

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
134946/FO/2022	21st Sep 2022	16 March 2023	Didsbury West Ward

**Proposal**   Erection of part two, part three storey building to provide 26 no. retirement apartments with associated communal facilities, landscaping, boundary treatments and car parking following the demolition of the existing dwelling

**Location**   Jessiefield, Spath Road, Manchester, M20 2TZ

**Applicant**   McCarthy & Stone Retirement Lifestyles Ltd, C/o Agent

**Agent**       Mr Chris Butt, The Planning Bureau, Unit 3 Edward Court, Altrincham Business Park, Broadheath, Altrincham, WA14 5GL

### **Introduction**

This application was deferred at the meeting of the Committee held on 16th February 2023; members resolved to be 'minded to refuse' the proposal and requested Officers bring a report to a future meeting to address their concerns. The concerns expressed related to:

1. The impact of scale and mass and not addressing the Inspectors conclusion on the previous appeal; and,
2. Lack of on-site car parking provision;

These matters are addressed below:

### **Scale and Mass**

Concerns were raised by Committee around the scale and mass of the proposed development and its impact on the character of the area.

As set out in the Committee report, the current proposal had sought to address these concerns, particularly in the context of the appeal decision and the comments of the Inspector.

As noted in the Committee report, the Inspector found that the scale and mass of the building would represent a dominant structure, particularly sections that were 4-storeys in height. More specifically, the reference made was to the adverse visual effect arising from the most visible element at the Spath Road/Lancaster Road corner.

In response, the scale and mass of the proposed building had been substantially reduced, with the four-storey frontage reduced in height and the dominant gable features removed; the highest part of the building being no more than three storeys. The overall amount of development and footprint had been reduced in all dimensions, resulting in a reduction to the width and depth of the building, increased

articulation to the elevations, involving a variation to the roof ridge height, the inclusion of dormers, recesses and projections to the building.

This issue has been further reassessed on the basis of potential impact on visual amenity but also, and importantly, in respect of the previous Planning Inspectors decision.

Members are advised that the reduced nature and scale of the current proposal responds to the comments of the Inspector and fully addresses the conclusions reached in making that decision. Notwithstanding this, following the concerns raised by Committee at the previous meeting, the scale of the proposed development has been decreased further with the central ridge line to Spath Road lowered by approx. 200mm and the Lancaster Road elevation (as well as the internal facing elevation ridge) being lowered by approximately 650mm.

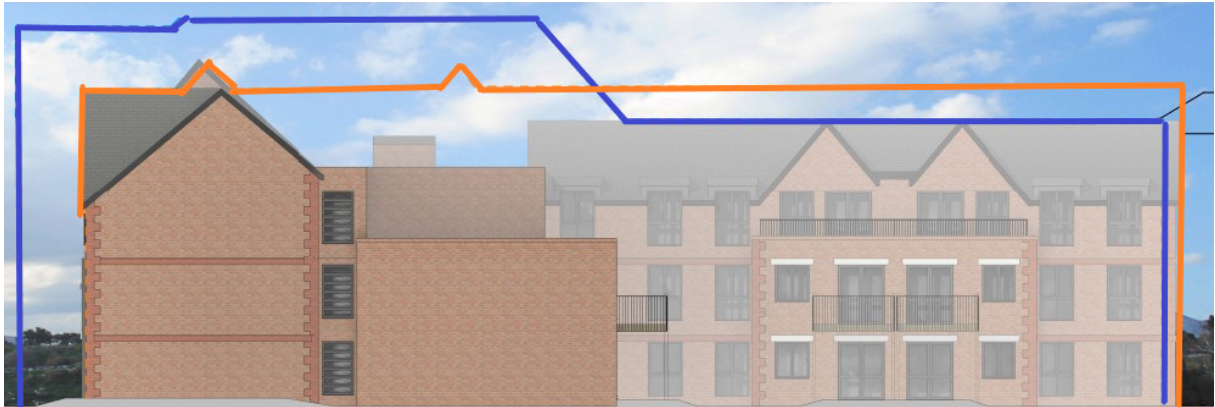
The Inspectors decision is a material consideration and in this instance it is not considered there is a reason for refusal based on scale, height and massing that could be reasonably sustained.



Proposed East Elevation of revised scheme – Blue line indicates building line of previously refused scheme, the orange line shows the building line of the scheme as originally submitted



Proposed North Elevation of revised scheme - Blue line indicates building line of previously refused scheme, the orange line shows the building line of the scheme as originally submitted



**Proposed West Elevation of revised scheme – Blue line indicates building line of previously refused scheme, the orange line shows the building line of the scheme as originally submitted**



**Proposed South Elevation of revised scheme – Blue line indicates building line of previously refused scheme, the orange line shows the building line of the scheme as originally submitted**



**CGI of Proposed scheme showing the Lancaster Road elevation**



**CGI of the previously refused scheme from the same viewpoint**

### Parking

Concerns were also raised by Committee about the level of car parking provision; noting there were 20 spaces for 26 retirement apartments which they considered to be insufficient and would have the potential to lead to on-street parking problems.

The level of car parking on the previous refused scheme was also raised both at the Committee at that time and as part of the subsequent appeal. Although a reason for refusal on these grounds was not given, the Inspector did assess the proposed provision and found it to be acceptable.

As Members are aware the ratio of car parking in both the refused scheme and that recently deferred for consideration is the same. However, following the last Committee meeting, the applicant has amended the amount of car parking on site to provide 26 spaces including 2 disabled spaces; this represents a 100% car parking provision. This has been achieved by a minor redesign of the space and not at the expense of landscaping or loss of trees. The applicant has provided additional tree protection information in relation to the revised layout and also confirmed additional tree planting on the site so that whilst 8 trees would be required to be removed from the site and additional 22 trees would be planted as part of the proposals an increase of 3 new trees than originally submitted.

The applicant has also provided information of existing schemes they manage; this indicates that the highest recorded demand (including staff, residents and visitors) is 0.7 spaces per apartment. At 1 space per apartment the proposed level of provision is therefore above their own requirements.



**Site plan extract showing a Revised parking layout with 26 spaces, representing 100% provision**

In terms of parking, there is one regular on-site member of staff (the house manager) on duty during normal working hours during the working week. One space is usually provided for their use if required but most house managers tend to live in the local vicinity of schemes and may not necessarily need a space.

Having regard to the above, it is maintained that the level of proposed parking provision is entirely acceptable in this location and a reason for refusal on the grounds of a lack of car parking could not be reasonably sustained.

### **Executive Summary**

The application is a resubmission following the refusal of planning permission for a similar, but larger development that was subsequently dismissed at appeal.

The current application seeks to overcome the previous reasons for refusal and the conclusions of the Planning Inspector. The redesigned development involves the erection of a part two, part three storey building to form 26 retirement living apartments to be managed by McCarthy and Stone.

Following notification of the application 112 objections have been received, together with a petition containing 67 signatures. Following amendments to the proposal and a further period of neighbour re-notification, a further 47 letters of objection have been received.

### **Key Issues**

-The proposed development relates to retirement living apartments and represents a resubmitted proposal following the refusal of an earlier application for a similar development recently dismissed at appeal.

-The revised proposal seeks to take account of the conclusions drawn by the Planning Inspector during the appeal and is considered to overcome previous concerns surrounding scale and mass.

-The application has been considered by both the Council's Arboriculturalist and Highways Services. No significant issues are raised.

### **Background**

A previous application by the same applicant involving the erection of a part 3, part 4 storey building to accommodate 34 retirement living units (LPA ref: 128018/FO/2020) was refused at the Planning and Highways Committee meeting on 17 December 2020.

The application was refused based on three reasons. Namely:

*1. The scale and massing of the development proposed would cause harm to residential amenity by virtue of providing an overbearing structure that would also give rise to overlooking and loss of privacy to properties on Holme Road, contrary to policy DM1 of the Core Strategy.*

*2. The demolition of the family dwelling house and creation of 34 retirement apartments and the creation of a car park within the front garden, will result in unduly harmful levels of activity and general disturbance from the increase in comings and goings from the development due to increased levels of domestic activity taking*

*place on site. This will lead to an increase in noise disturbance which would cause unacceptable harm to the residential amenity of existing occupants within the surrounding area, which is contrary to Policies SP1, H1 and DM1 of the Manchester Core Strategy (2012), saved policy DC26 of the Unitary Development Plan, the Guide to Development in Manchester (2007) and the National Planning Policy Framework (2019).*

*3. The design of the development constitutes an overly dominant incongruous structure in the street scene to the detriment of the visual amenity and character of the area, by virtue of the height and the extent of the building, contrary to policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework.*

A subsequent appeal was dismissed on 16 March 2022.

The Inspector concluded that the first two reasons for refusal were not justified stating that the scheme “*would not have a significantly detrimental impact on the living conditions of neighbouring occupiers in the surrounding area, particularly through general disturbance and noise, or result in a sense of enclosure and/or loss of privacy to the occupiers of No’s 23 and 25 13’.*

The Inspector however concluded that the third reason for refusal was justified and that the development would have a significantly detrimental impact on the character and appearance of the appeal site and surrounding area as a consequence of the scale and mass of the proposed building and the amount of development proposed.

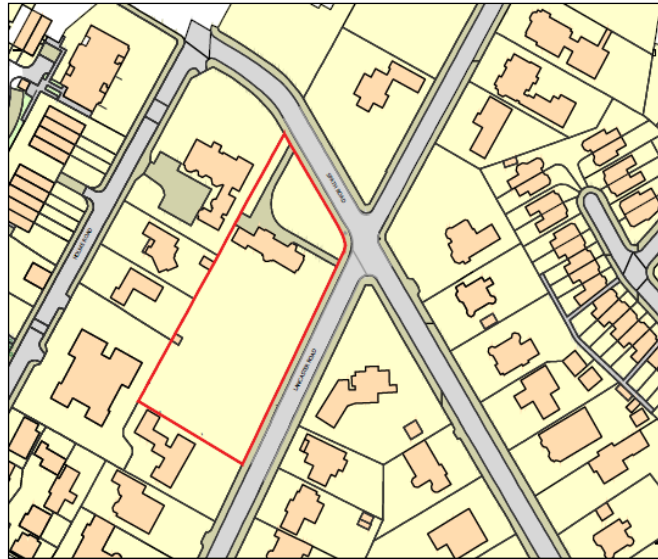
The Inspector stated that the:

*‘Scale and massing of the proposed development would represent a notable addition to the built environment that would represent a dominant structure through its overall scale and massing, particularly through the sections that are 4-storeys in height. This adverse visual effect would be readily visible from both Spath Road and Lancaster Road, where this awkward relationship would be heightened, due to the lack of articulation of the ridge of the proposed front elevation facing Spath Road and the overall amount / form of development proposed in this location’.*

This current application has sought to respond to the assessment at appeal, which has culminated in a revised proposal that has resulted in the reduced height and massing of the building and a reduction in the number of units from 34 to 26.

### **Description**

The application site measures approximately 0.47 hectares in area and is presently occupied by a large, two-storey, five bedroom, detached dwellinghouse, with single storey attached garage, known as ‘Jessiefield’. The property is situated at the corner of Spath Road and Lancaster Road.



**Location of the site edged red**

The existing building is of traditional construction, comprising red brick masonry, vertical hanging tiles at first floor level and a tiled roof. The property is set behind a red brick wall with hedgerow behind.



**View of property from inside Spath Road entrance**

The property is positioned to the northern side of the site, with its main frontage facing Spath Road.

The property is enclosed by a combination of brick wall, timber fencing and metal gates, incorporating a vehicular access serving a driveway off Spath Road and separate pedestrian entrance off Lancaster Road.

The building is set within extensive grounds, including a deciduous wooded area to the southern end of the property. The curtilage of the property incorporates mature hedges and trees. Many of the trees are protected by a Tree Preservation Order (TPO), the majority of which are located in the wooded area to the southern side of the property.



The immediate area is predominantly residential in character and includes a number of substantial, characterful properties of various architectural styles, largely ranging from 2-3 storeys in height. The area is leafy in character with mature trees lining nearby roads.

In the case of this application, planning permission is sought to demolish the existing building to facilitate the erection of part two, part three storey building to provide 26 retirement apartments, with associated communal facilities, landscaping, boundary treatment and car parking.

The proposed development follows the recent refusal of planning permission for a previous development involving a part 3, part 4 storey building comprising 34 retirement living apartments (128018/FO/2020). This was refused permission by the Planning and Highways Committee on 17 December 2020 and subsequently dismissed at appeal in March 2022.

The current application seeks to address the previous reasons for refusal and represents a revised proposal to that which was originally submitted for the application, with amendments made to the building height, footprint, site layout, landscaping and articulation. The revised proposal entails the erection of a part two, part three storey building to provide 26 no. retirement apartments with associated communal facilities, landscaping, boundary treatments and car parking following the demolition of the existing building.

### **Background of Applicant and Concept**

The applicant is McCarthy and Stone – one of the UK's leading house builders for retirement living and who provide 70% of all specialist accommodation for the elderly.

Retirement living represents an option for older people who wish to live in accommodation that provides comfort, security and the ability to manage independently. It enables older people to remain living in the community and away from institutions, whilst receiving the care and support they require.

All McCarthy and Stone development are specifically designed to provide specialised accommodation for older people, with communal facilities and features within apartments tailored to meet the particular needs of older people. Facilities include a residents' lounge, battery car charging store for mobility vehicles, a lift, secure entrance lobby, CCTV entry system, house manager, an emergency help line and a management company to maintain the grounds and building fabric.

In terms of the anticipated demographic who would occupy the proposed apartments, 60-70% of McCarthy and Stone occupants are aged 78 or over and around 30% aged 80 or over.

### **Planning History**

128018/FO/2020

Erection of a part three, part four storey building to provide 34 retirement apartments with associated communal facilities, landscaping and car parking following the demolition of the existing dwelling. *Refused 18 December 2020.*

The refusal of permission was subject to an appeal (Ref: APP/B4215/W/21/3274312) *dismissed on 16 March 2022.*

123555/FH/2019

Erection of single-storey rear extension, erection of single-storey side extension with accommodation in roof-space, following demolition of existing garage, erection of front porch and installation of 3no. dormers and gable to front, installation of gable with balcony to rear, together with elevational alterations, and reconfiguration of driveway and associated landscaping and boundary treatments. *Approved 25 June 2019.*

089194/FO/2009/S2

Erection of two 3 storey detached dwelling houses with basement parking and associated landscaping. *Approved 29 May 2009.*

077185/FO/2005/S2

Erection of a part 3 storey/part 4 storey block of 13 apartments with associated landscaping and parking for 14 vehicles. *Refused 28 November 2006.*

The refusal of permission was subject to an appeal (Ref: APP/B4215/A/07/2038312) *dismissed on 26 June 2007.*

F03625

New porch and kitchen extension to dwellinghouse. Approved 23 October 1975.

### **Consultations**

Local Residents/Occupiers – In response to the application as originally submitted 107 representations have been received, all of which object to the proposed development, together with a petition containing 67 signatures. Principal comments are summarised below:

- The proposal will lead to increased traffic, congestion and disturbance to neighbouring roads.
- The proposal does not include a sufficient number of off-road parking spaces for the number of units proposed.
- The proposal ignores Council policy in relation to affordable housing.
- The proposal represents over-development and the proposed building would be over-dominant and out of character with the area.

- Insufficient space is provided for bin storage.
- The removal of the lawn, trees and shrubbery would harm the ecosystems in this area.
- There is no need for further retirement properties in this area.
- The loss of the existing house would harm the character of the area.
- The proposed roofscape is unduly dominant.
- The proposed parking area is dominant and coupled with the loss of soft landscaping and the widening of the vehicular access would result in visual harm.
- Since the previously refused application the planning balance has not changed because the revised proposal would still cause significant harm to the character and appearance of the area due to its excessive scale.
- The overall scale and massing of the building would be over-dominant. The building will not function or add to the overall quality of the area, the building is visually unattractive due to its architecture, layout and landscaping.
- The development fails to provide an appropriate amount and mix of development – especially usable green space not affected by large trees.
- There are significant concerns about the amount of development being proposed, especially along the Lancaster Road frontage.
- The application does not consider the overshadowing of the existing garden area.
- The proposal will cause further damage to the fabric of Lancaster Road which is an unadopted, private road.
- The drawings show no significant change. In fact, both the south and north elevation drawing indicate an increase of height in the middle section.
- The planning balance has not changed because the revised proposal would still cause significant harm to the character and appearance of the site and its surroundings. There is still conflict with the Development Plan.
- There are still serious concerns about the overall amount of development being proposed in this location, especially within the frontage and along Lancaster Road.
- The increase in the roof-space in the middle section of the north and south elevation could potentially allow for more units to be created within the building's envelope.
- The revised drawings show insignificant changes to the amount of overall development.
- Didsbury cannot take any more residential properties.

-A proper evaluation by the Planning Inspector was not undertaken in relation to the impact on 23 and 25 Holme Road.

-The road surface of Lancaster Road cannot meet any increase in demand for traffic flow and on street parking.

-The existing building should not be demolished at the expense of more apartments.

-No affordable units are to be provided.

-The proposal would lead to an unacceptable increase in traffic and insufficient parking is provided for the development.

-There is dangerous access to development from blind bend on Spath Road.

-The proposed prices of the apartments indicates that the flats cannot be regarded as affordable housing. The balance between community benefit and private profit is entirely skewed against the community.

-The proposed building would be out of character with the area.

#### Local Ward Members

*Councillor Hilal* objects to the application. It is considered that the proposed development would not be in keeping with the area and involves the demolition of a house and garden that adds great community value.

The plans involve building a car park over the front garden and to build on much of the rear garden, destroying trees which will affect the wildlife habitat.

There are concerns regarding the size, number of units, the impact on the area of yet more apartment blocks in West Didsbury, car parking and traffic congestion.

There are further concerns that the applicant will not be building any affordable housing as the scheme has been reduced by 8 flats from their previous application. This is not considered acceptable.

The new submission still represents significant overdevelopment of the site and it is requested that the application be refused.

*Councillor Leech* objects to the application on the following grounds:

1. Overlooking homes on Holme Road and Lancaster Road. It is disingenuous at best to suggest that the row of conifers between the site and homes on Holme Road, act as a suitable screen. Under no circumstances would these be considered suitable for protection, and they are clearly going to be removed at some point, given that they are massively oversized.

2. Overall, the scale and mass of the proposed building would still be overbearing and cause harm to residential amenity. This was considered a good reason for the previous refusal, and clearly still stands. There are some concerns that the mock up

photos underestimate the visual impact of the proposed building, but even if they are accurate, they clearly will be overbearing on the street scene.

3. The creation of 26 apartments (as opposed to the original 34) will still create unacceptably harmful level of activity and general disturbance and noise with increased comings and goings from the development.

This is still relevant with the proposed size of the development on what is a small site - part of the site is not able to be developed due to the number of trees, and the proposed building on the rest of the site is far too dominant.

4. 20 parking spaces for 26 flats, visitors and staff will result in unacceptable levels of on-street parking, with no solution to deter parking on Spath Road or Lancaster Road. Nobody has offered a solution as to how the developer intends to stop cars belonging to staff, visitors and residents from parking on the private roads, most specifically Lancaster Road. While it may be possible to take action against construction staff during any building work, this is not the case once the development is built. It is unacceptable for the Council to simply say "it is not our problem", which is what the Planning Department would be doing by not coming up with a workable solution that protects the amenity of residents on Lancaster Road.

5. The applicant claims that residents give up their cars when they move into retirement developments. They claim that this is within a short walking distance of the shops. It is uncertain which ones they are referring to, given that it is a very significant walk to Didsbury Village, Burton Road and Northenden, particularly for an older person. The McCarthy and Stone development in Chorlton on Albany Road, which is very close to the district centre, has caused all sorts of parking and road safety problems on Albany Road and Brantingham Road. This level of parking is wholly inadequate for the number of flats, staff and visitors.

5. Spath Road is already a rat run. Additional on-street parking and plans to widen the entrance to the new development close to the bend in the road, will compromise road safety. Cars will end up being parked on the bend. During consideration of the previous application concerns about traffic appear to have been dismissed, yet Highways have subsequently recognised the use of Dene Road/Spath Road as a rat run, with resources subsequently spent to deal with speeding cars. Limited resources meant that there was not enough money to do both roads, but any suggestion that there is not a problem with this being a rat run, should be questioned as to why the Council spent Council tax-payers money on road safety in the area, if it is not a problem

6. There is great concern about the proposed demolition of a fine, larger, family home, which are in great demand in the area. Manchester is short of larger family accommodation, and this will represent yet another large family home demolished or converted into flats. It is recognised that there is nothing to stop the owner from demolishing the building without planning permission, but every effort ought to be made to retain Jessiefield.

7. The applicant claims that there is unmet demand for older person accommodation in the area. A quick look at the available accommodation in the area shows that

there is already a very significant level of older person accommodation on local streets - Barlow Moor Rd, Mersey Road, Palatine Road and on Spath Road. Demand for older person accommodation has not been proved and has been overstated to support their application.

8. Lack of affordable housing in the development - All developments of over 15 units should have 20% affordable housing, but there are no plans for affordable homes in the development, nor for a financial contribution towards off-site affordable homes. I understand that a 1 bed flat is going to be sold for in excess of £300k. Service charges are also very high at M&S developments. This can hardly be considered affordable. It also serves to raise question marks about the likelihood of residents giving up their cars to move into this development.

9. Construction vehicles are going to struggle getting in and out of the Palatine Road/Dene Road West junction. The only other options are Barlow Moor Road/Victoria Avenue, which has cars double parked all day every day, and Dene Road/Wilmslow Road, which we have already established has a problem as a rat run. No explanation as to how the developer will address the road safety concerns during the construction phase has been provided.

On this basis, it is requested that the application be refused.

Needham Hall and Dundreggan Residents Group – have written to object to the application for the reasons as set out above and additionally outline specific detailed concerns and inconsistencies in relation to over-development and the overbearing impact of the proposed block, the loss of a good examples of a arts and crafts style house, hazardous access from the site onto Spath Road, insufficient provision for parking, loss of trees and habitat, the loss of a family house, the lack of an affordable housing contribution, disturbance from construction traffic and lack of community consultation.

It is considered that the applicant has selectively highlighted how they have addressed the findings of the Planning Inspector relating to the previous application. It is maintained however that most concerns have not been addressed, critically those relating to scale and over-dominance, and the impact to visual and residential amenity. The Committee is urged to refuse the application.

West Didsbury Residents Association – have written to the object to the proposal. Concerns are raised based on the proposal having a negative impact upon the character of the area; the loss of an existing characterful Arts and Crafts style building, the lack of public consultation by the applicant since the last application; concerns surrounding the loss of soft landscaping and the dominance of cars eroding the verdant character of the site, the impact on the living conditions of neighbouring occupiers as a result of general disturbance, over-dominance, loss of privacy and sense of enclosure; insufficient off-site parking, the likelihood of increased on-street parking, the impact upon highway safety and the effects of bio-diversity.

If the application is approved, conditions are requested in relation to construction management, the requirement for a updated peak demand parking study, tree work methodology, native landscaping bio-diversity enhancement to be incorporated.

Following receipt of revised drawings and a further period of neighbour re-notification, a further 47 representations have been received, all of which object to the proposal. Principal comments are summarised below:

- The Planning Balance has not changed because the revised proposal would still cause significant harm to the character and appearance of the site and its surroundings
- There are still serious concerns about the overall amount of development being proposed in this location, especially within the frontage and along Lancaster Road
- The changes made in the revised drawings are insignificant and do not change that the proposal is too large and represents overdevelopment.
- The Road surface of Lancaster Road cannot meet any increase in demand for traffic flow and on street parking
- The design is incongruous with buildings in this area and demonstrates no sensitivity to local architecture or heritage.
- The proposal will lead to the overlooking and loss of privacy of neighbouring properties. . The developer proposes a building of substantial height, extremely close to the boundary.
- Insufficient parking is available on the scheme for residents, visitors, carers, health care visitors and staff.
- The proposal would create a dangerous access to development from blind bend on Spath Road
- The density of the development is out of character with the area.
- Concerns are raised in relation to the demolition of the existing building and the replacement of the front garden with a car park, due to the impact to wildlife and visual amenity.
- There is a token amenity area, placed where it will cause maximum disturbance to the amenity enjoyed by the residents of the dwellings on Holme Road.

Needham Hall-Dundreggan Residents Group – Further comments are raised.  
Principally:

- The small changes to the width of the entrance are minor and inconsequential, as they do not address the placement of that entrance and its likely extensive daily use by residents, staff, visitors, service vehicles, and delivery vehicle. Concerns about

traffic access and egress directly into the blind curve of Spath Road, with hazards to pedestrians, cyclists, and other vehicle drivers remain unaddressed.

-With the changed layout of parking, and also now the apparent deletion of space for the ornamental tree planting in the original plan, the visual impact of the proposed block continues to be overbearing and incongruous to the character of the area. Replacing the current front garden, in the revised plan the front area of driveway, hard standing, and multiple car parking, with a wider entrance, is now even more visually obtrusive.

-Insufficient parking is proposed.

-Whilst there is now some variation in the roof line compared with the monotonic design in the earlier elevations, this variation is insignificant in addressing the massive size of this development

-It appears that revised plans show slight lowering of height in some areas, but then increases in height in other areas. Moreover, there is no change in the over-large footprint of the development on the site. The design and mass of the revised block of 26 apartments and associated facilities continues to be overbearing, dominant and incongruous.

-The revised plan continues to present multiple balconies (at height) and other opportunities for overlooking of existing residences.

-The revised plan continues to present issues related to loss of habitat and loss of green space.

In addition, further responses have been received from Local Ward Members.

*Councillor Stanton* - Prior to the proposal to demolish the house and redevelop the entire site at least one commercially viable application to provide additional residential housing without loss was approved.

I would strongly steer the developer towards these as the best and most acceptable use of the land. There is no unmet need for retirement accommodation in Didsbury – we are replete with it.

Given the proposed development would make no contribution towards achieving the Manchester Housing Strategy, its over development of the site, associated overlooking, impact on ecology, lack of onsite parking, impact on traffic are all good grounds to recommend against approval, and also for the Committee to decline the application if it is referred to them.

*Councillor Leech* - Concerns are raised that there are now fewer parking spaces than previously proposed, and it is believed that Highways and Planning massively understate the potential problems relating to parking, traffic and road safety.



The height of the proposed building will be higher in places, than the previous version, and the potential for overlooking of properties on Lancaster Rd and Holme Road remains.

Environmental Health – Conditions are requested in relation to the need for a construction/demolition management plan, an external lighting scheme, a waste management scheme, electric vehicle charging, external equipment acoustic insulation and a site investigation/remediation strategy relating to ground conditions.

Highway Services – It is noted that a 2 tonne weight restriction applies to Spath Road and a 20 mph speed limit is also applicable. Lancaster Road is not maintained at public expense.

The site is considered to be adequately accessible by sustainable modes and is in close proximity to public transport facilities.

### *Trip Generation*

It is considered that the additional vehicle trips likely to be generated by this development can be accommodated on the adjacent highway network.

### *Parking*

19 on-site parking spaces are provided for the 26 apartments equating to 73% provision of which two are accessible bays which meets core strategy standards. 20% of the bays should be provisioned with electric vehicle (EV) charging (minimum 7kW) with the remaining bays provided with the infrastructure (ducting) to allow for further future EV conversion. The overall amount of onsite parking being provided is acceptable from a highway perspective.

With regard to the narrower vehicle access now proposed, it is confirmed that it will be acceptable to Highways for waste collection to be undertaken externally from Spath Road.

There is no objection to the removal of the existing entrance on Lancaster Road. If the planning application is approved, then alterations to the highway will be required via a S.278 agreement.

### *Boundary Treatment*

The proposed boundary treatments are acceptable from a highway perspective.

### *Construction Management*

If the application is recommended for approval, a condition is requested which requires the submission and approval of a construction management plan.

HS2 Ltd – No objection. The location plan boundary partially falls within sub-surface safeguarding for Phase 2b of HS2. Having reviewed the proposal, the proposed development is not sited directly above the HS2 bored tunnel alignment and not

directly above the proposed sub surface tunnels. It is unlikely therefore that the foundations required to construct the proposed development will affect HS2 works in that location.

Adult Social Care – The type of housing proposed is supported in Didsbury to ensure there is mixed market provision of older people's housing.

Greater Manchester Ecology Unit (GMEU) – The submitted surveys appear to have followed best practice guidelines and been undertaken by suitably qualified ecologists.

The site does not have any nature conservation designations, nor are the proposals likely to impact upon any such site.

The building and lawn/formal garden areas are the dominant habitat on the site which will be directly impacted upon by the proposed development. The boundary vegetation including area of woodland to the rear of the site is proposed for retention with appropriate root protection zones.

No bats or evidence of bats roosting in the buildings were recorded during the survey results, and only low levels of bat activity were recorded during the nocturnal survey. No potential roost features were identified in any of the trees. No further survey work is recommended in relation to bats.

The trees and building on the site could potentially support breeding birds, and the nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended).

Rhododendron was identified on the site. This species is listed on Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) making it an offence to spread this species in the wild.

No other protected species were recorded on the site, although it is possible that species such as hedgehogs will be present in the area. Measures to enhance the site for biodiversity have also been identified within the report.

Greater Manchester Ecological Unit made recommendations about conditions about bat surveys, lighting, breeding birds, tree works in line with British standards, measures in relation to rhododendrons, enhancements for biodiversity including features for hedgehogs and an informative relating to bats if the local planning authority are minded to grant permission.

Greater Manchester Police (Design for Security) – The application is supported subject to the layout issues within Section 3.3 of the submitted Crime Impact Statement being addressed and the physical security measures within Section 4 of the Crime Impact Statement being conditioned. The applicant would then need to apply for 'Secured by Design' accreditation.

Arboriculture – No objection, subject to the trees being adequately protected and the applicant adhering to the specifications provided by the arboricultural consultant.

The proposed mitigation planting is acceptable and would provide a diverse portfolio of tree cover to ensure sustainability of green infrastructure in the future.

The proposed development results in the loss of very few trees, all of which are low quality and value.

Services and utility installation can be sited remote from trees, but if they do need to be located within root protection areas specialist measures can be deployed for their installation to minimise harm to retained trees.

No materials or machinery should be stored within the root protection zones of any trees.

Any work carried out on this site must be in line with BS:5837.

Flood Risk Management – Conditions are requested in relation to submission and agreement of a surface water drainage scheme and for its subsequent maintenance.

United Utilities – The drainage of the site should be carried out in accordance with the principle contained within the submitted Foul and Surface Water Drainage Design Drawing.

### **Other matters**

#### Consultation & Publicity

The proposal by virtue of the number of units created the development has been classified as a small-scale major development. As such, the proposal has been advertised in the local press (Manchester Evening News) as a major development. A site notice has been displayed at the application site.

### **Policy**

#### Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'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) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy H1 (Overall Housing Provision) states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors. New housing will be predominantly in the North, East, City Centre and Central Manchester, these areas falling within the Regional Centre and Inner Areas of Manchester.

The policy goes on to state that that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;
- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours.

Policy H6 (South Manchester) - South Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

Policy H8 (Affordable Housing) states affordable housing contributions will be considered of 0.3 hectares and 15 units or more.

The policy provides an exemption from providing affordable housing, or a lower proportion of affordable housing, a variation in the proportions of socially rented and intermediate housing, or a lower commuted sum, may be permitted where either a financial viability assessment is conducted and demonstrates that it is viable to deliver only a proportion of the affordable housing target of 20%; or where material considerations indicate that:

Intermediate or social rented housing would be inappropriate. In the latter case, such circumstances could include:

- There is a very high level of affordable housing in the immediate area;
- There is either a high proportion of social rented (35%), or low house prices in the immediate area compared to average incomes;
- Affordable housing would be prejudicial to the diversification of the existing housing mix.
- The inclusion of affordable housing would prejudice the achievement of other important planning or regeneration objectives which are included within existing Strategic Regeneration Frameworks, planning frameworks or other Council approved programmes;
- It would financially undermine significant development proposals critical to economic growth within the City;
- The financial impact of the provision of affordable housing, combined with other planning obligations would affect scheme viability;
- There is a need for additional housing provision for older people or disabled people either as affordable or market housing dependent on the results of a financial viability assessment of the scheme.

Policy EN1 (Design Principles and Strategic Character Areas) - All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the city should be fully realised, particularly on major radial and orbital road and rail routes.

character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

Policy EN9 (Green Infrastructure) - New development will be expected to maintain existing green infrastructure in terms of its quantity, quality and multiple function. Where the opportunity arises and in with current Green Infrastructure Strategies the Council will encourage developers to enhance the quality and quantity of green

infrastructure, improve the performance of its functions and create and improve linkages to and between areas of green infrastructure. Where the benefits of a proposed development are considered to outweigh the loss of an existing element of green infrastructure, the developer will be required to demonstrate how this loss will be mitigated in terms of quantity, quality, function and future management.

### South Manchester Regeneration Framework

South Manchester is identified as an area with a rich and diverse group of neighbourhoods, with a wide range of issues and needs. Some areas are already successful, so the SRF is needed to help continue and build on this success. Other areas, in contrast, have particular issues that the SRF will help to tackle, such as poor housing and high levels of deprivation and worklessness.

The opportunity for the SRF is to build on and improve its assets – the distinctive, successful neighbourhoods and centres, the high quality parks and the strong heritage and character of South Manchester – and use these as a model to drive forward the future of the area. These qualities should be applied across South Manchester to raise the quality of the built environment and expand the number of successful neighbourhoods.

The SRF identifies a key issue for the area as providing a wider choice of housing to attract and retain residents. The SRF states future housing developments need to focus on providing high-quality family accommodation. It identifies that high-quality sustainable new housing developments should meet the housing needs of the existing and future population of South Manchester.

### Manchester Residential Quality Guidance (2016)

The City Council's Executive has endorsed the Manchester Residential Quality Guidance. As such, the document is now a material planning consideration in the determination of planning applications and weight should be given to this document in decision making.

The purpose of the document is to outline the consideration, qualities and opportunities that will help to deliver high quality residential development as part of successful and sustainable neighbourhoods across Manchester. Above all the guidance seeks to ensure that Manchester can become a City of high quality residential neighbourhood and a place for everyone to live.

The document outlines nine components that combine to deliver high quality residential development, and through safe, inviting neighbourhoods where people want to live. These nine components are as follows:

- Make it Manchester;
- Make it bring people together;
- Make it animate street and spaces;
- Make it easy to get around;
- Make it work with the landscape;
- Make it practical;
- Make it future proof;
- Make it a home; and

Make it happen.

### The Manchester Green and Blue Infrastructure Strategy (G&BIS)

The G&BIS sets out objectives for environmental improvements within the City in relation to key objectives for growth and development. Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is: By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

### Places for Everyone Greater Manchester Joint Development Plan (Draft August 2021)

The draft version of the Places for Everyone Joint Development Plan was published in August 2021 and has been produced by Greater Manchester Combined Authority to provide a long-term plan for jobs, new homes, and sustainable growth for nine of Greater Manchester's districts. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan. As this plan is at an advanced stage it would now be considered as a material consideration for planning applications.

### National Planning Policy Framework

The central theme to the revised 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.

The Framework underlines a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-

of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Sections 4, 5, 11 and 12 are considered relevant to the consideration of this application.

Of particular relevance, Paragraph 130 states:

*Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

### National Planning Policy Guidance (March 2014)

The Government produced a suite of documents to act as a live resource which set out advice and best practice on a wide range of planning issues following a detailed review of planning policy guidance as a way of streamlining policy.

The relevant sections of the NPPG in this case are as follows:

*Design* states that where appropriate the following should be considered:

- layout – the way in which buildings and spaces relate to each other;
- form – the shape of buildings;
- scale – the size of buildings;
- detailing – the important smaller elements of building and spaces;
- materials – what a building is made from.

### Issues

#### Principle



Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise.

In this case the principle of the proposed development is considered acceptable and would comply with relevant planning policies and guidance.

It is considered that revised proposal has overcome the previous concerns detailed within the appeal decision for the earlier refused proposal. Notably, as a result of a reduction in the scale and mass of the building and the amount of overall development. The amended scheme is now considered to be in keeping with local character and would not give rise to any significantly harmful impact in terms of residential amenity or the operation of the local highway.

The proposed development would make effective use of the site and provide high quality retirement living apartments for an ageing population, adding to the diversity of housing in the city within a highly accessible location and would contribute to local and national residential growth objectives.

Policy H6 sets out the framework for determining residential developments in this part of the city.

Whilst the general planning policy approach is to direct high density residential proposals to district centres in south Manchester, this does not preclude development of this nature elsewhere. Inevitably, there will be sites which can accommodate higher density due to location and character. The policy advocates the suitability of such proposals where provision would add to diversity of housing and accommodation that meets the needs of elderly people

As such it is considered that the proposal complies with the strategy set out in the adopted housing policies of the Core Strategy.

Consideration of the more specific planning issues and the impact of the proposal upon its surroundings and adjoining occupiers, as well as the loss of the existing building is outlined further below.

#### Demolition of existing building

The existing building on site is an attractive, characterful 5 bedroom, detached dwellinghouse and its loss would be regrettable. However, the building has no formal designation and has been assessed as not being worthy of being classified as a non-designated heritage asset. The property is not situated within a conservation area or an area of any designation. The building is not therefore protected from demolition. It is also the case that significant public benefits would arise as a result of the development with the provision of 26 apartments specifically designed for retirement living.

It should also be noted that permission has been granted previously for a proposal involving two houses within the garden area.

## Site Layout

The proposed building presents its main frontages to Spath Road and Lancaster Road to optimise its corner position.

A single, 'L' shaped, part two, part three storey building would occupy a central position within the site to maximise the frontage to the roads which it seeks to address and provide continuity in the street scene.

The proposed building is sited in the same orientation with a staggered building line as is the case for the existing building, albeit sited further back into the site. A rear wing extends southwards, stopping short of a protected wooded area at the southern end of the site.

Vehicular access to the site off Spath Road is maintained, leading to a car park area accommodating 19 spaces to the northern side of the proposed building. A further access off Lancaster Road is to be blocked off. Existing boundary treatment is to be retained.



**Proposed site layout shown the outline of the proposed building, tree cover, parking and the relationship with neighbouring properties**

The wooded areas to the southern side of the proposed building is also to be retained, with the areas around the building softened by planting, including communal garden areas to the eastern and western sides of the building.

The arrangement is considered to maximise development to the street frontage and reinforces the suburban grain, whilst fulfilling the potential of the site and without compromising the character and appearance of the area, or the setting and amenity of adjoining buildings.

## Design, Scale and Appearance

The previously refused application for a part three, part four storey building to provide 34 retirement apartments with associated communal facilities, landscaping and car parking was refused by the City Council, as it was considered that the building would represent an overly dominant incongruous structure in the street scene, detrimental to visual amenity and the character of the area. The application was subsequently dismissed at appeal on 16 March 2022 where the Inspector noted that:

*'The scale and massing of the proposed development would represent a notable addition to the built environment that would represent a dominant structure through its overall scale and massing, particularly through the sections that are 4-storeys in height. This adverse visual effect would be readily visible from both Spath Road and Lancaster Road, where this awkward relationship would be heightened, due to the lack of articulation of the ridge of the proposed front elevation facing Spath Road and the overall amount / form of development proposed in this location'.*

In response, the applicant has made changes to the scale and massing of the proposed building, both through the initial submission of the current application and through further changes made during the application process itself. This has also ultimately resulted in a reduction in the number of units.

The surrounding context predominantly comprises two and three storey detached and semi-detached buildings, consisting of a combination of single dwellinghouses and flats, with hipped or gabled roofs, large front / rear garden spaces and parking provision. There is no specific vernacular or architectural style in the area, with Lancaster Road specifically including a number of more recent architectural styles.

Neighbouring and nearby buildings of note include 'Cairncroft' - a large three storey building converted to a flats, situated to west, 'Lynwood' - a part two, part three storey dwellinghouse situated to the north-west at the corner of Spath Road and Holme Road, 'Lancaster House' – a two storey dwellinghouse set within spacious grounds to the other side of Lancaster Road to the east, Rathen House – a three storey dwellinghouse to the north east and Needham Hall which is situated further along Spath Road to the west which includes a four storey apartment block within its grounds.

In consideration of the appeal, the Inspector found that the overall scale and massing of the proposed building would be over-dominant, particularly due to the four storey elements, the lack of articulation to the roof ridge facing Spath Road and the overall amount of development.

In response, whilst the proposed building is similar to the original proposal in terms of its design approach, the scale and mass of the proposed building has been reduced, with the four-storey frontage omitted and the highest part of the building being no more than three storey in scale. The overall amount of development and footprint has been reduced in all dimensions, resulting in a reduction to the width and depth of the building, increased articulation to the elevations, involving a variation to the roof ridge height, the inclusion of dormers, recesses and projections to the building façade.

In summary, principal amendments include:

-A narrowing of the building frontage by approximately 1 metre. This results in narrower frontage, increases the separation gap to the Lancaster Road corner and is 4.5 metres narrower in width to the proposal considered at appeal;

-A reduction in roof ridge height behind the main frontage and a reduction in height by approximately 1 metre and a 4.5 metre reduction where it drops to two storeys behind the frontage. A reduction in height of the building to two storeys at its southern end;

-Increased variation and articulation to the roof ridge line to give the appearance of gaps in the building and increase views of the sky;

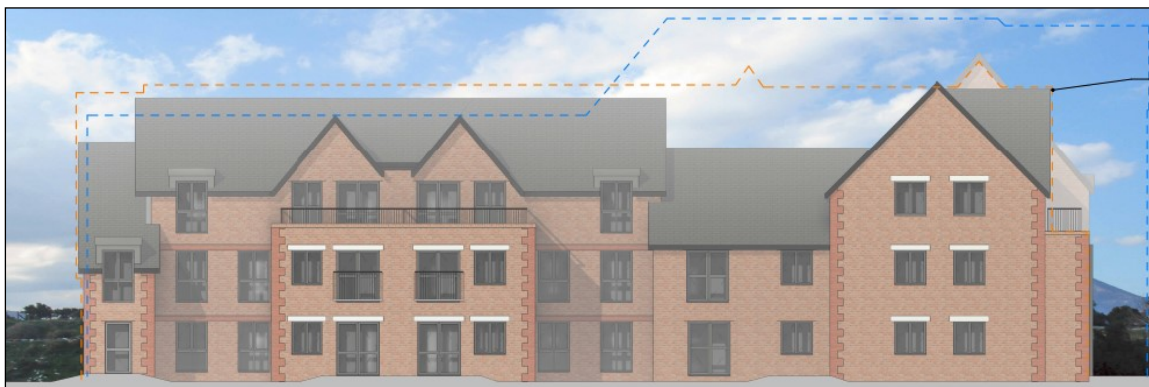
-The setting back of the building along the entire Lancaster Road frontage by approximately 1 metre and up to 2.7 metres at its greatest point.

-A narrowing of the vehicular access in order to reduce view of the building and parking from Spath Road.

The following elevational drawings show the evolution of the proposed development from its inception to the present proposal.



**Proposed northern (Spath Road) elevation. The blue line depicts the outline of the previously refused scheme and the red line depicts the outline of the building originally proposed as part of the current application**



**Proposed eastern (Lancaster Road) elevation. The blue line depicts the outline of the previously refused scheme and the red line depicts the outline of the building originally proposed as part of the current application**



**Proposed southern elevation. The blue line depicts the outline of the previously refused scheme and the red line depicts the outline of the building originally proposed as part of the current application**



**Proposed western elevation. The blue line depicts the outline of the previously refused scheme and the red line depicts the outline of the building originally proposed as part of the current application**

The elevational drawings have been supplemented by visually verified montages shown from a variety of perspectives, both during the summer months when trees are in leaf and during the autumnal and winter months when tree cover is much less.

Below is a selection of views which show the existing situation and how the proposed building has progressed from the proposal dismissed at appeal and the currently proposed scheme. The images shown are generated during the winter months to show the site at its most sensitive and when views would be most prominent.



**View of existing building from Spath Road/Lancaster Road junction**



**View of from Spath Road/Lancaster Road junction of the proposed building dismissed at appeal**



**View of from Spath Road/Lancaster Road junction of the proposed building for the current application**



**View of existing building from Spath Road**



**View from Spath Road of the proposed building dismissed at appeal**



**View from Spath Road of the proposed building for the current application**



**View from Holme Road of existing Cairncroft building which neighbours the site to the west**



**View from Holme Road of Cairncroft building with proposed building dismissed at appeal beyond**





**View from Holme Road of Cairncroft building with the building for the current application beyond**

The drawings and images demonstrate that the proposed building has been significantly reduced in scale and mass to that originally refused planning permission and that there has been a reduction in height from 4 to 3 storeys which was the principal issue of contention and main issues raised by the Inspector.

It is considered that three storeys in characteristic of the area, with the proposed scale largely informed by the neighbouring 'Cairncroft' building, situated immediately to the west.

Whilst concerns are raised that the central element of the building elevation facing Spath Road proposed is higher to that originally proposed as part of the current application, the increase in height is 200mm and is 1100mm less than the development dismissed on appeal. All other elements of the building are lesser in scale and mass and represent a much smaller building overall.

The reduction in scale, the narrowing of the frontage, increased separation distance to the site boundary and increased variation in roof ridge/gable height and articulation to the elevations, all serve to lessen the impact of the scale and mass.

It is believed that the latest amendments would result in a development commensurate in scale to the immediate context and is informed by its surroundings. The scale would be comparable in height to neighbouring buildings and responds effectively with the streetscape.

The proposed building footprint lies slightly more centrally in the plot than previously proposed and coupled with the reduction in scale and dimensions, together with the amount of overall development, it is considered that the proposed building overcomes previous concerns and responds appropriately and sympathetically with the immediate street-scape.

In terms of appearance, the proposed building adopts a traditional approach referencing traditional architectural elements found in the area, such as gable features, dormers and vertical proportions and proposes a selection of high-quality,

traditional materials comprising a mixture of red and buff brick and render, with grey roof tiles and grey coloured UPVC door/window frames and black UPVC rainwater goods.

Given the traditional format and as there is no homogenous use of materials in the area, it is considered the proposed appearance would effectively assimilate into the street-scene and satisfactorily complement the context of neighbouring buildings.

It is considered that on balance, when taking into account the conclusions of the Inspector and through an assessment of the revised proposal, the design, scale and appearance of the proposed building would be in keeping with the surrounding context and would not appear over dominant or in the street-scene.

The proposed development has addressed previously upheld concerns surrounding mass and scale by reducing the scale from 4 to 3 storeys, reducing the number of units from 34 to 26, provided a more spacious setting to the building by reducing the dimensions of the buildings and reducing the frontage width and by setting the building back further from Lancaster Road. On the basis of the revised proposal, it is considered that the proposed development can comfortably assimilate into the streetscape with no significantly harmful effects.

#### Density/Balance of Accommodation

The proposed block would provide 13 No. 1 bed units and 13 No. 2 bed units totalling 26 apartments, each with their own self-contained accommodation but also having the benefit of communal areas including homeowners' lounge, internal refuse store, and mobility scooter charging room. The proposals will also include a guest suite for visitors and lounge area with kitchen units for self-catering. All units comply with the Council's internal space standards.

#### Access

The proposed building incorporates measures to aid ease of access for all. The site itself is relatively flat, providing no obstacles to level access across the site and to the entrance doors themselves.

The apartments themselves are of a good size and offer satisfactory circulation space. Level access would be afforded to all entrance doors to incorporate level thresholds. Lifts would provide access to each floor. Two disabled parking spaces are proposed in close proximity to the building entrance.

Given the demographic of prospective occupiers, movement throughout the building has been specifically designed for ease of access in compliance with the requisite building regulations in order to ensure all areas are fully accessible. Corridors and doors have been designed to generous widths for wheelchairs and access to all communal areas have been designed on the ground floor with short distances to the entrances and lifts.

## Residential Amenity

In comparison to the previously refused application, concerns have been expressed by local residents about the impact of the proposal upon the living conditions of neighbouring occupiers, particularly as a consequence of increased levels of activity, vehicular movements, over-dominance and overlooking. This culminated in a reason for refusal for the previous proposal for a larger development which was not upheld on appeal.

On appeal, whilst it was accepted that the proposed development would result in the general intensification of the site and would result in more vehicle movements when compared to a single dwellinghouse, it was considered that given the size of the site, the nature of the proposed development or the use of the existing access, that there would not be a significant harmful effect on the living conditions of neighbouring occupiers with regard to general disturbance and noise.

Similarly, the Inspector considered that given the screening afforded by tree and hedge planting on the common boundary with neighbouring properties and the separation distance between the site and the nearest neighbouring properties, there would be no significant loss of privacy or a prevailing sense of enclosure.

The conclusions of the Inspector represent the baseline position in this case, whereby the impact of a larger development for a part 4 storey building with 34 units was not considered to have a significant, detrimental impact on neighbouring living conditions.

The below drawing indicates the distances between the proposed building and the neighbouring properties adjoining the western boundary with Holme Road, which represents the most sensitive relationship.



- Denotes existing buildings with assumed habitable windows measured from OS data
- Denotes proposed building facade with habitable windows measured from proposed data
- Denotes proposed dimensions to building facade with habitable windows measured from proposed data
- Denotes proposed dimensions to adjoining boundary
- Denotes proposed dimensions of previously refused application footprint to adjoining boundary/ adjacent buildings
- Denotes refused application proposed footprint

The drawing shows a distance of between 5.2 metres between the proposed building and the Holme Road boundary at its closest point, with the part of the building containing habitable windows and balconies set back from the boundary by 16.25

metres at its closest point and separation distance of approximately 29 metres between facing habitable windows.

These separation distances are considered an appropriate relationship, particularly as the proposed building is set back further in parts than the proposal considered on appeal.

Similarly, it is not believed that the proposed development would create any significant harmful impact in terms of over-dominance or overshadowing.

For the previous proposal considered at appeal, the Inspector concluded that the neighbouring properties along Holme Road would not experience any sense of enclosure and due to the combination of the proposed distance between the scheme and the rear boundaries of No's 23 and 25, along with the existing mature trees / vegetation and the potential for additional landscaping, there would not be any significant harmful effect caused by the relationship of the proposed building with neighbouring buildings, nor would it impede the use of their garden areas.

Given that the proposed development is of a lesser scale and the separation distance between building has increased in parts, it is not considered that there would be any significant detrimental impact on the living conditions of neighbouring occupiers.

In terms of activity levels, retirement living is considered to represent a passive use with a lesser degree of activity and traffic generation to that of open market housing. Again, the impact of activity was considered acceptable by the Planning Inspector for the previous application and in this case, it is not considered that the proposed number of units and level of associated vehicular movements would be unduly excessive or give rise to any harmful impacts in terms of noise and disturbance. It should also be noted that the immediate area is not confined to individual dwellinghouses and there are examples of higher density apartments development within the vicinity of the site. It is not therefore believed that the proposed development would appear out of place or give rise to materially different impacts in terms of activity levels.

Overall, the current application has been reduced in scale to 3 storeys, resulting in reduction of 8 units, as well as a lesser amount of car parking spaces. The overall scale and mass of the building has been reduced and the separation distance to the common boundary slightly increased. It therefore stands to reason that the proposed development in this case must be considered appropriate in terms of the impact to residential amenity and any such concerns cannot be sustained.

A condition has been included to ensure the series of windows to the western boundary are obscurely glazed. These windows provide light to the circulation corridor at the part of the building closest to the boundary. The condition would prevent any perception of overlooking.

#### Landscaping and Trees

The application has been accompanied by a Tree Survey which sets out the impact to existing trees as a consequence of the proposed development.

In summary, The number of trees retained and provided is as follows:

- 44 trees in total trees on site;
- 8 trees proposed to be removed;
- 36 trees retained on site;
- 21 trees retained on site that are not protected by a TPO;
- 19 new trees proposed
- All trees protected by the TPO are retained.

All trees proposed to be removed have been assessed as being of low quality and value as identified within the submitted survey. The trees are not protected and are not considered to be of sufficient amenity value to provide a constraint to development.

The report notes the presence of trees subject to Tree Preservation Orders which are unaffected by the proposed development and that mature trees are found along the Spath Road boundary and to the southern part of the site. The belt of mostly Beech trees at the southern edge of the site contribute significantly to the verdant character of the area.

In summary, the proposal seeks to retain all the significant trees, including the trees protected by tree preservation orders, but remove a small number of lesser quality trees. The proposal is believed to be considerate of the retained trees and the ongoing relationship with neighbouring properties.

The proposed apartment block has been carefully sited so far as possible outside the root protection area of the significant trees around the site, including the trees protected by the tree preservation order.

Notably, it is necessary to remove the low quality and value variegated Holly (number 10) as identified within the submitted survey, to accommodate the proposed building. This tree is not of to be of a sufficient amenity value to provide a constraint to development.

The building is proximate to trees 14 to 17 and some minor pruning will be required to provide space for construction and to maintain a separation thereafter. The pruning would not materially detract from visual amenity

The proposed development results in the loss of very few trees, all of which are low quality and value. 8 trees are indicated for removal, including Holly, ornamental Magnolia and an Ash tree. The proximity of proposed hard surfaces have been sited away from trees, but where hard surfaces still coincide with root protection areas, specialist measures could be deployed to minimise harm to trees.

The Council's Arboriculturist holds no objection to the proposal, subject to retained trees being adequately protected during excavation and construction. No materials

or machinery should be stored within the root protection zones of any trees. The proposed mitigation planting is considered acceptable for this site.

In terms of landscaping, the existing Cypress trees along the common, western boundary and which provide an important screening function are to be retained. The existing hedge along the boundary with Lancaster Road is also to be retained, as are the trees along the Spath Road boundary.

New shrub and ornamental tree planting is proposed throughout the site, alongside new lawned areas, bulb planting and a compacted gravel path to the woodland area. Permeable block paving is proposed for the car parking surface, connecting to a permeable Bitmac surface to provide access from the road.

With regard to boundary treatment, the existing boundary wall to the Spath Road frontage is to be retained. A new 2.1 metre high timber fence is proposed to be erected to the eastern, western and southern boundaries and the existing hedge to Lancaster Road retained.

It is considered that all trees of high value are to be retained throughout the site and the proposal includes satisfactory planting in mitigation. The resultant landscaping scheme would complement existing planting and improve the appearance of the grounds and provide usable amenity space. Through maintenance provided by the management company, the proposal would result in a well-managed environment. On this basis, the tree works proposed are not considered a constraint to development.

Conditions have been included to ensure the protection of retained trees and hedgerow, as well as ensuring root protection areas are not compromised and that tree work is undertaken in accordance with British standards.

It is acknowledged that there would be increased hard area coverage within the application site from built form and car parking above and beyond the existing situation. However, the revised scheme is considered to reach the right balance between planting, landscape setting and the proposed built form in order to be in character with the context in which it is set.

### Ecology

The application is accompanied by an updated survey (Nocturnal Bat Survey Report and Updated Site Walkover assessment which has been assessed by Greater Manchester Ecology Unit (GMEU).

It is considered that the report appears to have been undertaken with reasonable effort and have followed best practice guidelines, undertaken by suitably qualified ecologists

The site does not have any nature conservation designations, nor are the proposals likely to impact upon any such site.

The building and lawn/formal garden areas are the dominant habitat on the site which would be directly impacted upon by the proposed development. The boundary

vegetation including area of woodland to the rear of the site is proposed for retention with appropriate root protection zones.

It is considered that the proposed development would not result in any significant or unduly harmful impacts to local ecology given the characteristics of the site.

A condition is advised in relation to works and demolition being carried out outside the main bird nesting season and an Informative included for works to cease if any bats are encountered during works.

### Impact to the Highway

It is noted that the site is considered suitably accessible by public transport via bus services along Palatine Road. A Metrolink stop situated a short distance to the north off Lapwing Lane is also within walking distance of the site.

The previously refused application for a similar, larger development was previously assessed as being acceptable from a highway impact perspective and was not raised as an issue during appeal for the previously refused application.

In terms of off-road parking provision, 19 off road car parking spaces are proposed for 26 apartments, equating to 73% provision. In comparison to the previously refused scheme which proposed 26 spaces for 34 apartments (76%) ratio, the level of parking provision is of a similar level and assessed as being appropriate in this location.

The spaces encompass 2 accessible spaces. A proportion of the spaces are also to be served by electric charging points, which is a requirement of an attached planning condition. Highways consider that given the location and likely levels of car ownership, the level of parking provision is acceptable.

The parking spaces are supplemented by cycle parking spaces and mobility scooter parking area situated internally.

The room identified on the floor plan as 'MSS' can accommodate a minimum of 10 bicycles (using bike parking rack locking storage stand) or a minimum of 5 mobility scooters or any combination thereof.

In this instance the number of cycle spaces is considered appropriate. Given that the average of entry to retirement living development is 78, cycle storage demand is anticipated to be low. This is supported by surveys of existing McCarthy and Stone developments which show that the number of cycle movements to and from their retirement living developments is extremely low. The proposed development would not therefore be expected to generate significant cycle movements which would result in the need for more than the spaces proposed to be provided.

Highways have considered the Transport Statement submitted by the applicant with regard to vehicle movements, access, parking demand and highways safety and consider that proposed access arrangement of Spath Road is acceptable and that the proposal is unlikely to generate a significant increase in the level of vehicular



trips which would impact unduly on network capacity. The additional vehicle trips likely to be generated by this development can be satisfactorily accommodated on the adjacent highway. This is considered particularly so, given the low traffic generation normally associated with retirement living development. It is also noted that there is a link between entering retirement living development and giving up car ownership. As time passes and residents age, car ownership has been shown to decrease and therefore car ownership is typically lower than for other forms of housing

No other highway or pedestrian safety issues raised by colleagues including the proximity to bend on Spath Road.

On this basis, the impact upon highway and pedestrian safety is considered satisfactory.

### Crime and Disorder

The applicant in partnership with Greater Manchester Police (Design for Security) has provided a 'Crime Impact Statement' as part of the application. This details measures to be incorporated within the scheme in order to be able to design out crime.

In order to ensure design measures are introduced to limit the potential for crime and to enhance security for prospective occupiers, a condition has been included to ensure the proposal achieves 'Secured by Design' accreditation.

### Climate Change

The application site is situated within a highly sustainable location, within an existing residential neighbourhood with nearby access to a range of shops, amenities, and transport services.

The proposed development would result in a modest number of additional residential units within the context of a principally residential environment for which, the impact upon climate change is considered less than significant.

The site is located close to a busy, main arterial route and transport corridor, and is therefore unlikely that there would be any significant or harmful contribution to air quality or climate change as a consequence of vehicular movements or ongoing activity.

Whilst there would be some limited impact upon air quality during the construction phase, the impact during the operational phase of the development post implementation, is not considered significantly harmful. Through effective mitigation and construction management during the construction phase, the impact upon air quality can be further controlled.

The proposal includes the provision of 5 electric vehicle charging spaces – an uplift in the 2 originally proposed to be provided, with the remaining car parking spaces to incorporate ducting to enable additional double socket electric vehicle charge points to be provided as the demand arises through the life of the development

Such measures will serve to limit the impact the upon climate change. The development also incorporates energy efficient measures as part of the development, as outlined in the section below relating to environmental standards.

### Environmental Standards

City Council policy requires that developers focus on achieving low carbon and energy efficient developments and therefore development should be expected to demonstrate its contribution to these objectives.

The application has been accompanied by an Energy Statement which demonstrates that the proposal would comply with policies EN4 an EN6 of the Core Strategy and exceed the national standards set out in Part L1 of the Building Regulations.

The statement highlights that the proposal would utilise a good thermal envelope to minimise heat loss, as well as introducing heating and lighting systems to drive energy efficiency, as well as an array of photo voltaic panels.

A condition has been included which would require the submission and agreement of a Verification Report to ensure the measures are incorporated within the development design are implemented.

### Drainage and Flood Risk

The application site is located wholly in flood zone 1 '*low probability of flooding*'.

In line with the Government guidance relating to the provision of sustainable drainage systems (SuDs) and as advised by the Council's Flood Risk Management team, it is necessary for the development to incorporate a surface water drainage scheme. An appropriate condition has therefore been included.

If such measures are successfully implemented, it is considered that any flood risk can be satisfactorily sustained.

### Waste Management

An internal bin storage area is proposed, with bins managed by an appointed management company and collected from the highway on Spath Road. Further details are required in relation to recycling arrangements and frequency of collection. The parameters of the waste management arrangements are considered acceptable. An appropriate condition is included which require further details to be agreed.

### Ground Conditions

Whilst a Phase 1 Desktop Study was submitted as part of the application, the conclusion of which is accepted by Environmental Health, it is advised that a Phase 2 Assessment should be completed in accordance with the recommendations contained within Phase 1 assessment. An appropriate condition has been included, which will require the submission and approval of a more detailed site investigation report and any subsequent remediation strategy prior to the commencement of

development. A further condition requiring a verification report to demonstrate the work is completed in accordance with agreed methodology is also included.

### Construction/Demolition Management

To ensure demolition and construction is effectively controlled and to prevent any disruption to existing occupiers in the area, or along key routes throughout this part of the city, a condition is included which requires the submission and approval of a construction management/demolition plan which details amongst other matters, working practices, working hours, dust suppression, the parking of construction vehicles and the removal of waste.

### Affordable Housing

Comments have been made that the proposed development does not include any affordable housing provision.

Policy H8 of the Core Strategy indicates an exemption from the need to provide an affordable housing contribution for accommodation such as that proposed. Where there is a need for additional housing provision for older people or disabled people either as affordable or market housing dependent on the results of a financial viability assessment of the scheme.

The applicant has provided a Financial Viability Assessment which provides a robust analysis of the site value, build costs and profit calculations.

The assessment concludes that based on the number of retirement living units, there is no financial headroom for an affordable housing contribution given the anticipated gross sales receipts and the financial outlay. The assessment has been reviewed by the City Council, the findings of which are agreed.

### Legal Agreement

The applicant has agreed to enter into a legal agreement which contains a reconciliation clause which would require the future retesting of viability for the provision of affordable units. The reassessment would consider whether circumstances have changed to allow for an off-site contribution.

### Conclusion

It is considered that revised proposal has overcome previous concerns and responded to the findings of the Planning Inspector raised during the course of the previous appeal for a similar development.

The proposed building has been reduced in terms of scale, mass and the amount of overall development. As assessed within the report, it is believed that the amended scheme can be satisfactorily absorbed into the immediate context without any significant harmful impact.

The proposed development would make effective use of the site and provide high quality retirement living apartments, adding to the diversity of housing in the city within a highly accessible location and would contribute to local and national residential growth objectives. On this basis, the proposed development is considered acceptable and would comply with overarching planning policy and guidance.

### **Other Legislative Requirements**

**Equality Act 2010** - Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making

**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 Director 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 MINDED TO APPROVE** subject to a legal agreement containing a reconciliation clause which would require the future retesting of viability for the provision of affordable units.

### **Article 35 Declaration**

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

### **Reason for recommendation**

### **Conditions to be attached to the decision**

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Location plan referenced NO 2697 3 AC 0001, received by the City Council as Local Planning Authority on 14 September 2022, drawings referenced NO-2697-3-AC-0003, NO-2697-3-AC-0008, NO-2697-3-AC-1000 Rev C, drawing reference 1050-KC-XX-YTREE-TTP01/Rev C received by the City Council as Local Planning Authority on 1<sup>st</sup> March 2023, drawing referenced NO-2697-3-AC-2002 Rev G and NO-2697-3-AC-2001 Rev E received by the City Council as Local Planning Authority on 22 February 2023, drawing referenced NO-2697-3-AC-0002 Rev G received by the City Council as Local Planning Authority on 24 February 2023, drawing reference NO-2697-3-AC-0020 Rev B received by the City Council as Local Planning Authority on 1<sup>st</sup> March 2023, drawings referenced NW-2697-03-LA-101 3712 Rev F and NW-2697-03-LA-201 3712 Rev A received by the City Council as Local Planning Authority on 3<sup>rd</sup> March 2023, NO-2697-3-AC-1001 Rev C received by the City Council as Local Planning Authority on 7<sup>th</sup> March 2023

Energy Statement produced by Focus Consultants and received by the City Council as Local Planning Authority on 14 September 2022  
Phase I Desk Top Study Report prepared by Arc Environmental, dated 7 August 2020, received by the City Council as Local Planning Authority on 14 September 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) No above ground development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be implemented in accordance with the agreed materials.

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, pursuant to policies SP1, EN3 and DM1 of the Core Strategy.

4) Notwithstanding details submitted, prior to the commencement of development, a construction management/demolition plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include:

- Measures to control noise and vibrations;
- Dust suppression measures;
- Compound locations where relevant;

- Location, removal and recycling of waste;
- Detail of an emergency contact telephone number;
- Parking of construction vehicles; and
- Sheeting over of construction vehicles.

The development shall only be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

5) Prior to first occupation of the development hereby approved, the City Council as Local Planning Authority must acknowledge in writing that it has received written confirmation of a 'Secured by Design' accreditation.

Reason - To reduce the risk of crime, pursuant to policies SP1 and DM1 of the Manchester Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

6) No above ground development shall take place until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the City Council as Local Planning Authority.

The submitted details shall include the following:

-Consideration of alternative green SuDS solution (that is either utilising infiltration or attenuation) if practicable;

-Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment.

-An existing and proposed impermeable areas drawing to accompany all discharge rate calculations.

-Runoff volume in the 1 in 100 year, 6 hours rainfall shall be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event, but never to exceed the runoff volume from the development site prior to redevelopment;

-Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for climate change in any part of a building;

-Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of

the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site;

-Results of ground investigation carried out under Building Research Establishment Digest 365. Site investigations should be undertaken in locations and at proposed depths of the proposed infiltration devices. Proposal of the attenuation that is achieving half emptying time within 24 hours. If no ground investigations are possible or infiltration is not feasible on site, evidence of alternative surface water disposal routes (as follows) is required.

-Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.

-Hydraulic calculation of the proposed drainage system;

-Construction details of flow control and SuDS elements.

The development shall be carried out in accordance with the agreed details.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to policies EN8 and EN14 of the Manchester Core Strategy.

7) No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the City Council as Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

-Verification report providing photographic evidence of construction as per design drawings;

-As built construction drawings if different from design construction drawings;

-Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system, pursuant to policy EN17 of the Manchester Core Strategy.

8) Notwithstanding details submitted, the development hereby approved shall not be occupied until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council

as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation. No bins shall be stored outside the curtilage of the site other than on the day of collection.

Reason - In the interests of public health and residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

9) The car parking area indicated on drawing numbered NO-2697-3-AC-0002 Rev G, received by the City Council as Local Planning Authority on 24 February 2023 shall be surfaced, demarcated and made available for use prior to any of the residential units hereby approved being occupied. The parking areas shall be for the sole use of residential occupants of the development and shall be available for use at all times whilst the apartments are occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to policies DM1, T2 and SP1 of the Manchester Core Strategy., pursuant to policies DM1, T2 and SP1 of the Manchester Core Strategy.

10) Prior to the first occupation of the development hereby approved, full details of electric car charging points shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development and be in place prior to the first occupation of the apartments and retained thereafter.

Reason - In the interest of air quality pursuant to policy EN16 of the Manchester Core Strategy.

11) The boundary treatment shall be implemented in accordance with the details shown on drawing referenced NW-2697-03-LA-101 3712 Rev F received by the City Council as Local Planning Authority on 3<sup>rd</sup> March 2023. The boundary treatment shall be completed prior to first occupation of the apartments hereby approved. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

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 SP1 and DM1 of the Manchester Core Strategy.

12) The hard and soft landscaping scheme approved by the City Council as Local Planning Authority shown on drawings referenced NW-2697-03-LA-101 3712 Rev F and NW-2697-03-LA-201 3712 Rev A received by the City Council as Local Planning Authority on 3<sup>rd</sup> March 2023 shall be implemented not later than 12 months from the date of commencement of works. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree



or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Manchester Core Strategy.

13) The development hereby approved shall be carried out in accordance with details contained within the Energy Statement produced by Focus Consultants and received by the City Council as Local Planning Authority on 14 September 2022. A post construction review certificate/statement shall be submitted for approval prior to first occupation of the development hereby approved.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

14) The development hereby approved shall include a lighting scheme for the illumination of external areas during the period between dusk and dawn. Full details of such a scheme shall be submitted to and approved in writing by the local planning authority prior to commencement of any lighting works. The approved scheme shall be implemented in full before the development is first occupied and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

15) If any external lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

16) Prior to first occupation of the apartments hereby approved, a scheme for the enhancement of the site for biodiversity purposes shall be submitted to and agreed in writing by the City Council as Local Planning Authority. The agreed scheme shall be implemented in accordance with a timescale to be agreed and retained and maintained thereafter.

Reason - To mitigate the loss of vegetation and to promote bio-diversity, pursuant to policy EN15 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

18) The development hereby approved shall be implemented in accordance with the submitted Phase I Desk Top Study Report prepared by Arc Environmental, dated 7 August 2020, received by the City Council as Local Planning Authority on 14 September 2022. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Manchester Core Strategy.

19) When the development commences, the development shall be carried out in accordance with a previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority. No occupation of the development shall take place until the completion/verification report is submitted to and approved by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

20) a) Any externally mounted ancillary plant, equipment and servicing to be installed shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to its installation, the scheme shall

be submitted to and approved in writing by the City Council as Local Planning Authority in order to secure a reduction in the level of noise emanating from the site.

b) Prior to any externally mounted ancillary plant, equipment and servicing to be installed becoming operational, an approved verification report shall be submitted to and approved in writing by the City Council as Local Planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non - conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

21) Prior to the commencement of above ground works, full details of all necessary off-site highway works, to be implemented via a S.278 agreement, shall be submitted to and approved in writing by the City Council as Local Planning Authority and be implemented in accordance with a timescale to be agreed by the City Council as Local Planning Authority. Such works should include:

-Any works to facilitate the widened access onto Spath Road and the making good of any associated footway.

Reason - In the the interests of highway safety and amenity, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

22) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on drawing referenced 1050-KC-XX-YTREE-TPP01/Rev C received by the City Council as Local Planning Authority on 1<sup>st</sup> March 2023. The particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

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

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Any works undertaken within the

identified 'no-dig construction' areas on the approved Tree Protection Plan shall be supervised by a suitably qualified arboricultural expert. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy.

23) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy.

24) Before first occupation of the development hereby approved the communal windows to the western elevation facing the rear of properties along Holme Road, shown on drawing referenced NO-2697-3-AC-1000 Rev C, received by the City Council as Local Planning Authority on 23 December 2022, shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Manchester Core Strategy.

25) Each residential unit within the purpose-built Retirement Living housing development hereby approved shall be occupied only by:

-A single person not less than 60 years of age;

- Joint residents of whom the head of the household is not less than 60 years of age and the spouse, partner or cohabitee not less than 55 years of age;

-Persons living as part of a single household with such a person or persons;

-Persons who were living as part of a single household with such a person or persons who have since died.

Reason - In the interest of amenity and to allow diversification of the housing stock, pursuant to policies DM1, SP1 of the Manchester Core Strategy.

### **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: 134946/FO/2022 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:**

Urban Design & Conservation  
Environmental Health  
Neighbourhood Team Leader (Arboriculture)  
MCC Flood Risk Management  
Urban Design & Conservation  
Greater Manchester Police  
Greater Manchester Ecology Unit  
West Didsbury Residents Association

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

**Relevant Contact Officer :** Steven McCoombe  
**Telephone number :** 0161 234 4607  
**Email :** [steven.mccoombe@manchester.gov.uk](mailto:steven.mccoombe@manchester.gov.uk)

