

Application Number	Date of Appln	Committee Date	Ward
111419/JO/2016/S2	18th Mar 2016	2nd Jun 2016	Didsbury West Ward

Proposal Variation of Condition No.2 (specified plans) and 8 (details of Green Roof) attached to application 077757/FO/2005/S2 for the erection of new building 8.43 metres high adjacent to 5A Parkfield Road South to accommodate 2 double and 1 single tennis court with associated landscaping following demolition of existing indoor court building. The change to the specified plans condition would see the building not being sunk into the ground and the removal of the green roof to be replaced by a sheet metal roof with photovoltaic panels.

Location Northern Lawn Tennis Club, Palatine Road, Didsbury, Manchester, M20 3YA

Applicant Mr Neville Hewer, C/O Agent

Agent James Ashford, NJL Consulting, Unit 8 Ashbrook Office Park, Longstone Road, Heald Green, M22 5LB

Description

Application 077757/FO/2005/S2 was approved at Planning and Highways Committee on the 25th June 2009. The decision notice was dispatched on the 13th June 2012 following signature of the Section 106 agreement. Condition One required that the development began before the 13th July 2012. The description of development approved was for the erection of new building 8.43 metres high adjacent to 5A Parkfield Road South to accommodate 2 double and 1 single tennis court with associated landscaping following demolition of existing indoor court building, subject to appropriate conditions and the signing of a Section 106 agreement committing the Northern Lawn Tennis Club to a Community Use Agreement, and ensuring the implementation of the Green Roof and Landscaping.

The application is extant, due to a commencement of works on site and the discharge of pre-commencement conditions.

Permission is now sought to vary conditions 2 (specified plans) and 8 (full details of green roof) attached to the abovementioned consent to:

- Not sink the building 2m into the ground

The applicant states that the building is no longer required to be a certain height, as previously required by the Lawn Tennis Association. They state that the sinking of the building has affected the viability of the scheme.

The resulting building would be no taller than that previously approved above ground level, measuring 8.43m in height. The footprint of the building would be the same, albeit that the large access ramp to the front would be removed, as there would now be level access. The sunken escape path to the elevation facing No. 5a Parkfield Road South would also be removed. The applicant states that this would provide more opportunity for landscaping.

- Not provide the green roof approved in favour of a non-reflective sheet metal roof in grey with photovoltaic panels (to be fitted in strips, flush with the roof).



- The S106 legal agreement associated with the original application references the green roof and the financial contribution associated with this for works to be undertaken. The applicant states that if the Local Planning Authority were minded to Approve the application a Deed of Variation would be undertaken to update the S106 prior to the determination of the application in order to remove this obligation. The community use would be kept as set out within the original S106.

The application site is at the Northern Lawn Tennis Club, which is located at the junction of Palatine Road and Lapwing Lane in a predominantly residential area of West Didsbury. The site lies within the Blackburn Park Conservation Area which was designated in December 1979.

The approved development would see the demolition of an existing red brick building which is covered in ivy and stands to the south west of the Northern Lawn Tennis Club site, housing one indoor double tennis court and some changing facilities.

The properties nearest to the development lie on Parkfield Road South, Blackburn Gardens and Elm Road.

The existing building on site measures 11.5m high to the ridge (9.6m to eaves). The footprint measures 17.9m depth by 43.6m width (780.44m²), the gable of 5a Parkfield Road South is c. 1.7m from the existing building.

The proposed building would measure 8.43 metres high, moving the building 5.075m from the shared boundary with 5A Parkfield Road South, the footprint of the building would be larger than the existing building measuring 37.7m depth by 44.15m width (1,664.45m²), bringing the building to within 5m of the boundary with properties to the north side of Elm Road and within 10.475m with the shared boundary with properties on Blackburn Gardens to the north east.

The proposed two double and one single tennis court building would be constructed using red brindled clay facing bricks, with green metal cladding, translucent cladding panels used at the gable apex and the non-reflective sheet metal roof in grey with photovoltaic panels (to be fitted in strips, flush with the roof).

The main entrance into the proposed building would be off the existing service/access area. However the proposal is to gate the existing vehicular entrance from Parkfield Road South, allowing only access for emergency vehicles (those capable of using this access, larger emergency vehicles gaining access from Elm Road), making the access for the users of the facilities from the main club building accessed off Palatine Road.

Consultations

This planning application has been advertised as affecting the Blackburn Park Conservation Area. Site notices have been displayed.

At the time that this report is being written **42 objections** have been received on the basis that:

- The building without the green roof is considered to cause harm. It cannot possibly preserve or enhance the character or appearance of the Blackburn Park Conservation Area in accordance with the requirements of Policy EN 3 of the Core Strategy Development Plan, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Policy 18.1 of the UDP as well as the criteria set down in the National Planning Policy Framework and Guidance (Section 12).
- There is an existing similar building in a different location on the Northern Lawn Tennis Club site which has caused harm to the character of the Blackburn Park Conservation Area.
- The large "Industrial" metal roof will be visually intrusive to neighbouring properties. Domestic properties would not be allowed to use this material for their extensions / outbuildings.
- The addition of unsightly solar photovoltaic panels (from which there may be reflective glare) is a diversionary tactic which fails to mitigate the loss of the green roof.
- The original approval was on the basis of significant improvements to the originally submitted scheme, subject to conditions, to mitigate the impact of the scheme upon the Blackburn Park Conservation Area. This application applies to remove those conditions, which is unacceptable.
- If the building can be built to a lesser height, could the building not still be sunk into the ground to reduce the impact of the scheme upon the Conservation Area.
- Mature tree will have to be thinned to allow sunlight to the solar photovoltaic panels, which will make views of the proposed roof more prominent and unneighbourly.
- The club did not engage with the community prior to submitting this application.

Comments have also made in relation to the loss of Lawn Tennis Association funding, the original principle of need for the building, the ability to offer community

use associated with the building, the Clubs history of development within the community and the residential amenity implications of the scale of the building.

These objections will be addressed within the Issues section of this report.

Thus far 34 expressions of **support** have been received on the basis that:

- The development is appropriate in the Conservation Area having regard to the existing building on site.
- The development will provide access for the community and will enrich the local school and community programmes to the benefit of health objectives.
- The introduction of photovoltaic panels shows a high level of environmental awareness which should be supported. Reference has been made to the proposed building being more environmentally friendly than the existing.
- The building proposed will be lower than the existing building on site.
- The scheme no longer requires excavation, which will reduce disruption during the construction period.
- The landscaping arrangements have taken into account the neighbours most affected.
- The building is more affordable without the green roof.
- The club and the existing building were in existence prior to the Conservation Area status being established.

These expressions of support will be addressed within the Issues section of this report.

West Didsbury Residents Association – The planning proposal eventually permitted by consent 077757 was the subject of wide ranging and protracted debate. Negotiations over building massing, area, height and precise building location resulted in modification of proposals intended to reduce the impact on neighbouring residents. Modifications included a small repositioning of the building, sinking of the building below ground level, additional landscaping and provision of a green roof. There were also protracted negotiations over a s106 agreement covering community use and much correspondence with the LTA whose approval for building design was a key prerequisite to the achievement of grant funding.

Notwithstanding continuing objections from WDRA and others the application finally gained planning consent in 2012. Specifically consent covered:

Erection of new building 8.43 metres high adjacent to 5A Parkfield Road South to accommodate 2 double and 1 single tennis court with associated landscaping following demolition of existing indoor court building.

Amended Proposals

Two significant changes are now sought, together with certain amendments to planting proposals:

Floor level of proposed building

The amended building would no longer be sunk below ground level, but a reduced building height would result in the same above ground height. The previously necessary ramped access way would no longer be required. WDRA do not have any problem with the changed building configuration.

Loss of green roof and incorporation of solar PV panels

The reason given for approval of 077757 is as follows:

The proposed development, by reason of its design, Green Roof and landscaping would enhance the visual amenities of the Blackburn Conservation Area of which the site forms a part and would not materially harm residential amenity in the locality, in accordance with Policies DC18.1, and H2.2 of the Unitary Development Plan for the City of Manchester, Policies SP1, DM1 and EN3 of the emerging Core Strategy, and the National Planning Policy Framework.

Omission of the green roof therefore removes an important element of justification advanced in support of the extant approval. The proposed amendment 111419 offers no alternative building treatment such as to enhance the “visual amenities of the Blackburn Park Conservation area”, and not “materially harm the residential amenity in the locality”.

Although the incorporation of solar panels are alluded to at several points within the text of the present application, this does not seem to be supported by any dimensioned drawings.

We are left to speculate how much the proposed solar panels would change the appearance of the building.

Changes to proposed planting of Trees and other plants

WDRA welcome the proposed planting of additional 8 silver birch trees due to the sunken access ramp being now redundant. We also welcome the proposal for virginia creeper to be planted up the two building elevations facing Blackburn Gardens and the all weather courts, although we would point out that being deciduous these would shed leaves over winter.

Impact upon neighbour amenity

The question here is whether the planting of virginia creeper and additional trees would be adequate to compensate for loss of a green roof originally intended to “enhance the visual amenities” of an unattractive hangar shaped building.

Impact upon Conservation Area

It continues to be WDRA's view that both existing and proposed buildings are inappropriate in a conservation area. The building already permitted is totally out of keeping with its surroundings in terms of design, size and materials. However in view of the extant consent all that can now be considered is whether, taking into account landscaping changes, the new structure would have a less or more negative appearance than the already permitted building.

Nesting Bird Protection

WDRA wish to flag up the presence of nesting birds in conifers and ivy proposed for removal.

Conclusions

This planning application seeks amendments to a previously consented proposal to which which WDRA had objected. We accept (while not agreeing with) the decision arrived at for 077757.

The draft s106 agreement submitted in support of the present amendment continues to refer to the now to be omitted green roof. We presume a revision of this will be necessary.

WDRA also presume that any new consent would replicate the conditions attached to the 077757 decision.

In addition we request an additional condition requiring installation of grills or mesh suitable to prevent access to the building by birds and bats through ventilation panels shown at the apex of the building so as to safeguard the welfare of birds and bats.

WDRA do not see the sought amendments as materially worsening the visual impact of the approved building. However we would expect to see full details of the

proposed solar panels and requested bird protection grills or mesh before expressing any formal view on this present proposal 111419.

Blackburn Park Conservation Society -

1. Despite serious concerns of many residents, the Northern Lawn Tennis Club was granted permission in 2009 to build an indoor tennis court within the Blackburn Park Conservation Area subject to 17 strict conditions.
2. Two absolutely KEY conditions were:
 - a. That the building be sunk down by 2 metres to reduce the above ground height to 8.43 metres.
 - b. That the building should have a 'green roof' to minimise the damaging impact of the scheme on the conservation area. This proposal was originally made by the club.
3. The club now wants to renege on its commitments. It doesn't want to dig down by 2 metres and it wants to replace the green roof with a sheet metal one, which will cause great harm to the locality. On behalf of the Blackburn Park Conservation Society, representing many local residents, I am writing to ask for your support in ensuring that this application is not accepted in its present form.

The history to date

Probably you know that the club made its original application at Easter 2005. The Planning Department deemed it unacceptable as it would cause great harm to the Blackburn Park Conservation Area. There were many objections to the proposal from local residents, having seen the detrimental impact of the existing two court hall at the Fog Lane end of the site. By June 2009, the scheme had been significantly upgraded and modified. Many residents still opposed it because of the impact on the Conservation Area and the close proximity of the proposed building to numerous residential properties on Palatine Road, Parkfield Road South and Elm Road.

This is a massive building

The simulation at the top of the page shows what the club wanted to inflict upon the conservation area. Thankfully, the planners made them scale it down slightly by sinking it down by 2 metres and by moving it a little further away from adjacent properties. But, make no mistake, this is still huge, a warehouse type shed, the size of a supermarket with the biggest roof in Didsbury – and smack in the centre of the conservation area!

Key issues – planning applications in conservation areas

You will know that, with regard to conservation areas, Planning Officers have a DUTY to consider:

1. Mass – applications must be appropriate in terms of overall mass and volume. This is clearly not.
2. Over-development – this is a quart in a pint pot, massively too large for the site.
3. Heritage – this is inappropriate with regards to the character of the conservation area, even with the green roof. A sheet metal roof would be a disaster; no other significant building in the locality has a sheet metal roof – except the existing 2 court hall which is an eyesore.
4. Proximity – this is so close to the adjacent house that it completely overwhelms it.
5. Style – this is an industrial building, using industrial materials; it has no place in a conservation area.

6. Landscaping – this application is heavily dependent on landscaping. Sadly, the Northern has form on landscaping; it didn't happen in accordance with the original planning conditions on the existing 2 court hall and it probably won't happen this time.

Planning Permission was granted in 2009

Despite the very significant opposition from residents, the Planning Committee of the day granted planning permission in June 2009. However, mindful of the legitimate concerns of residents, it imposed a number of strict planning conditions and secured them in a Section 106 agreement. These included:

1. That the building be sunk down into the ground by 2 metres reducing the above ground height to 8.3 metres.
2. That a significant landscaping scheme be carried out.
3. That a Green Roof be installed in order to reduce the detrimental impact of the enormous roof on the conservation area and residential property.
4. That a bond be lodged with Manchester City Council to ensure that the club met its obligations, especially those concerning the green roof and landscaping, without running out of money.

It seems that the Lawn Tennis Association is not prepared to support the approved scheme

Seven years on, the club has been unable to finance the scheme. It seems that the Lawn Tennis Association (LTA) is unwilling to provide sufficient support to fund it. If this were not so, it would have been built by now. Clearly, this has given rise to the application to vary the planning conditions so that the cost might be reduced.

The Northern could reduce the above ground height from 8.43 metres to 6.43 metres to reduce further the impact on the conservation area – but is choosing not to do so! We're told that the LTA has agreed that the internal height of the building may be reduced by 2 metres from 10.43 metres to 8.43 metres. The Northern is now claiming that sinking down is not necessary and is applying for permission to not do so. For reasons of cost reduction, it is throwing away the opportunity to significantly reduce the awful impact of this building on the conservation area by reducing the above ground height to 6.43 metres. Back in 2009, the Planning Committee considered requiring the building to be sunk down by 4 metres to give an above ground height of no more than 6.43 metres. It chose not to do so only because it was considered too difficult to dig down by 4 metres on this site. Now it would be possible to achieve an above ground height of only 6.43 metres but the Northern is more interested in cutting cost than protecting the conservation area.

The Northern proposed the green roof and is now trying to renege on its commitments

Also to reduce cost, which is not a valid planning issue, the applicant has asked that the condition to install the green roof be varied so that the green roof may be replaced by a sheet metal roof with photovoltaic panels. This completely ignores the obligation to preserve, if not enhance, the conservation area as laid down in planning law and why the condition was imposed in the first place. Clearly, the applicant is trying to get round the necessary planning conditions by playing the ecology card. As worthy as that can be, it ignores four key points:

1. The green roof was there to minimise the damage of such a large roof to residents and the conservation area. Had the Planning Committee thought a sheet metal roof would have been acceptable, it would have determined so in 2009.
2. Since the idea of photovoltaic panels was first mooted, government policy has changed and it is quite likely that the club can no longer afford to install them.
3. This is a very large array of photovoltaic panels. Should they be installed, such a large array of photovoltaic panels is very likely to cause nuisance, if not harm, to adjacent residential properties because of direct sunlight being reflected into homes and gardens.
4. The photovoltaic panels are situated along the full length of the ridge of the building. At that height, it will be virtually impossible to screen them with landscaping.

To allow this application would create a dangerous precedent

Cost and affordability are not relevant in planning matters except where publicly owned buildings are concerned. This is not a publicly owned building. It is a building owned by a private members club operating as a limited company. It would create a massive legal precedent if it should be decided that these planning conditions can be varied because the club cannot afford to meet them. One can easily imagine a long line of developers seeking to overturn totally justified planning conditions claiming that they cannot afford to meet them.

The Conservation Society is not against appropriate development

The Society is not against appropriate development at the Northern Lawn Tennis Club. In principle, we have no objection to some planning conditions being varied to reduce cost provided that this does not worsen the impact on the conservation area. The current application does worsen the impact and that is why we oppose it. We asked that a consultation meeting be held with NJL Consulting and the club. This was refused. No consultation has taken place. Had it been, we would have proposed that the club could reduce cost in a way acceptable to the Society by:

1. Sinking the building down by two metres but reducing the internal height to 8.43 metres (as approved by the LTA) which would give an above ground height of 6.43 metres.
2. Replacing the green roof with a tiled roof, not a sheet metal roof, which is much more in keeping with the heritage of the area.
3. Dropping the photovoltaic panels
4. Stepping up the landscaping further with mature trees so that the impact on the conservation area of this enormous building can be reduced as much as possible.

Didsbury Civic Society - Wish to strongly object to this application.

The original application's status is totally compromised by this change in condition. The massing of the building and its appearance was to be mitigated by the green roof. Although the building is slightly smaller the affect on the Blackburn Park Conservation Area is unacceptable and in no way is an enhancement of the area.

Highways - The proposed change to the building does not raise any highway concerns. It is considered that the impacts already assessed and accepted by Highways through planning permission 077757/FO/2005/S2 are not further added to under the proposed change to the building and as such Highways would have no objection to the proposals.

Greater Manchester Ecology Unit - Whilst they have no objections to the removal of Condition 2 in respect of the building not being sunken into the ground. Condition 8 would see the removal of the green roof to be replaced with a sheet metal roof with photovoltaic panels. They would prefer that the green roof be applied, however if this is not possible, have any further biodiversity enhancements been proposed to compensate for the loss of biodiversity of the green roof?

Environmental Health – Recommend conditions related to demolition/construction hours and noise (external equipment insulation).

Greater Manchester Police – Stated that the proposed development should be designed and constructed to Secured by Design standards.

Network Rail – No comments

Manchester Conservation Areas and Historic Buildings Panel - The Panel highlighted the importance of retaining the 'green roof' which had now been omitted from the proposals. The Panel felt that the 'green roof' softened the building and help settle it into the landscape and Conservation Area and asked for it to be reinstated, as without it the proposals will appear as a large industrial warehouse.

The Panel suggested that the photo voltaic panels were acceptable provided the remainder of the roof is a natural green roof as originally proposed.

Issues

Legislative Requirements

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering development within a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area"

Policy

The Development Plan consists of:

- o The Manchester Core Strategy (2012); and
- o Saved policies of the Unitary Development Plan for the City of Manchester (1995)

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) and sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP

policies and other Local Development Documents as directed by the National Planning Policy Framework (NPPF).

The NPPF requires application to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Manchester Core Strategy Development Plan Document (July 2012)

The relevant policies within the Core Strategy are as follows:

Policy SP1 'Spatial Principles' states that one of the key spatial principles is the emphasis on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment.

All development should have regard to the character, issues and strategy for each regeneration area. In addition, new development will be encouraged that maximises the potential of the City's transport infrastructure, in particular promoting walking, cycling and the use of public transport.

The policy goes on to state that development in all parts of the City should:

- o Make a positive contribution to neighbourhoods of choice including;
- o Creating well designed places that enhance or create character.
- o Making a positive contribution to the health, safety and well being of residents;
- o Considering the needs of all members of the community;
- o Protect and enhance the built and natural environment.
- o Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- o Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

The varied development is considered to be contrary to policy SP1 in that the scheme is not designed in a way that would protect and enhance the character of the Blackburn Park Conservation Area nor does it adequately minimise its impacts on local residents.

Policy EN3 (Heritage) – This policy states that new development must be designed to preserve, or where possible, enhance the historic environment, character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains. Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

The varied proposal has not been designed and set out to enhance the character of the area and the wider Blackburn Park Conservation Area.

Policy DM1 'Development Management' all development should have regard the following specific issues:-

- o Appropriate siting, layout, scale, form, massing, materials and detail;
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area;
- o Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise;
- o Community safety and crime prevention;
- o Design for health;
- o Adequacy of internal accommodation and external amenity space;
- o Refuse storage and collection;
- o Vehicular access and car parking;
- o Effect on biodiversity, archaeological or built heritage;
- o Green infrastructure;
- o Flood risk and drainage.

The original scheme was the subject of detailed negotiation that gave careful consideration to the design, scale and layout of the development and impacts on surrounding residential amenity. The varied scheme is considered to utilise inappropriate materials to the detriment of the amenity of surrounding residential property and the character of the Blackburn Park Conservation Area.

For the reasons given above, it is considered that the proposal is contrary to policies contained within the Core Strategy.

Unitary Development Plan (1995)

The majority of the previous UDP policies have been replaced by the Core Strategy, however there are still saved policies that remain extant. The relevant policy for this application is set out below.

Policy DC18.1 (Conservation Areas) - seeks to preserve and enhance the character of its designated conservation areas.

It is not considered that the proposal would preserve or enhance the Blackburn Park Conservation Area.

National Planning Policy Framework. -National guidance can be found in the National Planning Policy Framework (NPPF). The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role (paragraphs 6 & 7).

Paragraphs 11, 12, 13 and 14 of the NPPF outlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan. Paragraph 12 provides: “Proposed

development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”

Paragraph 126 of the Framework stipulates that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 128, requires developers to identify any heritage assets which may be impacted by a proposed development and describe its significance, including any contribution to that significance that may be made by the asset’s setting. The level of detail should be proportionate to asset’s significance and should allow the planning authority to understand potential impacts to that significance. Paragraph 129 states Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation and, the more important the asset, the greater the weight should be.

Issues

Scale and Massing

The scale and massing of the proposed building do not differ from the scheme which gained approval under_077757/FO/2005/S2, which is an extant consent.

The works proposed would not result in any additional impact from loss of light or any additional overbearing appearance above or beyond the existing consented scheme.

For clarification and in response to comments received it is confirmed that the height of the building approved and proposed above ground level is 8.43m.

The Variations – Roof (including Photovoltaic Panels), Sinking and Landscaping

The original proposal involved the installation of a green roof to the whole of the building to reduce the perceived scale and mass of the building and make the building appropriate within the context of the Blackburn Park Conservation Area.

Policy H2.2 of the Unitary Development Plan for Manchester states that the Council will not allow development, which will have an unacceptable impact upon residential areas. Issues to be considered include the scale and appearance of the development.

It was considered in relation to the original proposal that the development would represent an improvement over the presence of the existing building to residents, the proposed building having a lower green roof (albeit over a larger footprint) with landscaping in place to screen the building, subject to appropriate and enforceable conditions.

The proposal, without the green roof and with the introduction of a sheet metal roof with photovoltaic panels set into it, is considered to constitute a large and obtrusive feature that would be visually intrusive to neighbouring residential properties, although it is not considered that there would be glare or undue impact from reflections from the photovoltaic panels that would adversely impact upon residential amenity.

The roofing material selected, when combined with the extent of the roof approved, would be incongruous in the area, with the exception of the existing indoor court building on the Northern Lawn Tennis Club site. The area is characterised by large detached residential properties to Elm Road and large detached houses to Parkfield Road South and Palatine Road, some of which have been converted to apartments. Two developments of mews style properties (Blackburn Garden/Trafalgar Place) lie to the north of the proposal site. All properties are constructed utilising a traditional palette of roofing materials, such as slate and tile.

A roofing solution including photovoltaic panels could be acceptable subject to the overall design.

There is no objection to the building not being sunk as the height of the building above the ground would remain the same. Indeed the lack of disruption during construction associated with excavation works is welcomed. The building would also provide level access without the aid of ramped access.

The lack of the sinking of the building has provided more opportunity for landscaping to screen the building.

A 4-6m hedge is shown to the southern boundary with No. 5a Parkfield Road South, existing trees and hedging to the boundary with Elm Road to the eastern boundary are to be retained and supplemented by the level of tree planting previously proposed. 8 Silver Birch trees have been introduced to the northern boundary with

Blackburn Gardens. Climbers are proposed to the northern elevation which faces into the Northern Lawn Tennis Club site.

However, albeit that there is an improved landscaping offer, views of the roof proposed would still be had from short range and wider vantage points from residential properties on Blackburn Gardens, Trafalgar Place, Parkfield Road South, Elm Road and Palatine Road and within the Blackburn Park Conservation Area. The selection of the metal material is considered to be inappropriate for this Conservation Area, given the scale of the building proposed.

Policy DC18.1 of the Unitary Development Plan for Manchester states that the Council will give particularly careful consideration to development proposals within Conservation Areas, specifically stating that:

a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:

i) the relationship of new structures to neighbouring buildings and spaces;

ii) the effect of major changes to the appearance of existing buildings;

iii) the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);

iv) the effect of signs and advertisements;

v) any further guidance on specific areas which has been approved by the Council.

b. The Council will not normally grant outline planning permission for development within Conservation Areas.

c. Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.

d. Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.

e. Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Demolition is not normally encouraged and when considering applications for demolition the main issue is the preserving or enhancing of the character and appearance of the area in question and the wider effects of the demolition on the buildings surroundings and on the Conservation Area as a whole. When demolition is being considered the new development of the site is also important and should be of at least comparable quality to that which was there before.

No issues have been raised with regards to the loss of the existing building in terms of its contribution to the character of the Conservation Area, which is considered to be neutral, with the benefit of age and the presence of the ivy which screens the building.

The local planning authority have had regard to the documentation submitted with the Planning Application, responses from consultees and residents and have conducted a site inspection.

It was considered that the original development proposal enhanced the appearance of the Blackburn Park Conservation Area, having regard to the condition of the current building on site (which had already been constructed at the time of the Conservation Area being designated), which at best makes a neutral contribute to the character of the Conservation Area and having regard to the design, scale, mass and materials to be used in the proposed scheme.

It was considered that every effort had been made to bed the proposed building into the environment, the building being lowered in height, set into the ground, moved away from the shared boundaries, landscaped and furnished with a sedum roof.

The building proposed would be no higher than the previous approval, the landscaping proposed is improved over that originally offered. However the loss of the green roof and introduction of a sheet metal roof over such a large building would not respect the character of the Conservation Area. Therefore, it is considered that the variation of the approved plans condition would lead to substantial harm to the character of the Blackburn Park Conservation Area.

Funding

The case has been made by the applicant that the variation to the approved scheme would make the scheme financially viable, although no evidence has been provided.

Financial viability of a scheme is a material planning consideration which can be afforded weight. The extant consent would have offered public benefit through the provision of community use secured by virtue of the Section 106 agreement.

However, this public benefit would not outweigh the harm caused by the introduction of the sheet metal roof to the amenity of residents and the character of the Conservation Area.

Conclusion

Reference has been made in the applicant's submission and in letters of support for the proposed scheme to the existing indoor tennis court that was granted consent elsewhere on this site in 1995. This building has a sheet metal roof and some screen

planting, permitted in a time with a less stringent policy constraints, perfectly illustrating the harm that a building of this scale and nature can cause. This building is a greater distance away from residential property and does not benefit from the mature tree screen that the proposed building would, however wider views of the structure can be had from residential property and within the Blackburn Park Conservation Area.

It was with this building in mind that detailed negotiations were undertaken to design a building in this location that would accommodate the needs of the Northern Lawn Tennis Club and respect the residential amenity of neighbouring properties and the character of the Blackburn Park Conservation Area. It took some time to negotiate a solution that was acceptable or accepted by all.

The lack of the sinking of the building is accepted as the building height would remain the same. The improvement to the landscaping offer would be of benefit with regards to offering some screening of the building proposed. However, the loss of the green roof and the introduction of a large sheet metal roof is not acceptable having regard to the residential amenity of neighbouring properties or the character of the Blackburn Park 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 Core Strategy and saved policies of the Unitary Development Plan, the Head of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the 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.

Recommendation REFUSE

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reason for recommendation

Due to the material selected for the roof of the proposed building and the associated loss of the previously-approved 'green roof', the building would form a visually intrusive feature within the area in general, would have an unacceptable impact on the character of the Blackburn Park Conservation Area, and would also be detrimental to the visual amenity of the occupiers of nearby residential accommodation. As such the proposal would be contrary to Policies SP1, EN3 and DM1 of the Core Strategy and Saved UDP Policy DC18 and guidance in the national Planning Policy Framework.

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: 111419/JO/2016/S2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

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

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
South Manchester Regeneration - South SRF
Parks, Leisure & Events
Greater Manchester Police
Network Rail
Greater Manchester Ecology Unit
Didsbury Civic Society
Blackburn Park Conservation Society

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

42 Objections have been received from:

6, 7, 10, 12a, 19, 21, 25, 26, 27, 27a, 29, 31, 33 Elm Road, Didsbury
8, 12, 15 Pine Road, Didsbury
The Coach House, 5a, 6, 7, 12, 8 & 17 Elmwood Lodge – 17, 25, 29 Parkfield Road South, Didsbury
1, 4, 7, 8 Parkfield Lodge, Parkfield Road South, Didsbury
1, 7, Linden Road, 9 Trafalgar Place, 10 Sussex Avenue, 22 Blackburn Gardens, Apartment 6-Woods End-135a Barlow Moor Road, Didsbury

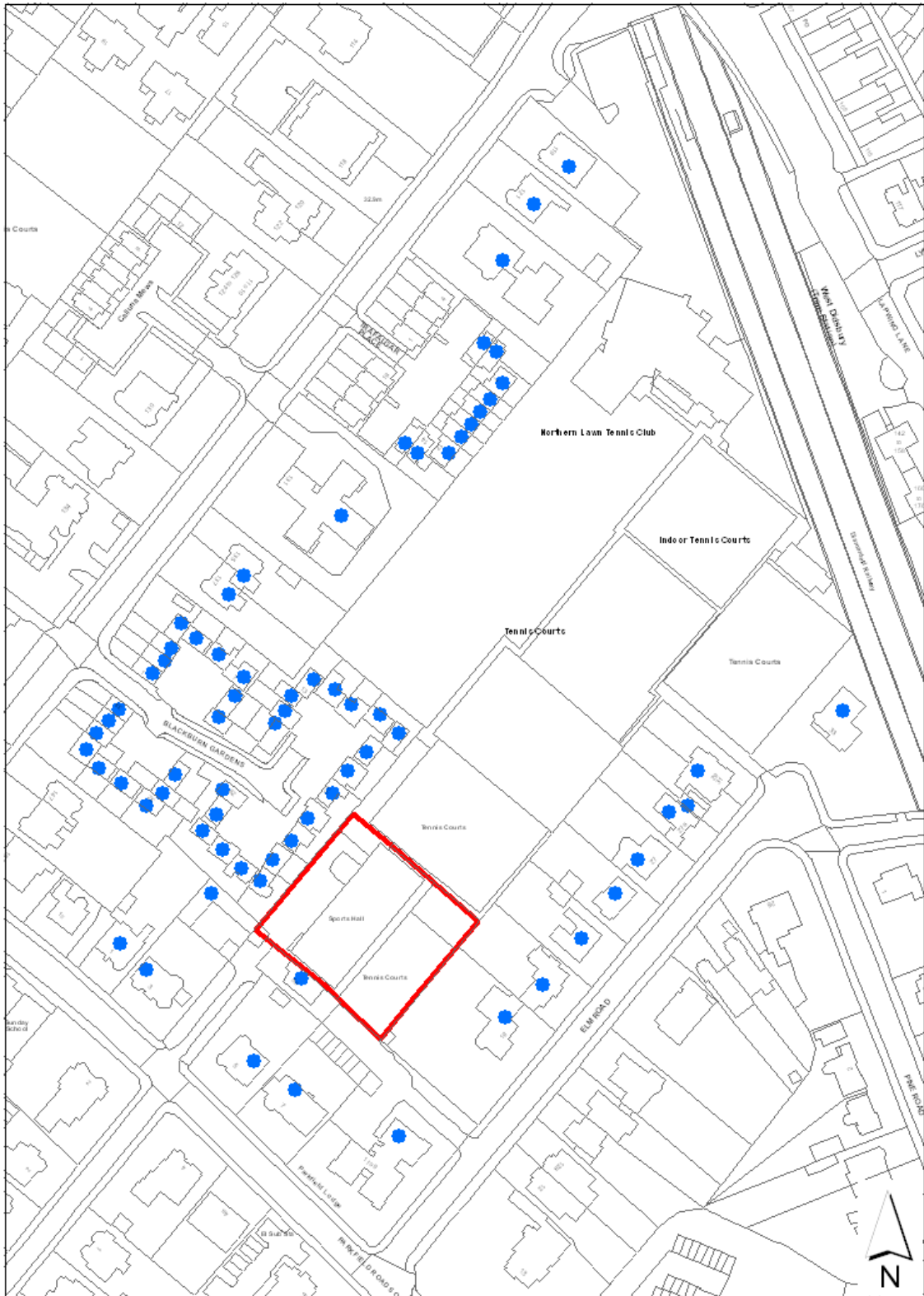
34 expressions of support have been received from:

3 Darley Avenue, 55 Atwood Road, 3 Gordon Place, 33 Pencarrow Close, 600 Wilmslow Road, 20 Ferndene Road, 8 Canterbury Park, 3 Brooklawn Drive,

57 Barlow Moor Court, 2 Kingston Avenue, 27 Sandileigh Avenue, 20 Lyndhurst Road, Flat 4 -19 Palatine Road, 44 Spath Road, 2 Phillip Godlee Lodge – 842 Wilmslow Road, 3 Linden Road, 9 Hesketh Avenue, Flat 3 – 61 Clyde Road, 1 Talford Grove, 34 Deneford Road, 3, Oakfield Road, 11 Trafalgar Place, 18 Trafalgar Place, Apartment 16-Cairncroft, Holme Road, Didsbury
8 Everett Road, 14 Whimberry Way Withington
11 Netherwood Road, Wythenshawe
3 Charles Court, Thorley Lane, Timperley
Manor House, Wilderswood, Horwich, Bolton
30 Longford Avenue, Stretford
23 Winchester Drive, Stockport
Paddock Hill Farm, 46 Hough Lane, Wilmslow

All letters are placed on file.

Relevant Contact Officer : Jennifer Connor
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Email : j.connor3@manchester.gov.uk



 Application site boundary  Neighbour notification
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