

## List No. 5

<b>Chorlton Park Ward</b>	<b>Application Number</b> 080297/FO/2006/S1	<b>Date of Appln</b> 11th Sep 2006	<b>Committee Date</b> 15th Feb 2007
---------------------------	--	---------------------------------------	--

**Proposal** Conversion of existing hospital into 121 apartments and 14 town houses including alterations to elevations, and erection of 2 part 3 part 4 storey, and three 3 storey blocks of in total 139 self contained flats, and the erection of 92 three storey houses with associated car parking and landscaping, including selective demolition

**Location** Former Withington Hospital, Nell Lane, West Didsbury, Manchester, ,

**Applicant** Barratt Manchester Ltd George Wimpey Manchester Ltd P J Livesey Group, C/o Barratt Manchester, Worrall House, 683 Chester Road, Manchester, M16 0QS

**Agent** Taylor Young Chatsworth House, Wilmslow Road, Handforth, Cheshire, SK9 3HP

### Description

This application relates to an 'L' shaped site of approximately 4.7 hectares (11.6 acres) forming part of the Withington Hospital site. The site is bounded by Nell Lane to the south, across which are the new community hospital (opened in 2005) and the Birches School, to the east are outbuildings associated with residential properties forming a mews court off Nell Lane and garages and amenity space forming part of a flat development on Tintern Avenue. To the north and west the site are the residential/commercial developments forming earlier phases of the redevelopment of Withington Hospital. The eastern boundary of the site abuts the Albert Park Conservation Area boundary.

The Withington Hospital site became available for potential redevelopment following a wider strategic rationalisation of healthcare provision in South Manchester. One consequence of this review was the decision to relocate inpatient and accident and emergency services from Withington to an extended Wythenshawe Hospital and Manchester Royal Infirmary. As a result, much of the Withington site became increasingly surplus to requirements. Another consequence was the decision to build a Community Hospital on the site of Burton House, which adjoins the main hospital site across Nell Lane. The majority of the remaining hospital buildings within the main site are now redundant or underused and some have been demolished as services have transferred to other sites.

The site contains a number of buildings of which three are Listed Grade II as being of architectural or historic importance, together with a length of wall/railings and gates. The listed structures are the large three storey cruciform building, the predominantly two storey lodge building fronting Nell Lane and the walls/railings and gates linking the lodges. There are 121 trees distributed around the site. There are two vehicular access points into the site, both from Nell Lane. One forms the extreme western boundary to the site and the other is adjacent to the eastern side of the listed buildings.

## List No. 5

It is proposed that the site will be developed by a consortium of three companies. Barratts and George Wimpey are volume house builders who will develop the cleared areas of the site with new build houses and flats. PJ Livesey specialise in converting/renovating Listed Buildings and they will be developing the retained buildings and a small part of the cleared site adjoining.

With the exception of the three listed buildings and the walls/ railings and gates all the structures on the site will be demolished. The listed cruciform building would be renovated to form 99 self contained flats of which 45 would be one bed, 43 two bed and 11 three bed. In addition to the renovation of the building a new glazed entrance feature will be created in the gable of the northern arm of the cruciform. Four sets of balconies in a contemporary style would be constructed on the northern elevation of the central axis. Within the northern and southern wings some of the proposed flats would be accommodated in pods, designed so that it will remain possible to appreciate the scale and architectural features of the original large open voids. Within the buildings demolition of walls will be kept to a minimum, retaining the substantive part of the historic fabric of the building. Refuse and recycling facilities will be provided within the building and will be managed by a janitor. The landscaped areas to the south of the main building will be remodelled and retained as amenity space.

The Eastern lodge building would be subject to an extension on the existing roof and some alterations to the elevations to provide additional windows and doors. The existing walls railings and gates would be retained and provide a pedestrian entrance into the site. The western lodge would have a two storey extension at its western end. The two lodges would be converted into 14 houses and 17 flats of which 6 would be one bed. The existing amenity space between the lodges and Nell lane will be retained.

To the west of the listed buildings, Livesey's propose to erect a part three part four storey block comprising 30 one bed, 13 two bed and 4 three bed apartments. The building would be contemporary in its styling with car parking in a semi basement. The block would be parallel to the site access road from which access would be taken. It would also be the main entrance to the converted cruciform building.

Both the new build and the cruciform building would be provided with lifts. The new build would be capable of being made fully accessible. 80% of the converted accommodation would be accessible by lift and capable of some degree of disabled access.

A total of 223 car parking spaces would be provided in this part of the development. It would be located in the semi-basement of the new build, in two car parks partially underground with car deck above located either side of the northern wing of the cruciform building. The remaining car parking is distributed in small pockets of two to four spaces within the site. The Livesey development would be enclosed by 1.8 metre high railings.

The two existing entrance roads would be retained and linked by a new road to the north of the cruciform building. To the north of this road George Wimpey propose to erect two three storey blocks each with 18 flats of which 17 would be two bed and 1 one bed. All the accommodation would be capable of being made fully accessible. The blocks would be separated by an area of amenity

## List No. 5

space and would be provided with a secure area of car parking at a ratio of one space per flat. The flats would be in a contemporary style with pitched roofs. Some of the flats would be provided with balconies.

In addition, between the new road and the northern site boundary George Wimpey propose to erect two terraces of three storey houses, one of six houses the other seven, and four pairs of three storey semi detached houses on a short cul-de-sac. All the properties would be provided with front and rear gardens and have an off-road parking space.

A new loop road would be constructed to open up the eastern end of the site. The area would be developed jointly by Barratts and George Wimpey. One part three, part four storey block of 33 flats, 23 two bed and 10 one bed, would be erected at the junction of Nell Lane and the eastern access road. Adjacent to it and also fronting the access road would be a four storey block of 24 two bed flats. Both blocks would be constructed in a pseudo traditional style with pitched roofs and gables. Both blocks are provided with one parking space per flat accommodated in a parking court part of which is an undercroft extending to half the depth of the building. Some of the flats are provided with balconies and there are areas of amenity space between the blocks. The remainder of the site would be developed with 71 three storey houses ranging from semi detached to terraces up to six properties long. All the properties would have front and rear gardens and face onto a highway. Both developers propose two basic house types, Barratts propose to use three and five bedroom houses, the latter having an integral garage. George Wimpey propose three and four bedroom house types. All the properties are capable of being made visitor accessible. With the exception of the properties with integral garages each dwelling will have one off-street parking space.

An eco homes assessment has been carried out of the development which has achieved a preliminary rating of good. The developers are confident that when the scheme is worked up in detail it will achieve very good.

All properties will be provided with 0.9 metre high railings or hedges at the back of footpath. All the parking courts will be provided with 2.1 metre high railings and gates.

It is proposed to retain 30 of the 121 trees on the site and to plant 265 replacement trees and 420 Birch whips across the whole of the development site.

## **Consultations**

Prior to the submission of the application the applicants met with the West Didsbury Residents Association and held an open day for local residents at the Albert Club. Around 40 people attended and the applicants report that the response was generally positive.

Local Residents/Businesses - 7 letters have been received from local residents making the following points:-

1. Local residents have been given inadequate time to respond. Particularly as the letters took 9 days to arrive.

## List No. 5

2. The proposal represents an overdevelopment of the site.
3. There is nothing to be gained by the local community.
4. Residents do not feel there is adequate parking for the proposed development.
5. Concerned about what the developers propose to do to the boundary walls around the perimeter of the site.
6. The additional traffic will exacerbate problems on Nell Lane, which is already difficult to cross. The community hospital has made matters worse as cars stop on Nell Lane to drop off people going to the hospital. In addition children travelling to school will be put at greater risk.
7. As long as the buildings are no higher than three stories and they come no closer to the surrounding properties the development is acceptable.
8. The development will erode the atmosphere and character of the area.
9. The development will increase the already high levels of noise in the area.
10. The development will further increase the pressure on resources in the area.
11. There is insufficient open space within the development.
12. The quality of life has already declined in the area, including residents being disturbed late at night by drunken youths.

West Didsbury Residents Association - In principle support the proposal. In terms of increased provision of town houses and the design of the landscaping they feel that it meets the needs of the area better than its predecessors. They are particularly impressed with the plans for the conversion of the former Home 4 building, which should result in a tasteful restoration that will considerably improve the appearance of the building. They do have a number of concerns about the treatment of the listed buildings and the landscaping:-

1. They are concerned about the proposed glazed north entrance, which they feel will be incongruous.
2. They are concerned that pipework to the kitchens/bathrooms on some of the conversions will detract from the appearance of the building.
3. They request that only sustainably sourced timber is used.
4. Nell Lane Burton Road is dogged by tailbacks of traffic
5. The redevelopment of the site will put additional pressure on the local infrastructure and the Council is urged to enter into a S106 agreement for a financial contribution to help mitigate any problems.
6. Substantial comments have been submitted suggesting improvements to the landscape proposals.
7. They are concerned over the loss of trees and feel it is unclear if some trees identified as suitable for transplanting are to be so.
8. The Association's ecological survey refers to the presence of Bats and Birds, including House Martins on the site, and suggests the provision of appropriate replacement roosts/nests. They also refer to the presence of foxes on the site and request that new fencing will be of a type that does not impede the freedom of wildlife.

Environment and Operations - The arboriculturist has visited the site and carried out an assessment of the trees. The majority are in fair condition. Of the 8 identified as being good, 2 would be lost to the development. 12 of the trees to be removed are in poor condition. The mature trees listed for retention on the

## List No. 5

site will not tolerate any root disturbance and should be given full protection in accordance with BS 5837 Trees in Relation to Construction 2005, Section 5.2.3.

Landscape Group Practice - Require a trees protection drawing showing construction exclusion zones. Details should be submitted for approval of any hardworks within the construction exclusion zone. The developers should employ an Arboriculturist or other suitably qualified person to supervise tree works and ensure compliance with approved working methods during construction works.

Regeneration South - Comment that this is a significant development of 364 homes of which around 260 will be apartments and raise the following issues:-

- Is the proportion of houses and flats right? This would be a prime spot for buy to let investors. The sales office from Didsbury Point estimate that the ratio of the total units purchased by owner occupiers and investors was 2:1. A further phase sold by Savilles was predominantly to investors. The baseline research for the South Manchester SRF indicates that while returns are low investors will continue to buy in this part of Manchester because they are confident that investments will hold their value and possibly show modest increases. Regeneration South would prefer to see a higher proportion of family housing including larger properties as this is more likely to contribute to the quality and stability of the neighbourhood.

- Are we satisfied that the level of parking is sufficient. If this is not sufficient there is no capacity for on street parking nearby.

- Will the traffic generated by the development have an impact on either Princess Parkway on one side or Burton Road on the other (the latter is already congested).

The development of new residential accommodation on this scale will clearly benefit businesses on Burton Road (there is no retail indicated as part of this application) and will also have an impact on demand for places at Cavendish Road Primary School. The impact on each will vary according to the extent to which the development attracts families who will remain in the area in the long term.

The South Manchester SRF is currently in development and while not yet complete does raise a number of concerns about the housing market in this part of the city, one of which is affordability. An additional 364 homes might address this but there is nothing in the application to indicate that it will.

Highways Agency - Make no objection to the application as it can be concluded that the development does not result in a material impact on the trunk road highway network in terms of capacity or safety.

Head of Environmental Health- - no objections subject to conditions relating to acoustic insulation and refuse storage.

Greater Manchester Police Architectural Liaison Officer - expressed some concerns regarding the scheme as originally submitted.

## List No. 5

Greater Manchester Ecology Unit - has made the following representations

### Bats

The survey report submitted with the application has shown the presence of bats in one of the buildings affected by the development, and that several of the buildings on the site have features that could support bat roosts. This finding is in accord with previous bat survey findings around the Withington Hospital site that have recorded the presence of bats and bat roosts. All species of bat and their roost sites are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation (natural habitats &c) Regulations 1994. A licence must be obtained from Defra to derogate the terms of this legislation before any development can commence that may disturb bats. A Defra licence with regard to bats has been issued for development of other parts of this site, though it is understood that the existing licence does not extend to all parts of the site included in this application, and it does not include mitigation for brown long-eared bats, evidence of this particular bat species having been found for the first time in the updated survey.

The Unit would therefore consider that a new application for a Defra licence will be needed, or at the least an application for an extension to the existing licence.

Before a licence can be granted, the development must be shown to meet the following tests:

- i) That the development is "in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment";
- ii) That there is "no satisfactory alternative";
- iii) That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

In considering planning applications that may affect European Protected Species, Local Planning Authorities are bound by Regulation 3(4) of the Conservation (Natural Habitats, &c.) Regulations to have regard to the Habitats Directive when exercising their function. Defra Circular 2/2002 gives guidance to local authorities on how these issues should be considered. All three tests must be satisfied before planning permission is granted on a site. Defra will ask the local planning authority for evidence that the three tests have been properly considered during the determination of any planning application before agreeing to issue a licence.

As regards the third test,

\* The species of bat concerned (brown long-eared) is relatively common and widely distributed nationally

## List No. 5

- \* Indications from this survey and the results of previous bat surveys (which did not record the presence of brown long-eared bats) are that any bat roost is likely to be small, and the numbers of bats involved small
- \* Mitigation will likely include the provision of alternative roosting site(s) to any lost to the development. In the case of brown long-eared bats this will involve the creation of a dedicated loft space within one of the new buildings. Given the scale of the proposed development this mitigation will be possible.
- \* A licence for work affecting bats has already been issued by Defra for developments affecting other parts of this site
- \* Bat foraging habitat will not be significantly reduced by the development

The Unit would therefore conclude that the development would not be detrimental to the maintenance of brown long-eared bat populations at a favourable conservation status in their natural range. Natural England should be consulted on this point.

Although the survey submitted with this current application has recorded the possible presence of brown long-eared bats, the survey has not established an accurate up-to-date level of use of the building(s) by this bat species, or in fact other species, because the survey was carried out at a time of year (December) when bats are inactive and can be very difficult to detect.

The Unit would recommend that, prior to any development commencing,

- \* A further survey for bats be undertaken at an appropriate time of year by a suitably qualified person
- \* The results of this survey should be used to inform the preparation of a comprehensive method statement describing how any disturbance to bats caused by the development is to be mitigated. Once agreed, this method statement should be implemented in full.

The new survey and the method statement will be a requirement of any new licence application to Defra.

## House Martins

All nesting birds, their eggs and young are protected under the terms of the Wildlife and Countryside Act 1981. The ecology survey submitted with this application has recorded evidence of use of buildings to be affected by the development by breeding house martins. I would recommend that

- \* No work should be undertaken in the optimum period for bird breeding (March to July inclusive) unless nesting birds have been shown to be absent.
- \* In the interests of nature conservation in general alternative provision for breeding house martins should be made on new or refurbished buildings to compensate for any loss of breeding habitat caused by the development.

## Issues

## List No. 5

Unitary development Plan-the relevant policies within the Unitary Development plan are:-

WB1 Seeks to ensure that the area remains an attractive location to live and work. Protect and nurture the role of Burton Road as a local shopping centre. Retain the primarily residential character of the area and improve the quality of the local environment.

H1.2 looks to provide a wide range housing types to meet the needs of people living in Manchester

H2.2 which seeks to protect the amenity of local residents from the adverse impact of development.

H2.7 new housing schemes are expected to be of a high standard of design.

E1.5 the council will encourage high standards of energy efficiency in new developments.

E1.6 the council will require building material in new developments to be environmentally friendly.

E2.3 the council will protect important wildlife habitats.

E2.7 seeks to retain, maintain and restore buildings of architectural or historic importance.

E3.5 promotes measures that will lead to a safer environment for all.

E3.7 promotes environmental improvements that are aimed at improving conditions for disabled people.

E3.8 looks to enhance the appearance of conservation areas.

T2.2 road schemes will be designed to meet local needs.

T3.1 seeks to ensure new developments cater for the needs of pedestrians and cyclists.

T3.7 seeks to ensure new developments provide secure cycle parking

DC7 looks to ensure that new residential developments are accessible to the disabled and also retain large buildings set in extensive grounds.

DC18 requires new developments within conservation areas to make a positive contribution to the character of the area.

DC19 looks to ensure that new development does have an adverse impact on listed buildings or their settings.

Guide to development in Manchester 2 - sets down the principles to be adopted in designing successful developments within the City.

Regional Spacial Strategy-

## List No. 5

Policy DP1 encourages both the economic use of land and the development of brownfield land.

Policy DP3 states that new development must demonstrate good design quality and respect for its setting, including the integration of new development with surrounding land use, taking into account the setting, quality, distinctiveness and heritage of the environment and the use of sympathetic materials, more eco-friendly and adaptable buildings and community safety and "designing out crime"

Policy SD1 seeks to concentrate development in the North West Metropolitan Area which will enhance economic strength, the environment, overall quality of life and social regeneration.

Policy UR1 identifies the sustainable regeneration of the region's urban areas as a clear priority. Emphasis is placed on the reuse of derelict land and buildings, the balanced distribution of good quality dwellings and access to employment and community facilities.

Planning Policy Guidance Note 15 - "Planning and the Historic Environment" - The guidance notes states:-

Paragraph 2.14 " The design of new buildings intended to stand alongside historic buildings needs very careful consideration. In general it is better that old buildings are not set apart but woven into the fabric of the living and working community."

Paragraph 3.12 "...where new uses are proposed it is important to balance the effect of change on the special interest of the listed building against the viability of any proposed use and of alternative, and possibly less damaging, uses. In judging the effect of any alteration and extension it is essential to have assessed the elements that make up the special interest of the building in question."

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. "

Principle - In January 2000 three outline planning permissions were granted for the redevelopment of the Withington Hospital site for a combination of residential, commercial and healthcare use. The redevelopment of the Cavendish Road /Princess Road/Nell Lane site for commercial/residential purposes is now largely finished. The Burton House site, which was to be developed for housing, now accommodates the new community hospital. The remaining land, the subject of this application, was to house the new hospital. Clearly this is no longer necessary and given the predominantly residential nature of the surrounding areas the most appropriate use of the site would be for residential purposes. It is also considered that the conversion of the listed buildings into residential accommodation represents the best way forward in ensuring that they remain in use, with an assured future. Overall the principle of the proposed development is considered acceptable.

## List No. 5

Disabled access - of the 92 houses to be built 68 are capable of being made fully accessible, having level access, large downstairs toilets, kitchens and bathrooms as well as being able to accommodate a platform lift. The remainder would be visitor accessible. All the new build flats would be capable of being made fully accessible. The conversion of a listed building is more problematic in terms of providing disabled access. The cruciform building has lifts within it and consequently all of the accommodation can be reached, though only 61 of the 99 flats are fully accessible, due in the main to the inability to provide a large enough bathroom. All the accommodation in the lodges is at the least visitor accessible. Overall the disabled access provision is considered to be very good particularly given that a substantial part of the accommodation will be in converted listed buildings.

Secured by design - as originally submitted the scheme gave some cause for concern regarding natural surveillance, defensible space and security for private areas. As the scheme has been worked up the issues have been addressed. A condition is proposed requiring the developers to seek to achieve 'Secured By Design' accreditation. In addition conditions are proposed to ensure that lighting and security gates are in place prior to the development being occupied.

Sustainability- the site is located between two major radial routes in Princess Road and Burton Road/Wilmslow Road. It is well served by public transport and has in close proximity a range of local shops including a small supermarket in the Burton Road Local Shopping Centre. In addition there is a choice of primary schools within walking distance and the community hospital. Overall this is felt to be an extremely sustainable location.

The preliminary assessment by Eco Homes has suggested that the development would achieve a rating of good. The applicants are confident that they can achieve a rating of very good when they work up the detailed design and an appropriate condition is proposed.

Major Development - the application has been advertised as a major development. No representations were received as a result of the advert.

Screening Opinion - As the site area exceeds 0.5 hectares the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 Require the local authority produce a screening opinion as to the need for an Environmental Impact Assessment. On this occasion the screening opinion concluded that an EIA was unnecessary. A copy of the screening opinion can be found on the planning application file and the Register of Screening Opinions kept at the planning reception.

Housing Mix - In September 2005 the City Council adopted a new approach to residential developments, this sought to redress the imbalance that has arisen in favour of new flats rather than family houses. As a consequence, in areas such as this it would be necessary for the developer to make the case for flats. The development comprises 362 units of which 256 (71%) are flats the remaining 106 (29%) are houses. However, large listed buildings such as those on this site do not readily lend themselves to conversion into houses, without an unacceptably high level of intervention that would damage the historic fabric of the building. However, in this case the developer has through a degree of good, innovative design managed to create 14 town houses within the smaller lodge

## List No. 5

buildings. The conversion of the listed buildings accounts for 130 of the 362 units proposed or approximately 30%. Of the remaining 232 units, 92 (40%) are houses and 140 (60%) flats. This can be accounted for by the need to ensure that the buildings closest to the listed buildings are of a complimentary scale and mass appropriate to the setting. Only through the erection of blocks of flats can this be achieved. The Head of planning believes the whilst balance between flats and houses goes against the philosophy of the Council's current approach there is a conservation argument that in this particular case justifies the numbers.

Site layout - the four new blocks of flats have been positioned around the retained listed buildings in a manor that reflects the historic pattern of development found on the site and thus they complement the setting of those buildings. It is inevitable with such a large site, that only has a single road frontage the layout will involve culs-de-sac. In this case they are restricted to two short lengths of road and are considered acceptable. Otherwise the scheme complies with the principles set down in the Guide to Development in Manchester 2, in that the roads lead through the site. Properties front onto and take access from them and the houses are laid out in such a manor as to provide natural surveillance of the streets. The layout also reflects the need to retain the best trees on the site. Parking is provided either in communal car parks at the rear of the property or in rear gardens. Where this is not practical the car park is either well screened with landscaping or in the case of parking spaces in front of houses broken up by properties with garages or soft landscaping.

Conversion of the Listed Buildings - the conversion works have been the subject of lengthy discussions between the developers and officers. The current scheme manages to blend the retention of the majority of the historic fabric of the buildings with modern interventions in the form of the "pods" within the large voids and the new entrance and balconies in the cruciform building and the modest extensions to the lodges. Some further work is required in relation to the "pod" design. This approach has enabled a high quality scheme to be produced that will ensure the future of the listed buildings, and in doing so has managed to provide imaginative houses as well a flats.

Design of the new buildings - The proposed new buildings are designed as a modern interpretation of the traditional houses found in West Didsbury. Whilst clearly being modern in their appearance they pick up on traditional features such as bays, pitched roofs and gables. Overall the architecture is less cuttings edge than that in the earlier schemes forming Didsbury Point and all the better for it. The design of the new buildings is considered to be very good.

Car parking - all the accommodation is provided with a single off-street parking space, with the exception of the 17 properties with an integral garage which will have two spaces. This approach is in line with Government guidance and the city Council's current practice.

Highway Works - the Head of Engineering Services is currently in discussions with the applicants regarding the need to improve Nell Lane as it approaches its junction with Burton Road. If such works are deemed to be necessary they would form part of the 278 agreement for off site highway works together with any other required improvements.

## List No. 5

Trees - it is understood that several trees on the site were lost to the recent strong winds. At the time of writing the precise details are unknown. As submitted the proposed development involved the loss of some 91 trees on the site, the majority of which were mature and in fair condition. The scheme retains 30 trees including the best specimens and provides for the planting of a further 265 trees and 420 Birch whips. Approximately 75% of the proposed houses would have a tree in either the front or rear garden. The Council's tree strategy looks to achieve a net increase of 10% in terms of the replacement of trees lost to development. This scheme achieves an almost 200% increase. Whilst a small number of trees, 13, are to be lost due to their condition, the remainder are lost to enable the building works to take place. The trees were randomly placed around the site, if they were to be retained, the need to provide a substantial amount of parking for the conversion of the retained building into 135 residential units, would have resulted in the development of a large surface car park broken up with randomly placed trees, which would be detrimental to the setting of the listed buildings and the conservation area. The loss of 14 trees will enable the construction of the two tier parking area. Whilst the loss of such a large number of trees is regrettable it needs to be balanced against the need to achieve a development in the site that is appropriate to the setting of a listed building, and the loss will be compensated for by the large number of replacements proposed. The developers have been asked to introduce several landmark trees into the planting scheme. Comments are awaited. A condition is proposed that would require the developers to include in the sale particulars a notice advising the purchasers that the trees are protected by a planning condition and cannot be removed for

Ecology - the applicants ecological survey has indicated that there are bat roost on the site, together with house martins. There will also be other birds nesting within the site. The detailed comments of the Greater Manchester Ecology unit have yet to be received, however, these species are protected by statutes other than planning and it is therefore proposed to condition any planning permission to require the developers to submit ecological surveys throughout the life of the development and also to provide replacement roost/nests.

Contamination - The applicants have submitted a contamination survey for the site. No abnormal contamination has been identified, however the detailed comments from the Contaminated Land Section are awaited.

Boundary treatments - The precise details of the treatment of the perimeter boundaries is awaited, though the applicants have indicated that they will retain the existing where practical. Elsewhere within the site low railings or hedges will delineate front gardens. Elsewhere, higher railings will be used around car parking areas with solid fences to private areas. Low plinths will be provided to prevent litter being blown into the site and provide a crisp edge. Overall the principle is considered acceptable and a condition is proposed to address the detail.

Landscaping - a comprehensive landscape scheme has been submitted which addresses both the setting of the Listed buildings and the new housing. An appropriate condition is proposed regarding its implementation.

Residential Amenity - the scheme has been design to provide natural surveillance of public areas and yet not cause a loss of privacy by overlooking adjacent properties either within or outside the site. Similarly there will be no

## List No. 5

undue overshadowing from the taller buildings. Overall there should be no loss of amenity arising from the development.

Impact on the Conservation Area - the proposed development adjoins part of the western boundary of the Albert Park Conservation Area. The high quality of the design of the proposed new buildings and retention of the Listed buildings and structures will have a positive affect on the Conservation area and in particular improve views in to it along Nell lane.

Refuse Storage - the refuse requirements of the development have been discussed with the City Council's Sustainability officer. Purpose built bin stores are provided for the new flats whilst all the houses will be able to store their bins in the rear garden. As mentioned earlier refuse storage will be provided within the listed buildings and will be supervised by a janitor.

Cycle Storage - dedicated cycle storage will be provided for all the flats with a total capacity of 180 cycles.

Section 106 Agreement - this is a large development and it has been recognised that it will have an impact on local facilities and infrastructure. To that end the developers have agreed to enter into a legal agreement under Section 106 of the Town and Country Planning Act. Whilst negotiations are ongoing at this stage it is envisaged that the agreement will cover such areas as play education, environmental improvements, public transport and local labour.

Conclusion - The constraints imposed on this site by the requirement to retain and bring back into use the listed buildings make it an extremely difficult proposition. During the life of the application all aspects of the scheme has been the subject of a great deal of discussion and amendment. The Head of Planning believes that whilst the precise details of the S106 have yet to be agreed, the scheme currently before the committee represents a well designed and balanced proposal that preserves the listed buildings in a way that will ensure their survival for many years to come, balance with stylish modern housing that will introduce a wide range of accommodation to the local housing market . Finally all this is achieved whilst improving the setting of the adjacent Conservation Area.

**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

## List No. 5

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 signing a S106 agreement in relation to Local labour, play, education, public transport and environmental improvements and the resolution of outstanding highways issues.**

On the basis that the proposal is in accord with the City Council's unitary Development Plan in particular policies DB1, H1.2, H2.2, H2.7, E1.5, E1.6, E2.3, E2.7 E 3.5, T1.2, T2.2, T3.1,T3.7, DC7, DC16, DC18 and DC19 of the Unitary Development Plan for the City of Manchester and the Guide to Development In Manchester 2

### 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 drawings numbered , stamped as received by the Local Planning Authority on , unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to policies WB1, H1.2, H2.2, H2.7, E1.5, E1.6, E2.3, E3.5, E3.7, T1.2, T3.1, T3.7, DC7, DC16, DC18 and DC19 of the Unitary Development Plan for the City of Manchester .

3) Construction of the works hereby approved by this permission shall not take place until samples and specifications of the 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 pursuant to policies WB1, H1.2, H2.2, H2.7, E1.5, E1.6, E2.3, E3.5, E3.7, DC16, DC18 and DC19 of the Unitary Development Plan for the City of Manchester .

## List No. 5

4) The landscaping scheme approved by the City Council as local planning authority shown on drawing ref \*\*\*\*\* , shall be implemented not later than 12 months from the date of commencement of works. No trees shall be removed and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted unless otherwise agreed in writing by the City Council as local planning authority.

### Reason

To ensure that a satisfactory landscaping scheme for the development is carried out pursuant to policies WB1, H1.2, H2.2, H2.7, E1.5, E1.6, E2.3, E3.5, E3.7, DC7, DC16, DC18 and DC19 of the Unitary Development Plan for the City of Manchester .

5) In this condition "retained tree" means an existing tree on site which is to be retained and a tree on a neighbouring site whose root structure extends into The site as shown on plan number ..... and any replacement tree planted under paragraph (c) below; and paragraphs (a), (b) and (c) below shall have effect until the expiration of 1 year from the date of first occupation of the building hereby approved.

(a) No retained tree shall be cut down, uprooted or destroyed.

(b) No retained tree shall be topped or lopped other than in accordance a scheme (which is in accord with British Standard 5837:2005) previously approved in writing by the City Council as local planning authority and following the City Council's previous written approval.

(c) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place as soon as reasonably possible and that tree shall be of such size and species, as may be specified in writing by the City Council as local planning authority.

(d) All retained trees shall be protected in accordance with a scheme (which is in accord with British Standard 5837:2005) previously approved in writing by the City Council as local planning authority before any equipment, machinery or materials are brought on to the site. The approved protection 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 City Council as 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 pursuant to policies pursuant to policies WB1, H1.2, H2.2, H2.7, E1.5, E1.6, E2.3, E3.5, E3.7, DC7, DC16, DC18 and DC19 of the Unitary Development Plan for the City of Manchester

**List No. 5**

6) An annual programme of ongoing protected species surveys shall be submitted to, and approved in writing by the City Council as the local planning authority. The programme, approved annually, shall identify the protected species to be surveyed in the following twelve months, the objectives of the surveys and shall set out the methodologies to be used and the procedures for reporting to the planning authority the survey results. The results of all surveys shall be utilised as baseline information in relation to specific mitigation works.

Reason - The ecological survey submitted with the application has identified the existence of bats and house martins on the site. The implementation of ongoing protection surveys would ensure that there would be adequate protection measures in place during construction and to comply with policy E2.3 of the Manchester UDP.

7) No part of the development hereby permitted (such works to include the demolition of built structures) shall commence until details of a permanent bat roost, as part of the approved development and associated lighting scheme have been submitted and agreed with the Local Planning Authority. The permanent bat roost and lighting scheme should then be installed in accordance with the agreed design, unless otherwise agreed in writing with the Local Planning Authority.

Reason; To provide a replacement roost for bats a European Protected Species (Habitats Regulations 1994) and to comply with policy E2.3 of the Manchester UDP.

8) Before the development hereby approved commences a scheme for new nesting provision for house martins shall be submitted to and approved by the City Council and the approved scheme shall be implemented in full.

reason

To ensure that new nesting provision is provided to replace existing nests/nesting sites that are lost to the development pursuant to policy E2.3 of the Unitary Development Plan for the City of Manchester

9) Facilities for the storage and disposal of refuse and recycling as shown in plans numbered .....shall be provided to the satisfaction of the City Council as local planning authority prior to occupation of any phase of the development and shall remain in situ whilst the site is in use.

Reason

In the interests of amenity and public health, pursuant to policy H2.2 of the adopted Unitary Development Plan of the City of Manchester.

10) The development hereby approved shall not be occupied unless a Building Research Establishment Environmental Assessment Methodology (BREEAM) rating has been awarded by an assessor licensed by the Building Research Establishment in respect of all buildings comprised in the development.

Reason - In the interests of minimizing the environmental impact of the development, pursuant to Manchester Unitary Development Plan policy

## List No. 5

pursuant to policies E1.5 and E1.6 of the Unitary Development Plan for the City of MAnchester.

11) The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to achieve the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those measures are to be provided to the City Council, as the Local Planning Authority.

Reason - In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in PPS1 "Delivering Sustainable Development".

12) All vehicles entering and leaving the site during the construction period are to pass through a wheel wash. Details of the wheel wash shall be submitted to and approved in writing by the City Council as local planning authority prior to the development commencing.

Reason

To ensure that the proposed development does not cause unacceptable amounts of dust in the vicinity and to ensure that local roads are kept clear of mud pursuant to policy H2.2 of the Unitary Development Plan for the City of MAnchester.

13) 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 car parking for the development proposed when the building is occupied pursuant to policies DB1 and H2.2 of the unitary Development Plan for the City of Manchester.

14) Notwithstanding the provisions of Article 3 of Part 1 of Schedule 2 or as subsequently amended to, the Town and Country Planning General Development Order 1995 (as amended), no garages or extensions shall be erected other than those expressly authorised by this permission.

Reason

To protect the amenity of adjoining properties from the adverse impact of extensions pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester

15) Notwithstanding the provisions of Article 3 of, and Class A of Part 1 of Schedule 2 to, the Town and Country (General Permitted Development) Order

## List No. 5

1995, the garage accommodation hereby approved, as part of this development shall not be converted into living accommodation without the express written permission of the City Council as local planning authority.

### Reason

The loss of garage parking space would result in an unacceptable increase in on-street parking and would thereby be detrimental to highway and pedestrian safety pursuant to policy H2.2 of the Unitary Development Plan.

16) No trade or business shall be carried out in the garage because the use of the garage for trade or business purposes would require a separate grant of planning permission.

### Reason

The use of the garage for any use other than ancillary to residential use would constitute development requiring planning permission pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

17) Development shall not begin until details of the off-site highway works and Road Traffic Orders have been approved in writing by the City Council as local planning authority. The development shall not be occupied until the works and orders have been implemented in accordance with the approved details.

### Reason

To ensure that satisfactory access is provided from the public highway to the proposed development in the interests of the safety and convenience both of those using the development and those using the highway pursuant to policies E3.5 and H2.2 of the Unitary Development Plan for the City of Manchester.

18) The applicant shall, with regard to television reception in the area containing the application site, provide the City Council as local planning authority with studies that:

a) Identify, before the development commences, the potential impact area in which television reception is likely to be adversely affected by the development. The study shall be carried out either by the Office of Communications (Ofcom), or by a body approved by Ofcom and shall include an assessment of when in the construction process an impact on television reception might occur.

b) Measure the existing television signal reception within the potential impact area identified in (a) above before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Office of Communications, and shall include an assessment of the survey results obtained.

c) Assess the impact of the development on television signal reception within the potential impact area identified in (a) above within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the City Council as local planning authority in response to identified television signal reception problems within the

## List No. 5

potential impact area. The study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out in (b) above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception, as advised in Planning Policy Guidance Note 8: Telecommunications.

19) The details of an emergency telephone contact number(s) shall be displayed in a publicly accessible location on the site and shall remain so displayed unless otherwise agreed in writing by the City Council as local planning authority.

Reason

In the interests of local amenity pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

20) The basement 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 car parking for the development proposed when the building is occupied pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

21) Before development commences, a full photographic record of the site and the building (internally and externally) including all areas where physical changes are proposed, shall be submitted to and approved in writing by the City Council as local planning authority.

Reason

To provide a record of any archaeological remains and of the listed building's appearance and condition before works commence pursuant to policy Dc19 of the Unitary Development Plan for the City of Manchester..

22) The boundary treatment for each phase shown on the drawings numbered ..... stamped as received by the Local Planning Authority on ....., shall be carried out to the satisfaction of the City Council as local planning authority prior to occupation of each phase and using the materials identified in condition 5 above, unless otherwise agreed in writing by the City Council as Local Planning Authority.

## List No. 5

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, pursuant to policies H2.2, H2.7, E3.3, E3.5, DC18 and DC19 of the adopted Unitary Development Plan of the City of Manchester.

23) The enclosure of the private areas within the development, specifically the gates and locking devices, shall be installed prior to the occupation of any of the dwellings in that phase and maintained to the satisfaction of the City Council as local planning authority.

Reason - To ensure that the appearance and security 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 pursuant to policy H2.2 of the Unitary Development Plan of the City of Manchester.

24) Before the development of any phase is commenced, plans and particulars of an acoustic attenuation scheme to be installed as part of the development shall be submitted to and approved in writing by the City Council as local planning authority. The scheme shall include plans and particulars of all acoustic glazing and acoustically treated ventilation to be installed as part of the development in order to mitigate traffic noise. The development or phase of the development shall be carried out in accordance with the approved scheme.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policy H2.2 of the adopted Unitary Development Plan of the City of Manchester.

25) The development shall not be commenced until plans and particulars of street furniture, bus stops and street lighting in respect of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved plans and particulars have been implemented to the written satisfaction of the City Council.

Reason - To ensure that the appearance and security 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 pursuant to policy H2.2 of the Unitary Development Plan of the City of Manchester.

26) Before the development is commenced plans and particulars of the energy efficiency and renewables measures that are to be installed as part of the development or phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans and particulars.

Reason - In the interests of minimising the impact on the environment of the building, pursuant to Policies E1.5 and E1.6 of the adopted Unitary Development Plan for the City of Manchester.

27) Before the development is commenced, plans and particulars of the technologies that will contribute to at least 10% of the energy consumption of the total site that are to be installed as part of the development, shall be submitted to and approved in writing by the Local Planning Authority. The

## List No. 5

development shall be carried out in accordance with the approved plans and particulars.

Reason - To reduce non-sustainable energy usage in the site and to ensure energy conservation in accordance with policies E1.5 and E1.6 of the adopted Unitary Development Plan of the City of Manchester and RPG 13.

28) Before the development commences, an external lighting scheme (including the roads, landscaped areas, pedestrian routes, carparking areas, security gates) during the period between dusk and dawn to be installed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied unless otherwise agreed in writing by the local planning authority.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development pursuant to policies H2.2, E3.3 and E3.5 of the Unitary Development Plan of the City of Manchester.

29) No building hereby approved shall be occupied until that part of the road network which provides access to it has been constructed in accordance with drawing .....and all public highways shall be constructed to the satisfaction of the City Council as local planning authority and adopted by the City Council within 12 months of the first occupation of the building.

Reason - To ensure the uses on the site are accessible via an adequate road network within the site pursuant to policy T2.2 of the Unitary Development Plan of the City of Manchester.

30) The development shall not be occupied until the traffic calming in respect of the development shown on drawing..... have been implemented.

Reason -

To provide a safe traffic environment for residents and visitors within the site pursuant to policies H2.2, T2.1 and T2.2 of the Unitary Development Plan of the City of Manchester.

31) Prior to occupation of the development the applicant shall fund and construct in accordance with a scheme submitted to and approved by the City Council the improvement of Nell Lane at the junction with Burton Road

Reason -

To provide improved conditions for pedestrians pursuant to policies H2.2 and T2.1 of the Unitary Development Plan of the City of Manchester.

32) All aspects of the development shall conform with the City Council's Design for Access 2 document in providing disabled access. The approved details shall be satisfactorily implemented before the development is first brought into use.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of the Unitary Development Plan for the City of Manchester

## List No. 5

and the Disability Discrimination Act 1995. However, in approving the relevant drawings, the City Council as the local planning authority does not hereby give any warranty that the provisions of the Disability Discrimination Act 1995 have been complied with.

## 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: 080297/FO/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:**

Approximately 1,200 properties surrounding the application site were sent notification letters.

Highways Agency  
Greater Manchester Ecology Unit  
West Didsbury Residents Association  
Environment & Operations (Refuse & Sustainability)  
Environment & Operations (Trees)  
Greater Manchester Police  
Greater Manchester Passenger Transport Executive  
Regeneration South  
Head of Environmental Health  
Head of Environmental Health  
English Heritage (NW Region)  
Head of Engineering Services  
Chief Executive's Landscape Practice Group

### **Representations were received from the following third parties:**

3 Leamington Avenue  
8 Tintern Avenue  
91 Tintern Court x2  
Siemans Nell Lane  
2 e-mails with no address given  
West Didsbury Residents Association

**Relevant Contact Officer:** : Dave Morris  
**Telephone No.** : (0161) 234 4539  
**Email** : d.morris@manchester.gov.uk