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Chorlton Park Ward	Application Number 080352/MO/2006/S1	Date of Appln 27th Oct 2006	Committee Date 18th Jan 2007
Proposal	RESERVED MATTERS APPLICATION relating to 073290 for the erection of a 3 storey office building (Class B1)		
Location	Unit 3 Didsbury Point, The Boulevard , Off Princess Road, Didsbury Point, West Didsbury		
Applicant	Countryside Properties & Liberty Property Trust C/o Countryside Properties, 6th Floor , 20 Berkerley Square, London, W1J 6EQ		
Agent	Taylor Young Chadsworth House, Wilmslow Road, Handforth, Cheshire, SK9 3HP		

Description

On 14 December 2001 outline planning permission was granted under reference 060302/OO/SOUTH2/00 for the construction of offices, housing, a 150 bed hotel together with associated car parking following demolition of the existing buildings on the former Withington Hospital site. Applications to amend that permission were approved on 26 July 2002 (reference 065306/JO/SOUTH2/02), 19 November 2002 (reference 066198/JO/SOUTH2/02) and most recently on 17 February 2006 (reference 073290/JO/2004/S1). Much of the new housing element of the development (known as Didsbury Point) has already been constructed, or is under construction, and the remaining element of new build housing and residential conversion of the frontage range of listed buildings on Nell Lane is expected in the near future. The new hotel site was subsequently the subject of an application for retail, restaurant and nursery which was approved. The site is currently the subject of a further application for retail, restaurant on ground floor with office space above.

The current application is for reserved matters pursuant to the approval under permission 073290/JO/2004/S1 for the siting, design, external appearance, means of access and landscaping of one of the office buildings. Members therefore have 5 separate matters to determine.

The proposed building is 'L' shaped and is 3 storeys at the front and, because of the site levels, is raised on a plinth to the rear giving the effect of an extra half storey when viewed from houses on Clearwater Drive. There are in addition 2 plant rooms mounted upon the roof.

The proposed development lies parallel with dwellings on Clearwater Drive and is some 43m distant from 43 Clearwater Drive and some 33m distant from 42 Clearwater Drive because of the 'L' shape.

The applicants have indicated that the footprint proposed is required in order to provide the potential for sub-division of the office building to meet the demands from smaller occupiers.

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The access to the proposed new offices would be taken from an existing access road constructed at the time that Unit 1 was erected. Access into the site is from points at either end of the building.

The building is described on the application form as being constructed of Terracotta brickwork, glazed curtain walling and proprietary render. Although the applicant has asked for external appearance to be considered as part of this reserved matters application no details of materials or colour palette have been submitted.

A Landscape plan was received on 5 January 2007 and has been forwarded to the landscape Practice. Any comments will be reported to the Committee.

Background

Although not relevant to the determination of the applications, Members may be interested to know of some of the background relating to the proposed office building and development on the wider site.

Plans showing layout of the site and location of the office buildings were submitted with the outline application, although they were indicative only. The footprint of this office building is very different from that shown on those plans, as it is proposed to be located significantly closer to the houses on Clearwater Drive. In addition, the plans showed a smaller building, albeit one storey higher, rather than what is considered to be a large monolithic structure currently proposed. Finally, the Council understands that the housing on Clearwater Drive was sold to the present occupiers on the basis of the layout shown in the indicative plans, so that the current proposal is not what those residents were expecting.

The former hospital site was an area with significant areas of soft landscaping and tree cover. The Council has made it very clear to the developer from the outset of development on the hospital site that as many of the mature trees on the site, in particular Paupers Wood and the group of three trees affected by this proposal, should be retained as possible. Whilst the Council has endeavoured to ensure that mature trees on the site were protected in accordance with the appropriate British Standard unfortunately many, if not most, of the trees have been lost.

Consultations

Representations from neighbours

Ten individual letters have been received from the residents on Clearwater Drive setting out the following grounds of objection:

- Revised footprint not justified and will have severe impact on amenity in terms of overlooking, intrusiveness and its overbearing and dominant visual impact;
- Monolithic form discordant with the urban grain and character of the adjacent award winning housing area;

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Countryside's own consultant, in his report accompanying the Masterplan, describes the trees which will be lost as of high landscape value which should be retained;

The landscaping of the proposal is too sparse. Semi mature landscape planting is required to Clearwater Drive boundary;

Proximity, height and design of new building will lead to overlooking and loss of privacy in adjacent dwellings which have all main rooms, terraces and gardens facing the development;

The height of the building facing Clearwater Drive will be overbearing and intimidating, reducing the quality of life;

Changed shape brings development closer to some of the houses on Clearwater Drive and the raised ground floor will be 1.5 times the height of the houses;

There are road safety concerns with so many cars and insufficient parking;

Noise levels will be unacceptable especially during construction;

Proximity and height of new building will lead to loss of light/over shadowing of houses on Clearwater Drive; and

Will result in loss of trees T145 T146 and T147 shown in Studio Englebacks landscape plans for retention.

West Didsbury Residents Association

Have serious concerns re the following:

'L' shape building design brings it closer to several houses on Clearwater Drive which would be detrimental to visual amenity and privacy and inconsistent with what they were told about the development when they bought their homes;

Landscape proposals are inadequate. Trees to be removed or retained to be identified and clearly numbered and precise location of protective barriers specified; and

Landscape scheme should comply with BS5837 Section 7.

GMP Architectural Liaison Unit

Note the intention to install a manned gatehouse

Regard gatehouse manned at all times to be essential

Building can meet Secured By Design standards.

Head of Environmental Health

If approved the following conditions must be imposed:

External plant to be acoustically treated;

Scheme for fume extraction and discharge to be submitted for approval;

Scheme for refuse storage for segregated waste collection and recycling to be submitted for approval;

No servicing or deliveries outside the hours of 07.30 and 20.00 Monday to Saturday;

Suggest hours of operation be imposed due to proximity of housing; and

Scheme for internal and external lighting attenuation to be submitted for approval.

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Also require informative re noise and construction works to be included.

Head of Engineering

Size and shape of building changed from original master plan and appears to have larger footprint;
20 mph zone to be applied and costs to implement borne by the developer; and
Travel Plan issue should be dealt with now in detail in consultation with the Council's Travel Plan Co-ordinator and submitted.

Landscape Practice

Any comments will be reported at the Committee.

Issues

Policies

Unitary Development Plan for the City of Manchester

H2.2 The Council will not allow development which will have an unacceptable impact on residential areas.

E2.6 The Council will prevent wherever possible the loss of existing trees

DC16.1 Except where trees are shown to be in poor health or are individually of little amenity value, or where a satisfactory replanting scheme is more desirable, the Council will not normally permit development proposals which would involve the loss of significant trees...

I3.1 New commercial and industrial development will be expected to be of a good standard of design and, where appropriate, include suitable landscaping treatment.

Guide to Development in Manchester

New development will fit more easily into their surroundings if they incorporate existing landscapes and there will be a presumption to retain existing trees and planting with a high amenity value.

Regional Spatial Strategy

RPG13 Policy DP3 states that "new development must demonstrate good design quality and respect for its setting."

Siting/Massing/Design

Whilst this planning application has been the subject of discussions and negotiations a number of important issues remain which give rise to concern.

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What is now proposed is considered to have an unacceptably close relationship to housing on Clearwater Drive, especially those at 40 to 44 Clearwater Drive, which will result in an overbearing and over dominant aspect and in an unacceptable loss of amenity, privacy and quality of life for the occupants of those properties.

This detrimental impact on the amenities of these residents is compounded by the design of the houses in question which are of single aspect with all principle windows, the first and second floor terraces and the gardens all facing the proposed new office development.

A further consideration is that because of the levels of the application site and the commercial necessity of maintaining a level access throughout the ground floor it is raised on a plinth at the rear. This has the effect of raising the office ground floor to almost first floor level of the houses on Clearwater Drive which further exacerbates the residents fears that they will be faced by an oppressive and intimidating development which invades their privacy and the quiet enjoyment of their homes. It is considered that the residents concerns are well founded and that this is a material planning consideration.

The massing of the proposed office building is significantly greater than that of the adjoining housing area. It is considered that the long expanse of the rear elevation, which is mundane in architectural terms, will be over dominant and oppressive for residents of the adjoining dwellinghouses on Clearwater Drive.

Trees

There has been considerable discussion with the applicants agents in respect of a group of three trees which will be lost if the proposed development were to go ahead. The application was validated on the basis that the applicant had stated that no trees were affected. Subsequently it became apparent that an group of three trees numbered T145, T146 and T147 (shown on the landscaping plan approved as part of the overall Masterplan as being retained) were in fact to be felled as part of the scheme. A revised application form confirming their loss was subsequently submitted by the agents acting for the applicant to rectify the situation on 26 October 2006.

The agents for the applicant were requested, in a letter dated 3 November 2006, to supply a full tree survey with details of their age and condition and justification for removal. No such survey was received and the Council therefore commissioned a survey by its own Landscape Practice and by Arboriculturists from Operational Services. The response from both surveys was that the trees in question, along with a number of others on the site, were worthy of protection by way of a Tree Preservation Order. A tree preservation order in respect of these trees has now been made.

It is considered that the loss of this particular group of trees T145, T146 and T147, which is an outlier of the historic Paupers Wood, and three of the few mature trees remaining in the central part of the former hospital site, would be a serious detriment to the environment and will diminish the character and attractiveness of the site. Whilst the applicant has offered the planting of three semi mature oak trees on the site as replacements, it is not considered that this overcomes the objection to the loss of this important group of trees. The

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proposal is therefore considered to be contrary to policies E2.6; and DC16.1 of the Unitary Development Plan for the City of Manchester; the Guide to Development in Manchester 2 and the Manchester Tree Strategy 2006 - 2010.

Access

Access into the site is from an approved access road and raises no concerns in terms of junction design or capacity.

External Appearance

The applicants have asked for external appearance to be approved as part of this reserved matters application. However, no details of materials or colour palette have been submitted and in the circumstances the Council must refuse the external appearance element of the application.

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)/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 refusal of the application is proportionate to the wider benefits of refusal and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Conclusion

An office building is clearly acceptable in principle in this location. However, on balance, in the form currently proposed, the Head of Planning considers the impact on nearby houses and the TPO protected trees to be unacceptable.

Recommendation REFUSE

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Conditions and/or Reasons

1) The siting and design of the proposed building by virtue of its position, height and massing will have an overbearing and oppressive impact on residents on Clearwater Drive to the detriment of residential amenity contrary to policies H2.2 and I3.1 of the Unitary Development Plan for the City of Manchester and policy DP3 of RPG13.

2) The siting of the proposed building will give rise to an unacceptable degree of overlooking and a perception of loss of privacy for residents on Clearwater Drive and especially those residents at 38 to 44 Clearwater Drive to the detriment of residential amenity and contrary to policy H2.2 of the Unitary Development Plan for the City of Manchester.

3) The siting of the proposed building would result in loss of 3 attractive mature trees covered by Tree Preservation Orders and would therefore be contrary to policies E2.6 and DC16.1 of the Unitary Development Plan the Manchester Guide to Development 2 and the Manchester Tree Strategy 2006 - 2010 both of which promote the protection and enhancement of woodlands and trees.

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: 080352/MO/2006/S1 held by Planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are all held by the Planning Division.

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

West Didsbury Residents Association
Greater Manchester Police
Environment & Operations (Refuse & Sustainability)
Greater Manchester Passenger Transport Executive
Head of Environmental Health
Head of Engineering Services
Chief Executive's Landscape Practice Group

15 Clearwater Drive, Didsbury Point, M20 2ED
40 Clearwater Drive, Manchester, M60 3NY
42 Clearwater Drive
14 The Boulevard, M20 2EU
44 Clearwater Road , M20 2ED
48 Clearwater Drive
28 Clearwater Drive, M20 2ED
27 Clearwater Drive, M20 2ED
25 Clearwater Drive, M20 2ED
23 Clearwater Drive, M20 2ED
11 Clearwater Drive

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Representations were received from the following third parties:

West Didsbury Residents Association
Greater Manchester Police
Greater Manchester Passenger Transport Executive
Head of Environmental Health
Head of Engineering Services
Chief Executive's Landscape Practice Group
, 40 Clearwater Drive, Manchester, M60 3NY
, 14 The Boulevard, M20 2EU
, 44 Clearwater Road , M20 2ED
, 48 Clearwater Drive
, 28 Clearwater Drive, M20 2ED
, 27 Clearwater Drive, M20 2ED
, 25 Clearwater Drive, M20 2ED
, 23 Clearwater Drive, M20 2ED
Matthew Smith, 11 Clearwater Drive

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