applicants are seeking outline consent (siting, design, external appearance and means of access) for the erection of a part 2 to part 4 storey building in front of The Rookery to form 14 apartments. The applicants are also proposing to provide basement parking for a total of 24 vehicles. The applicants also wish to extend and convert The Rookery into 8 apartments, though this change of use is only indicative and does not form part of this application. There is no need to fell any trees in order to facilitate the development, though the applicant has expressed a wish to remove the Lime tree at the front of the site, given its structural instability and proximity to Palatine Road. Originally there was a 5th floor and resultant 15th apartment in the proposed apartment building, as well as a 9th apartment in The Rookery itself, however, the scheme was amended to that now placed before the committee.

A previous application on the site (ref. 077095) sought planning permission for the erection of two 4 storey residential blocks, comprising a total of 33 apartments. That application was withdrawn on 1st December 2005.

The applicants have appealed against non-determination and the application is therefore before Members in order for a view to be recorded which can inform the appeal process. However, in parallel the applicants intend to seek consent for a scheme comprising solely of houses on the site.

List No. 6

CONSULTATIONS

Local Residents – Letters of objection have been received from five households, the main points of which are outlined below:

1. Though the number of units has been reduced from that originally submitted the current application is still unsuitable for an area of low level family homes .
2. Given the number of units proposed and the size of the site the proposal constitutes overdevelopment.
3. The extension of The Rookery will have a detrimental impact upon the amenities of those residents of Mersey Meadows (i.e. nos. 11 and 13) who adjoin the site, primarily due to overshadowing and overlooking.
4. The 2 storey extension to The Rookery will severely effect the light and privacy of enjoyed by the residents of no. 11 Mersey Meadows.
5. There will be an increase in noise levels given the increased number of people that would live on the site.
5. The proposal will cause a loss of privacy to a number of the residents of the adjoining Riverside Lodge, as their windows and balconies would be overlooked by the new build apartment block.
6. The proposal would increase the traffic flow along Palatine Road, this section of which is already subject to traffic congestion.
7. The apartment building will block out daylight to Berkeley Court and overshadow its gardens.

In addition to the above, a petition of objection, signed by 29 residents of Berkeley Court, has been received.

John Leech MP – The Member of Parliament objects to the proposal on the following grounds:

1. The proposed extensions to The Rookery are too large
2. Palatine Road already suffers from traffic congestion. The development of a further block of flats here, with associated car use by the new residents, would undoubtedly increase this problem.
3. A new block of flats in the garden of The Rookery would represent an unacceptable loss of green space and would have a negative impact on the street scene.
4. In this instance it would be appropriate for a site visit to take place prior to the Committee making any decision on the site.

Local Ward Members – Councillor Clayton object o the proposal on the following grounds:

List No. 6

1. The extended original house is too big and would appear over massive for its style, and the new build section is at least a floor too high. Having been on site the buildings would cover far too much of the site and it would be difficult to provide satisfactory amenity space.
2. There may be loss of mature trees.
3. Palatine Road is busy and such a large development would create traffic problems particularly at peak times, particularly regarding right turns.
4. On the other hand the appearance of the new building is quite good and the provision of underground parking is to be welcomed.
5. There may be overlooking problems with Mersey Meadows and Berkeley Court.

Head of Environmental Health – Suggests that conditions regarding noise insulation, refuse storage and external lighting be attached to any approval granted.

Head of Engineering Services – The developer is requested to contribute financially towards the conversion of the existing *pelican crossing* on Palatine Road to a *puffin crossing*; the proposed access should be a minimum of 5 metres (16.4 feet) wide; indoor lockable cycle parking facilities to be provided; bin storage to be provided.

Environment and Operations Technical Services (Green Space Division) – The mature lime is multi-stemmed, the stem unions were not a cause of concern during previous inspections, however, there has been significant ground upheaval and root damage to the tree which appears to have been done during recent development work on the adjacent plot. This will cause the tree to go into decline and the stem unions will become more defective. The proposed building may be within the protection area for a mature sycamore located in the adjoining woodland.

Environment Agency – No objection in principle to the proposed development.

Greater Manchester Ecology Unit (GMEU) – The bat survey has been conducted by a suitably qualified surveyor and to an appropriate standard. There is no reason to disagree with the results of the survey, which state that no roosts or signs of bats were found on the site, although the surrounding habitat is good for bats. There is therefore no objection to the application on nature conservation grounds.

It is noted that there is an intention to fell a mature Lime tree on the site. Since the bat surveyor has concluded that the habitat surrounding the property is suitable for bats, it is recommended that this tree be inspected for the possible presence of bats immediately prior to felling. If bats are found then appropriate precautions must be taken to avoid disturbance to bats.

Landscape Practice Group – Full landscaping details will need to be submitted.

Greater Manchester Police (GMP) – GMP have raised the following objections:

1. The main entrances to both buildings are behind the “security” gates, which means that every visiting stranger will have to breach that security to reach the doors.
2. The ground floor flats overlooking Palatine Road are outside the “secure” perimeter, so will be vulnerable to attack. If you are going to have a gated scheme than all the buildings must be fully within the “secure” area.

List No. 6

ISSUES

Unitary Development Plan (UDP) – There are no specific allocations for this site within the U.D.P. However when dealing with applications of this nature, consideration is given to policies H1.2, H2.2 and H2.7 in Part 1 of the UDP and policies CB43 and DC7 in Part 2 of the UDP.

Policy H1.2 states that the Council wishes to ensure that the housing stock contains a wide enough range of housing types to meet the needs of people who want to live in Manchester. In particular it will encourage the further provision of:-

- a) accommodation for 1 & 2 person households including units suitable for elderly people;
- b) accommodation for larger households (6+) including units suitable to meet the needs of ethnic minorities with extended families;
- c) low cost housing for sale or rent;
- d) properties for sale in the higher price range;
- e) accommodation specifically designed for disabled people.

Policy H2.2 states that the Council will not allow development, which will have an unacceptable impact on residential areas. The matters that the Council will consider 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 H2.7 states that new housing schemes will be expected to be of a high standard of design and make a positive contribution towards improving the City's environment. They should not create areas of incidental open space outside the curtilage of dwellings unless there are proper and enduring arrangements for its maintenance.

Policy CB43 states that within the Mersey Valley Area, new urban development will not normally be permitted. The only exceptions considered will be where the development would not lead to the division of the open parts of the Valley into sections and falls within the terms of (a) or (b) below: -

- a) Where the area forms part of the green belt, the established green belt policies apply.
- b) Where the area does not form part of the green belt, at Least one of the following circumstances is met: -
 - i) that the development represents limited infilling to an established Valley settlement or industrial area;
 - ii) that it is an extension to or renewal of an established industry where the economic and employment factors are of overriding importance;
 - iii) that the development is required in association with an outdoor recreation or appropriate tourist facility;
 - iv) that the development would be appropriate in a green belt;

List No. 6

v) that the development is necessary to meet an exceptional need which cannot reasonably be met elsewhere.

In determining any planning application, a case of exceptional need must be clearly demonstrated having regard to the objectives of the local plan.

Policy DC7, "New Housing Development", states that the Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people, including those who use wheelchairs, wherever this is practicable.

City Council Interim Policy Approach (Housing Development Pipeline: Planning Response) – On 13th September 2006 the Executive Committee of the Council approved an interim policy approach in respect of proposals for high density residential developments. It states that high density apartment led developments outside the city centre and its fringes will not be supported by the Council, unless it can be demonstrated that such development is required on a particular site to achieve the City's aims and objectives.

Guide to Development in Manchester 2 (Draft) – Under the section headed *Diversity*, paragraph 3.5.1 states that successful neighbourhoods offer a choice of housing to enable residents to continue to live in an area as their needs and aspirations change.

On the subject to housing density and mix, the Guides states that:

"The emphasis is on seeking a range and diversity in terms of type and size of new housing to provide a quality range of housing which will enhance the character of parts of the City, from high density flats, where appropriate, to lower density detached dwellings." (page 13).

Regional Spatial Strategy for the North West – Formerly RPG13, this provides planning guidance for the North West region. Since 2004, the RSS has formed part of the development plans, as such the weight to be attached to its policies has increased. It contains policies that address core principles of development including the following:

DP2, "Enhancing the Quality of Life" - ensuring development provides a high quality of life for this and future generations

DP3, "Quality in New Development" - ensuring that new development demonstrates good design and respect for its setting.

In addition, Policy UR7, "Regional Housing Provision" states that Local Planning Authorities should consider the impact of new housing development upon the existing housing stock and market in the immediate area and adjoining districts.

The North West Plan, draft Regional Spatial Strategy (RSS) – Publicised in January 2006, this draft RSS document provides a framework for the physical development of the region over the next 15 to 20 years.

Policy DP1, Regional Development Principles - Proposals and schemes must demonstrate excellent design quality, sustainable construction, efficiency in resource use and respect for their physical and natural setting

List No. 6

Planning Policy Statement 1 (PPS1), *Delivering Sustainable Development* – On the subject of sustainable economic development, paragraph 23 vii states that Local Planning Authorities should ensure the provision of sufficient, good quality, new homes (including an appropriate mix of housing and adequate levels of affordable housing) in suitable locations.

Planning Policy Statement 3 (PPS3), *Housing* – On the subject of design, paragraphs 12 to 13 of PPS 3 states that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. Reflecting policy in PPS1, it states further that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

On the matter of housing type, paragraph 20 states that the key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people. Paragraph 21 continues, stating that Local Planning Authorities should plan for a mix of housing on the basis of the different types of households that are likely to require housing over the plan period. This will include having particular regard to the current and future demographic trends and profiles and the accommodation requirements of specific groups, in particular, families with children, older and disabled people.

Paragraph 69 of PPS3 states that in general, in deciding planning applications, Local Planning Authorities should, amongst other things, have regard to:

1. achieving high quality housing;
2. ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups - in particular, families and older people;
3. the suitability of a site for housing, including its environmental sustainability;
4. using land effectively and efficiently;
5. ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

Principle of the Proposal – Since June 2005 there has been much debate and discussion within the Council regarding the proliferation of apartment developments outside of the City Centre. From 2003/4 to 2005/6 a total of 26902 new residential units have been granted planning permission, of these 81% were for apartments.

List No. 6

While a range of policies have been applied in the past, using the Council's position as planning authority and as landowner, to resist inappropriate development and promote the types of housing development which not only meet the needs of local communities but which also furthers the development of sustainable communities, by approving the interim policy approach on the housing development pipeline, the Council has made it clear that it will not support proposals for high density apartment led development outside of the city centre and its fringes unless it can be clearly demonstrated that such development is required on a particular site to achieve the city's aims and objectives, one of which is to promote and support sustainable communities.

Given the abundance of flatted accommodation within the vicinity of the site, a high proportion of which has remained unsold (details of which are outlined below in the table), it is not considered that a further apartment development on this site would achieve the promotion of or support sustainable communities in this locality.

Development	Number of Units	Number Sold at 30/11/06 from Land Registry Info
Woods End, Barlow Moor Road	16 apartments	1 apartment
Cairncroft, Holme Road	16 apartments	8 apartments
Greystoke, Palatine Road	86 apartments and 7 houses	40 apartments, all 7 houses
Riverside Lodge, Palatine Road	34 apartments	5 apartments

Furthermore, as the application site is located within one of the City's more prosperous areas it is not felt that there is a regeneration argument to be had in favour of the scheme.

Access for Disabled People – All of the accommodation in the proposed apartment block would be fully accessible. While one of the apartments on the upper floors of The Rookery would be accessible, there is no lift facility proposed in that building.

Design – The design of the apartment building is contemporary in nature. It would be constructed from buff brick to match The Rookery, but it would comprise of varied flat roofs, corner features and terraces, all of which add interest to the building. Overall, the design of the apartment building is considered acceptable.

The design of the extensions to The Rookery are considered acceptable and in keeping with the design principles of that dwelling.

Siting – The siting of the proposed apartment block, being set back from Palatine Road is considered acceptable.

Massing – Following the removal of the 5th floor from the apartment building and given its siting back from Palatine Road, it is considered that the massing of the apartment building is acceptable.

List No. 6

Residential Amenity – It is not considered that construction of the apartment building would lead to an undue loss of privacy enjoyed by those residents who adjoin the site. In the case of The Rookery, while the 2 storey extension would be located to the rear of nos. 11 and 13 Mersey Meadows, it is felt that its impact upon the privacy enjoyed by the residents of those two dwellings could be minimised by the implementation of an appropriate planting scheme.

Car Parking – Given the location of this site adjacent to a road with good public transport facilities, the 100% parking provision proposed is acceptable in this instance.

Amenity Space – As all of the parking spaces would be located in the basement, sufficient amenity space would be provided for all residents of the scheme, overall the provision is considered acceptable.

Trees – There is no objection to the removal of the Lime tree referred to above, given its condition and potential hazard to both pedestrian and users of the highway.

Landscaping – As this is an outline application a detailed landscaping plan has not been submitted at this stage.

Pedestrian and Highway Safety – The applicants were informed of the Head of Engineering Services request regarding the *puffin crossing* though at this stage they do not feel such a request is justified.

Eco Homes – The applicants have supplied supporting documentation which indicates that the proposal would achieve a “good” BREEAM rating. It is an aspiration of the Council that developments such as that proposed, certainly in the case of the new build apartment block, should achieve a BREEAM rating of “very good” or better, this scheme falls short of that aspiration.

Crime and Disorder – While GMP have raised valid objections regarding the security of the site, it is believed that these objections could be overcome through the “Secured by Design” accreditation process. As a result, it is not considered the development's failings in terms of designing out crime are sufficient to warrant refusal.

CONCLUSION

Despite this proposal having many positive attributes the fact remains that this particular site is contrary to the locational policy outlined in the interim policy approach on Housing Development Pipeline: Planning Response. Given this and the fact that many of the flats already built in the locality remain unsold, it is not felt that approval of this scheme would achieve the City's aims and objectives of promoting and supporting sustainable communities. If Members share the Head of Planning's view further work will be carried out in order to support this view if and when it is tested at appeal.

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.

List No. 6

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)/objectors/residents 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 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 REFUSE (subject to the determination of the appeal against non-determination by the Planning Inspectorate)

Reasons

1. The replacement of a single family dwelling house with apartments would fail to provide an appropriate mix of housing types in this locality and would add to an oversupply of apartments in the area, which would this would have a detrimental impact upon the character of the local area and fail to maintain a sustainable community, contrary to policies H1.2 and H2.2 of the Unitary Development Plan for the City of Manchester and the guidance contained within the draft Guide to Development in Manchester 2, Planning Policy Statement 1 and Planning Policy Statement 3.

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: 079555/OO/2006/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 all held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted on the application:

Northenden Civic Society
Greater Manchester Ecology Unit
Didsbury Civic Society
West Didsbury Residents Association
Riverside Lodge, Palatine Road, Didsbury, Manchester, M20 2WF
Berkeley Court, Mersey Road, Barlow Moor, Manchester, M20 2PR
2-10, 1-15 Twyford Close, Didsbury, Manchester, M20 2YR
7-11 Samlesbury Close, Didsbury, Manchester, M20 2FJ
5-15, 26-30 Mersey Meadows, Barlow Moor, Manchester, M20 2GB

Representations were received from the following third parties:

D Wilkes, Apartment 26 Riverside Lodge, 208 Palatine Road, Didsbury, Manchester, M20 2WF
R Khan, 1 Twyford Close, Didsbury, Manchester, M20 2YR
P Bowers, Berkeley Court, Flat 44, Mersey Road, Barlow Moor, Manchester, M20 2PR
R Freer, 13 Mersey Meadows, Barlow Moor, Manchester, M20 2GB

List No. 6

A Meadowcroft and H Narayan, 11 Mersey Meadows, Barlow Moor, Manchester, M20 2GB
Petition of 29 Signatures, c/o Flat 44 Berkeley Court, 50 Mersey Road, West Didsbury, Manchester, M20 2PR

Relevant Contact Officer: : David Lawless
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