

Application Number	Date of Appln	Committee Date	Ward
123274/FO/2019	8 April 2019	22 August 2019	Rusholme Ward

Proposal	Erection of a 2 storey teaching block and re-arrangement of the associated car park
Location	Xaverian College , Lower Park Road, Manchester, M14 5RB
Applicant	Mr S Channell , Xaverian College, Lower Park Road, Manchester, M14 5RB
Agent	Ms T Croghan, Pozzoni Architects, Woodville House, 2 Woodville Road, Altrincham, WA14 2FH

Introduction

This application was reported to committee on 25th July 2019 following a site visit that morning. As members resolved that they were minded to refuse the proposal, the application was deferred and requested that a report be brought back which addresses the concerns and provide for further consideration of potential reasons for refusal. Members were minded to refuse the application on the basis of the following:

- The proposals were in conflict with Core Strategy policy EN3 and saved UDP policies DC18 and DC19.

At the committee meeting members discussed the impact of the proposals on the conservation area and in particular sought to give greater weight to the views into the conservation area and the application site from Dagenham Road, concern was also expressed on the impact of the proposals on views of the listed buildings on the site. Some discussions were also held around the replacement trees to be provided as part of the proposed scheme. For clarity the view into the site is to the later extensions to the listed Firwood building.

Response of the applicant

The applicant was present at the Committee meeting held on the 25th July 2019 and have been mindful of the debate held. Following that meeting the College have provided to the Council information relating to the project and its importance to the continued operation of the College on its Victoria Park campus. The applicant also outlined the need for additional teaching space in their statement to the Committee meeting to allow for delivering increased provision at the campus to accommodate the demographic growth in the College age population that will be experienced from September 2020. In addition to this the proposals are required to provide financial security in a challenging fiscal climate for the post 16 sector and allow the College to continue to deliver outstanding educational provision.

In detail the finance for College places is based upon a per pupil funding basis, it is indicated by the applicant that this funding is significantly less than that of primary or secondary schools per student. In addition to this pressure Xaverian currently manages an estate that includes the maintenance of 3 listed buildings, which is not typical of college institutions in general. This produces additional burdens on the Colleges finances and a recent example is provided where modest repairs required

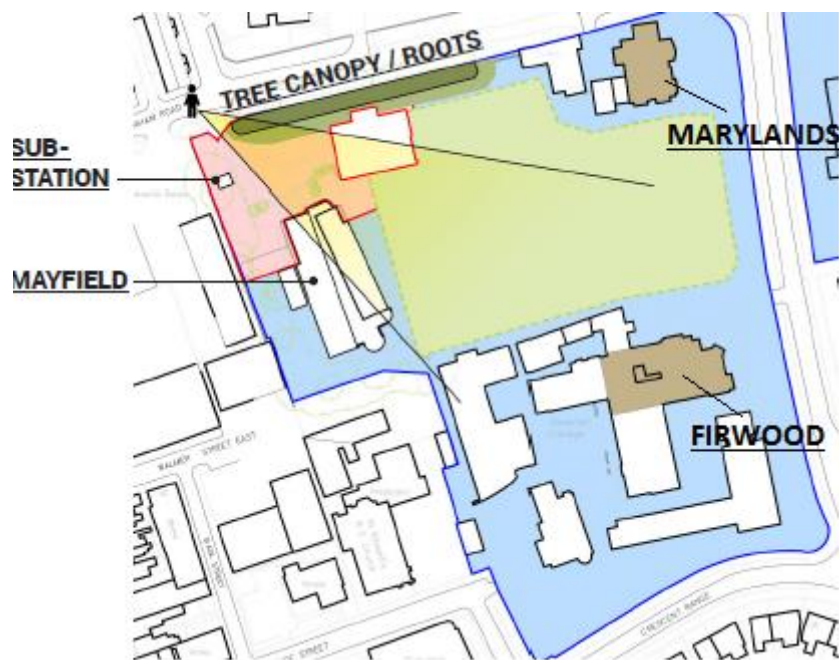
to Marylands (one of the listed buildings on Campus) cost 4 times that of a more modern structure with similar floorspace.

The current funding climate for the College therefore places additional costs on it to maintain financial viability which has resulted in it reviewing the strategic options available to it. These have been shared on a confidential basis to the Council but the College have agreed for some elements to be shared with Committee to allow an understanding of the reasons behind the proposals (as well as the planning balance exercise set out within the printed committee report). Of the three options provided the current proposals would enable the College to increase its income and meet the needs of the wider community as a result of an increased college age population. The other options without the proposals would result in increased pressures on the Colleges income and the resultant financial pressures to reduce its overheads both in terms of its estate and curriculum delivered.

In recognition of the discussion held at the Committee meeting and in particular the comments regarding views of the listed buildings on the site the College has confirmed that they would be willing to instigate Community open days during the summer months for members of the public to view the listed buildings on the campus. This could be secured by way of an appropriate planning condition if members determined that this public access in addition with the other matters set out above, overcome the concerns with regards to the loss of a view into the conservation area and of the Firwood listed building from Dagenham Road.

In addition to this information the applicant has reviewed options for the siting of the building to address the concerns expressed by Committee and in particular the maintenance of views across the open space towards the rear of the Firwood listed building. The options have been provided to the Council to be presented as further information. It must also be noted that officers worked closely with the applicant prior to the current application being submitted in order to explore the optimum siting of the proposed new accommodation in order to minimise adverse impacts on the conservation area and the listed buildings.

Option – Moving the building east



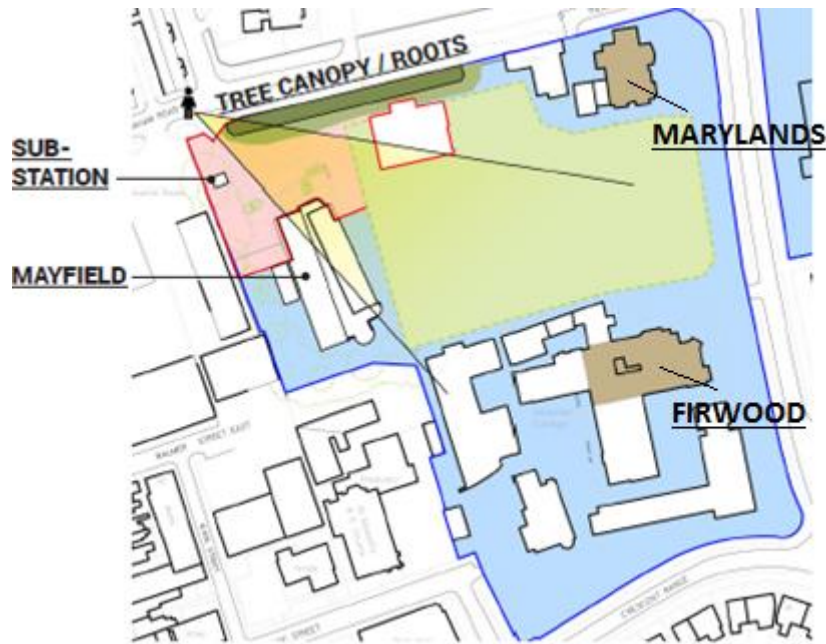
Relocated building outlined in red



CGI representation of the building moved east

Whilst the movement of the building would create a gap across to the unlisted rear extensions of the Firwood and open space with the result being that the building would encroach onto the communal open space. It is also noted this would provide a very limited view.

Moving the building further east



Relocated building outlined in red



CGI representation of the building moved further east

Moving the building further east maintains the view into and across the communal open space. The result of this option is that the building is visually more isolated from other buildings on the campus and would not frame the open space but would

encroach significantly on to it. There would also be a requirement for additional hardstanding to provide access paths to the building which could further erode the green space, reducing this substantially in size.



Victoria Park Conservation Area edged Yellow; Xaverian open space edged red

Response of the Director of Planning to this additional information

The options provided by the applicant would result in the movement of the proposed building and whilst this would gain some long distance views to the unlisted rear extensions of the Firwood building, the result would be encroachment into the communal open space used by the College its staff and students. The importance of this space is not just through its use by the College but it also retains the historic setting of the two listed buildings on the site and as set out on the map below provides the largest expanse of open space within the Victoria Park Conservation Area. The open space is therefore a significant feature of the conservation area and the setting to the two listed buildings on the campus.

Other options for siting the building have been explored by the applicant following the 25th July Committee meeting and whilst these options could provide varying degrees of views to the rear of the Firwood building they are considered to give rise to a higher magnitude of less than substantial harm than the application proposals. The

application proposals would retain a greater amount of open space whilst framing rather than encroaching onto it.

It is considered that the further information and review of options provided by the applicant confirms that the impact upon the character of the Victoria Park Conservation Area and the setting of both Maryland and Firwood listed buildings can be preserved and that as a result the harm arising from the proposal on Victoria Park Conservation Area can be categorised as less than substantial as set out within the National Planning Policy Framework (NPPF). As set out in the main body of this report, whilst there are identified impacts on certain views into the campus these impacts are considered to be less than substantial and the public benefit derived from the proposed through the provision of additional educational facilities is considered to outweigh any harm caused.

Background

This application was placed before the Planning and Highways Committee meeting on the 27th June 2019 and at that meeting the Committee deferred deliberation in order to allow members to undertake a site visit.

The applicant has provided supporting information relating to the background to the application development and the educational establishment that the proposals relate to.

Xaverian College is an open-access inner city Roman Catholic Sixth Form College, established in 1977, with the student cohort almost entirely full-time aged 16 to 19. The College is two miles south of the city centre in Rusholme in the Diocese of Salford. The College draws from a diverse community, and 65% of its students are from disadvantaged areas. In relation to disadvantage uplift, the College receives additional funding in recognition of the specific needs of 53% of its cohort. Currently, approximately 25% of students qualify for bursary / free school meals. 70% of the Colleges students are from the City of Manchester.

The college is an Outstanding Grade 1 (OFSTED) college with 2,298 FTE students and is a Beacon College recognised nationally for its expertise and good practice and chosen to support improvement within the whole sector. The College celebrates high success in students achieving high grades in both A-Level subjects and applied courses. This is particularly significant given that a large number of students enter the college with a lower than average points score. The number on roll has and continues to increase and due to this the College urgently needs new and improved teaching spaces.

The student population in September 2017 was 2,298. This has necessitated maximising the utilisation of timetabled spaces, loss of some support spaces due to their conversion to teaching purposes and use of the poorer quality accommodation.

The College's projections indicate by 2024, based on current demand, the college will have increased by 177 places. The last 5 years the College has grown by 14.7% and expects (in line with recognised demographic upward movement in 16-19 age

group) to increase numbers year on year moving forward. It is indicated that the College is now at capacity and without additional building work the College will be unable to meet the educational provision demands of the increasing local demographic. The additional information at the beginning of the report sets out the challenges the College faces in this regard.

To address this need for additional teaching space the College initially approached the City Council with proposals to demolish the 'Sunbury' building located on the campus and replacement with a building to provide the additional required accommodation. This approach would have resulted in the loss of a historic building on the campus and within the Victoria Park Conservation Area, albeit a non-listed building, and at this point the College was invited to review other options on the campus either through extensions or replacements of non-historic buildings on the campus. Following this feasibility process proposals for a new build option have been developed by the College and are now present in the proposals subject of this current planning application.

The College has also stated within a supporting statement that Xaverian College has operated at its current home in Victoria Park for over 100 years and as far as they are aware, are one of the longest standing custodians of listed buildings in this designated conservation area. During the College's time within Victoria Park, the College has taken continuous steps to maintain the buildings in its ward and preserve the nature of its campus.

Description of site

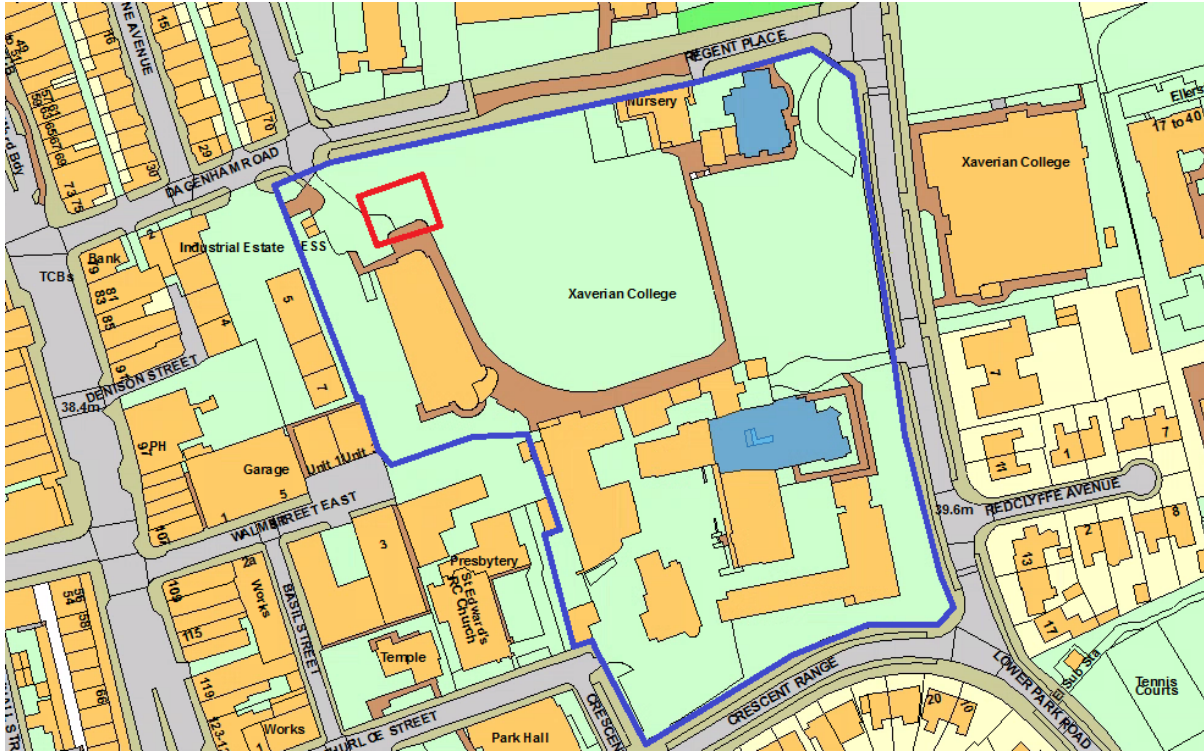
The application site forms part of Xaverian College campus which is located in the Rusholme ward of Manchester. The College occupies a mix of new and converted buildings focussed around an open area green space. Many of the older buildings are former residential villas which have been converted and extended to accommodate educational use. The application site lies on the western boundary of the campus and the Victoria Park Conservation Area and has an access from the end of Dagenham Road, this part of the College campus contains the listed buildings known as Marylands and Firwood which have both been converted for educational use in the past. Marylands lies to the east of the application site beyond the open area of green space whilst Firwood is to the south and east again across the open space, both buildings are Grade II Listed.

The northern boundary of the campus in this location is formed by a high brick wall with mature boundary trees, behind. Regent Place which is beyond the campus boundary provides limited vehicular access to the properties to the north before changing to a pedestrian only route and again forming a highway as it meets Lower Park Road to the east.

To the north and west of the application site along Dagenham Road are residential streets comprising two storey red brick back of pavement terraced properties whilst to the immediate west of the site are industrial and commercial uses leading on to the commercial centre of Rusholme district centre. To the north of the site and Regent Place is the University of Manchester Victoria Park campus halls of residence which

comprise a collection of buildings ranging in dates and styles arranged around the grade II listed Hulme Hall.

The application site currently comprises car parking for the College and part of the open green space within this area of the site.



Xaverian College Campus edged in blue; approximate location of proposed building is edged in red; Grade II Listed Firwood building is the building shaded blue to the south and Grade II Listed Maryland building is shaded blue to the north adjacent Regent Place



Aerial view looking west across this part of the Xaverian campus with the approximate location of the proposed building edged red with Firwood to the left together with its rear extensions and Marylands to the right.



View looking north east towards Maryland across the open space in the foreground



View of Maryland from Regent Place looking westwards (Views of Maryland are not impacted by the proposal)

The application proposals

In response to the Colleges need for additional teaching space the application proposals are for the erection of a two-storey flat roof building comprising 8 no. classrooms over two floors served by staircase and a platform lift enabling the building to be fully accessible. The building is located to the north of the Mayfield building but is lower in height to this more recent building on the college campus, the main entrance is centrally located on the southern elevation facing towards Mayfield. The external finish of the building is proposed to be red brick with feature brick detailing, with grey aluminium window frames providing significant glazed areas to

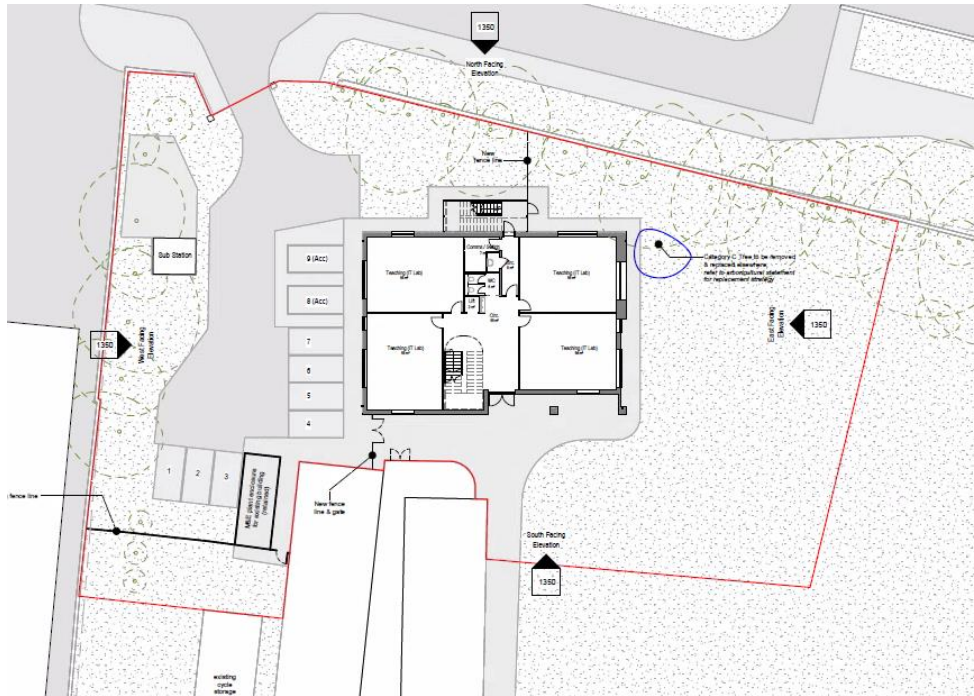
the classrooms and affording views on the eastern elevation across the open space on the campus. The external emergency staircase on the northern elevation is to be screened by a perforated metal finish.



CGI of the east elevation of the proposed building (the building to the left is the representation of the height and scale of the adjacent Mayfield building)

Both the height and choice of materials reflect the adjacent Mayfield building attempting to ensure a consistent built form overlooking the open space that forms a focal point to the campus.

Externally the proposals include the re-provision of the car parking including accessible spaces. As a result of the development one category C tree would need to be removed, and one tree on the site has been found to be in a poor condition (category U) and should be removed irrespective of the application proposals. The applicant has indicated that a replacement tree of a 'Heavy Standard' would be planted as part of the development as a replacement. The boundary trees on the northern boundary of the site are to be retained, a supporting arboricultural method statement has been submitted by the applicant and is discussed further in the issues section of this report.



Proposed ground floor plan and site context of the proposed building

Consultations

In accordance with the statutory requirements for advertising the type of application submitted the application was subject to site notice, advertisement in the Manchester Evening News and notification of 234 addresses within the vicinity of the application site 19 responses were received, and a summary of the comments received is set out below.

Ward members

Councillor Ahmed Ali and Councillor Rabnawaz Akbar - Whilst acknowledging the requirement for a new teaching block is understood they have indicated that they support the objections of residents to the chosen location of the proposed new teaching block. The objections centre on two significant grounds both relating to the Victoria Park Conservation Area. It is vital that the new teaching building contributes to sustaining the heritage aspects and visual amenity of the Victoria Park Conservation Area, and of the two listed buildings, Firwood and Marylands, on the Colleges main site.

Yet in analysing how the teaching block, its design, and the location chosen for it will impact on these listed buildings and their settings, and impact on the visual character of the area, and in determining the impact of the new teaching block as being 'neutral', the applicant's heritage assessment seems to draw on quite limited materials. What seems to concentrate on is the views out from these listed buildings.

Significantly this analysis does not engage with perceived openness, which is a key characteristic of the Victoria Park Conservation Area. In particular the view from the NW gateway (Dagenham Road/Regent Place) is not integrated into the visual impact assessment provided. The photographs and drawings shown in the assessment

show very clearly a stark contrast between the way in which the existing teaching block in this part of the site was designed to create a framed view across to the listed building, whilst the proposed new 2 storey building will completely intrude on and block out this framed view.

Secondly, large mature trees are an integral feature of the Victoria Park Conservation Area. The arboricultural survey and impact assessment makes clear that the location chosen for the new teaching block will impinge on the root protection area of 5 major class A and class B trees alongside Regent place. This seems an unacceptable level of risk for this mature row of trees, which is such a prominent feature within the Conservation Area.

On both of these grounds we support resident's calls for a rethinking of the location of the College's new teaching block.

Residents comments

- Damage to the existing trees which will result in loss of Grade A species the building should be relocated away from their roots;
- Loss of key views at Victoria Park Conservation Area, especially at the corner of Dagenham Road and Oxney Road;
- Detrimental effect on the character of Conservation Area where open grounds of historic villas are visible from public spaces;
- There was no public consultation for such a conspicuous and sizable development in the conservation area;
- There is no heritage assessment submitted as a part of the application.
- No methodology, verified views of the listed buildings, view comparisons (before and after) or thorough analysis of how the building would effect settings of the listed halls and the character of the area.
- The arboricultural survey and impact assessment is alarming - please see attached extract from the report. The report admits that the building will impinge on the root protection areas of major Class A and Class B trees and one tree will have to be removed.
- The position of the block in the corner will completely block the view of the listed Firwood Hall and its open grounds. The openness of the plots that can be appreciated from the outside / by public is key characteristic of the area and a unique feature specific to Victoria Park. The proposal therefore would be detrimental to the character of the Conservation Area. It will effect a setting of listed buildings.
- The position and the massing of the proposed block should be reconsidered: linear one-story block would be in keeping with the development elsewhere in the campus, with no need for the stair and lift.
- The proposed escape stair is of poor visual quality - industrial and out of character with the area.
- Insufficient time has been given for people to comment on the application.
- The extension of the college is important and necessary and the required facility can be accommodated on site. It must however be positioned more carefully to be acceptable
- I support the need of the college to expand. This however should be done in a much more considered and sympathetic manner.

Other matters raised that are not material planning considerations are that the application was submitted and processed during purdah period so the Councillors / officers could not be involved fully.

Rusholme, Moss Side and Fallowfield Civic Society – The siting of the corner block will completely eliminate the view of the listed Firwood Hall and its open grounds. The openness of the plots that can be appreciated from the outside / by the public is a key characteristic of the area and a feature unique to Victoria Park. The existing teaching block is designed to frame the view of the open grounds and the curved copper corner (stair enclosure): and leads to views into the site which would be blocked by a bulky brick corner of the new teaching block, utilitarian-looking and heavily proportioned. A narrow space created between the existing and the proposed building will result in a blind spot, ideal for bullying during the day and hiding out of hours. The position and the massing of the proposed block should be reconsidered. The proposed escape stair is of poor visual quality – industrial and out of character with the area. The proposal would therefore be detrimental to the character of the Conservation Area. It will effect a setting of listed buildings.

We understand that the reasoning behind this position for the proposed building was to preserve grassed areas. The open grass areas are indeed important there should be a balanced approach considering all aspects and views currently missing from the application. The result therefore is not satisfactory on so many points and position of the block should be considered further before it could be accepted.

The arboricultural survey and impact assessments are of particular concern. The report admits that the building will impinge on the root protection areas of major class A and class B trees, already subject to a tree protection order - and one tree will have to be removed, which cannot be done. On any given project with all the precautions and distances complied with it is always a gamble building close to the existing trees. Trees get damaged and die immediately or soon after. Here however the proposal is in breach of permitted distances on the outset. The proposal therefore is not acceptable, and the building should be re-positioned to avoid damage to the trees.

The submitted Heritage statement is not fit for purpose, it is not robust enough and it doesn't take into account consideration some key views. It lacks a thorough methodology and a hierarchy of views. The proposal should go into more depth in considering and analysing other locations and finding the optimum solution that would retain views, protect the trees and deliver the additional educational spaces. The resulting design might not deliver 8 classrooms, instead it might be only 5 or 6. There isn't however, a rational behind the number of classrooms. The applicant should demonstrate how the existing accommodation is used and how it could be occupied more efficiently. Using existing facilities more extensively is in line with the sustainable approach of the Council and a very strong trend within further education and higher education.

Statutory and non-consultees

Manchester Conservation Areas and Historic Buildings Panel – The Panel made the following comments:

The Panel felt that the proposed building would have been better as an extension to the existing building as it has left an awkward space between them and has also increased the footprint and land take.

The Panel was concerned that the building was being pushed very close to the boundary trees which could be detrimentally affected.

The Panel thought that the design was rather disappointing and felt that it should be an extension or a little gem of a building. They felt that some of detailing looked awkward and the screen enclosure to the staircase looked poor. The Panel would like to see a staircase enclosure that is more integrated into the design or contained within the building.

MCC Flood Risk Management Team - Recommend that a condition be attached that the submitted drainage strategy be implemented as part of the development.

MCC Environmental Health - Recommend conditions relating to construction working hours; noise and external equipment; and land contamination to investigate potential sources or impacts of ground contamination.

MCC Highway Services - It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns. The parking layout is being reconfigured to suit the building development whilst the overall number of parking and accessible bay spaces remains the same. Given that it is not proposed to increase staff numbers, nor is it permitted for students to park on campus, this number of bays is considered to be acceptable from a highway perspective.

In relation to servicing, infrequent access is required to the sub-station and the swept path analysis provided satisfactorily demonstrates that the necessary vehicle manoeuvres can be undertaken within the car park. No waste management details have been provided and a Site Waste Management Plan should be conditioned as part of any approval. It would be difficult for a large refuse vehicle to manoeuvre within the confined space of the proposed car park and waste collection may need to take place from elsewhere within the campus.

The proposed pedestrian access and routing to the proposed building is acceptable from a highway perspective.

It is recommended that a condition be attached to any approval for the submission and approval of a construction management plan.

MCC Neighbourhood Services (Arborists) – Have reviewed the submitted documents and make the following comments. The positioning of the proposed 2 storey teaching block means the foot print of the building slightly encroaches into the root protection zones of a handful of trees on this site.

They have reviewed the submitted Arboricultural method statement and have no objection to the proposed development subject to adequate tree protection being

installed prior to any building work commencing. All root protection encroachment falls below the accepted tolerance level of 20%.

Due the amount of category B and C trees within influencing distance of the proposed development it is suggest that the applicant embed an independent Arboricultural consultant into the project to oversee any tree related pruning / excavation works within the trees protection zone.

The applicant has proposed to remove a tree (ref T42) to allow for development and replace with a heavy standard within the line of trees. It is recommended that mitigation in the form of 2 heavy standard replacements is sought due to scope on this site for mitigation planting.

Policies

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The adopted development plan consists of the Core Strategy (adopted 2012) and the saved policies of the Unitary Development Plan. Due consideration in the determination of the application will also need to be afforded to national policies in the National Planning Policy Framework (NPPF) which represents a significant material consideration.

Core Strategy Development Plan Document

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

Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy EN 3, *Heritage* – Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled

ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Policy EN 4, *Reducing CO2 Emissions by Enabling Low and Zero Carbon Development* – This policy states that all developments must follow the principle of the Energy Hierarchy; to reduce the need for energy through energy efficient design and features; and, meet residual energy requirements through the use of low or zero carbon energy generating technologies.

Policy EN 15, *Biodiversity and Geological Conservation* – The Council will seek to maintain or enhance sites of biodiversity and geological value throughout the City and developers will be expected to identify and implement reasonable opportunities to enhance, restore or create new biodiversity, either on-site or adjacent to the site,

Policy EN 19, *Waste* – States that developers will be required to submit a waste management plan to demonstrate how the waste management needs of the end user will be met.

Policy T2, *Accessible areas of opportunity and need* – Seeks to ensure that new development is easily accessible by walking/cycling/public transport; provided with an appropriate level of car parking; and, should have regard to the need for disabled and cycle parking.

Policy DM1, *Development Management* – This policy states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques

Saved UDP Policies – Policies DC18 and DC19 are considered of relevance in this instance:

Policy DC18, *Conservation Areas* – Policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas by taking into consideration the following:

- a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
 - i. the relationship of new structures to neighbouring buildings and spaces;
 - ii. the effect of major changes to the appearance of existing buildings;
 - iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);
 - iv. the effect of signs and advertisements;
 - v. any further guidance on specific areas which has been approved by the Council.
- b. The Council will not normally grant outline planning permission for development within Conservation Areas.
- c. Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.
- d. Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.
- e. Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Listed Buildings – Policy DC19.1 states that in determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. In giving effect to this policy, the Council will:

- a. not grant Listed building consent for the demolition of a listed building other than in the most exceptional circumstances, and in any case, not unless it is satisfied that every possible effort has been made to continue the present use or to find a suitable alternative use;
- b. not permit a change of use of a listed building, where it would have a detrimental effect on the character or appearance of the building;
- c. not permit any external or internal alteration or addition to a Listed building where, in its opinion, there would be an adverse effect on its architectural or historic character;
- d. seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features;

- e. permit demolition only where there are approved detailed plans for redevelopment and where there is evidence of a firm building contract;
- f. not permit alterations to a listed building which would prevent the future use of any part of the building, in particular upper floors or basements, or where poor maintenance is likely to result.

The National Planning Policy Framework (February 2019)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 192 in Section 16 (Conserving and enhancing the historic environment) states that in determining planning applications, local planning authorities should take account of:

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

Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification

Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a. the nature of the heritage asset prevents all reasonable uses of the site; and b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d. the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 200 states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 201 states that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

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.

Guide to Development in Manchester Supplementary Planning Guidance

Recognises the importance of an area 's character in setting the context for new development; New development should add to and enhance the area's distinct sense of place; Each new development should be designed having full regard to its context and the character of the area; Seeks to ensure high quality development through good and inclusive design; Buildings should front onto streets; Site boundaries and treatment should contribute to the street scene; There should be a clear definition between public and private space; The impact of car parking areas should be minimised; New developments will be expected to meet designing out crime principles; The impact of development on the global environment should be reduced. The scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings.

Legislative Requirements

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of the power to determine planning applications for any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Issues

Principle

The principle of the provision of additional educational facilities within an existing education establishment is generally acceptable. There are other examples of additional facilities having been constructed within the campus, Victoria Park Conservation Area and in close proximity to listed buildings. The Xaverian College has been providing education to students on this site for a considerable period of time and pre-dates the establishment of the Sixth form College in 1977, historical ordnance survey maps from 1935 show the site in use as a College.

Notwithstanding the above further consideration of the proposals impact on the character of the Victoria Park Conservation Area and nearby listed buildings, current levels of residential and visual amenity within the vicinity of the site, the level of pedestrian and highway safety experienced on the surrounding highway network, together with impacts on existing trees on the site is required.

Comments received in response to the notification process have criticised the supporting information and in particular the Heritage Assessment prepared on behalf of the applicant. The submitted Heritage Assessment has been prepared by Heritage specialists and is considered to be proportionate to the significance of the heritage assets affected and the impact on the significance of those heritage assets to allow an informed decision to be made on the submitted application proposals.

Impact on the Victoria Park Conservation Area

The application site lies within Victoria Park Conservation Area which was designated in 1972. Victoria Park was conceived in the first half of the 19th Century and has been subject to modern additions since it was first designated. The houses in Victoria Park are large and are set in spacious grounds. Several of the roads are laid out in gently undulating curves, whilst others are straight and relatively short. They are nearly all wide, and some of them have grass verges. Not all the large old houses in Victoria Park have survived, a relatively small proportion of houses from the 1830s and 1840s still exist, and where they were demolished there now stand either groups of smaller houses or large, institutional buildings, such as schools, colleges, churches, university halls of residence and blocks of flats. Despite these changes in many cases the large spaces between buildings have been maintained and a significant number of trees retained. Architecturally, the conservation area is home to a variety of building styles ranging from Victoria villas to 20th century dwellings, educational buildings and offices that are typically between 2 to 4 storeys in height.

The requirement to preserve or enhance the Conservation Area, and the setting of the Listed Buildings, in this case Firwood and Marylands is a key requirement within policy EN3 of the Core Strategy, saved policies DC18 and DC19 of the UDP along with the objectives of the NPPF. As such, any new development must seek to retain the character of the area through careful detailing and, where appropriate, the use of compatible materials.

The applicant has provided a heritage statement and a detailed design and access statement as part of their application which specifically examines the impact and contribution the proposal would have on the Victoria Park Conservation Area along with important views within the area and the setting of Maryland and Firwood listed buildings.

Xaverian College shares its western boundary with that of the conservation area. The more recent Mayfield building to the immediate south of the application proposals has enabled the reinforcement of the open space as a focal point of the College campus whilst also providing a buffer from the industrial and commercial uses that lie immediately beyond the western boundary of the College and conservation area. The retention of the open space on the campus has enabled the settings of both Maryland and Firwood to retain an important characteristic of the conservation area that being large spaces between buildings.

The proposed two storey building would remove the view of the listed Firwood building beyond which has been raised as an important view and in terms of the character of the Conservation Area by resident's objections. It should be recognised

that this view point is not a historic or long standing one. The development of the Mayfield building in the mid 2000s opened up the site visually with the creation of the vehicular and pedestrian entrance at this location where previously the site boundary wall would have continued with trees sat behind.



Aerial image from 2003 showing boundary trees in the north western edge of the site circled red



Image looking east along Dagenham Road/Regent Place. Boundary trees are along the boundary wall in the centre of the image, access gates are to the right. The corner of the existing Mayfield building is visible on the left with the copper finish, the rear of Firwood (edged red) is in the distance beyond the open space

Impact of proposals on views from Dagenham Road - Views in to the campus from Dagenham Road/Oxney road junction are restricted to those through the entrance gates to the Campus and between the three storey Mayfield building. The limited views afforded from this point are of the open space and the rear of the listed Firwood building and its later additions beyond. The submitted Heritage assessment does address this impact explicitly and acknowledges that views across the open space towards the listed Firwood building would be diminished. However, these views are limited to the rear of Firwood where later extensions and additions to the building are present. The primary views of the earliest phases of the development of Firwood, are from Lower Park Road where the original Villa took, and continues to take its access from. Firwood is directly related to Lower Park Road it is where the front of the building faces towards, the building was originally sited to front this road. These primary views of the listed building would not be impacted by the application proposals. As set out above this view is not a longstanding historic one but one created when the Mayfield building was constructed in the mid 2000s, in addition the view from the junction of Dagenham Road/Oxney road junction is not considered to provide expansive or extensive views that enable the appreciation of the character of the Conservation Area or of important designated heritage assets within it. Whilst views towards the listed Firwood building from the junction of Dagenham Road and Oxney Road would be diminished by the proposed building it is considered that the loss of this view would result in less than substantial harm on Victoria Park Conservation Area.



CGI of the proposed building as viewed from Dagenham Road

Mature trees are identified as an important character of the conservation area, they are predominantly found within property boundaries rather than within the street or grass verges within Victoria Park. The application is supported by an arboricultural assessment which identifies that one category C tree would need to be removed to facilitate the development, this tree is not a mature boundary tree which are all indicated within the application documents and drawings as being retained as part of the development albeit subject to works that would impinge on their root protection areas (see below further discussion regarding impacts on trees).

The proposed two storey building has been sited to retain the sense of open space around and between the listed buildings on the campus whilst also continuing the framing of this space with the newer Mayfield building to the south. The scale and height of the building is two storeys in height, lower than the adjacent Mayfield building and other buildings on the campus but respectful of the scale of nearer residential properties located on Dagenham and Oxney Road.



Comparison drawing – The existing Mayfield building is to the left, the proposed building is to the right

The design and form of the proposed building is a simple one but this reflects the form of developments both on the college campus but also on adjacent sites in educational use particular those additions in the mid to late 20th century. This scale and form of the building together with the existence of high boundary walls and significant mature boundary trees would result in a building that would not be a prominent addition to the conservation area.

It is considered that the proposed building would give rise to less than substantial harm to the Victoria Park Conservation Area, this level of harm is outweighed by the public benefit derived from the proposal which as set out within this report would provide required additional educational facilities to an existing establishment.

Impact on the Grade II Listed buildings Maryland and Firwood

The submitted Heritage Assessment sets out an assessment of the impact on the settings of both Maryland and Firwood grade II listed buildings. The conclusion of this assessment is that the proposals would have a neutral impact on the setting of these buildings.

Firwood – Firwood is a fine example of an ornate Victoria Park villa dating from the later period of villa development in Victoria Park, subsequently extended on several occasions to accommodate educational use. The extensions to the south in 1922 also contribute externally to this interest. The building was originally constructed as a grand residential villa and whilst being part of the later phase of villa building in the area the Heritage statement identifies it as good example of a high-status residence in Manchester from the second half of the nineteenth century which gives it a high historical value. It is a thought to be the only surviving Alfred Waterhouse villa in the City. The extensions to Firwood have removed and built over the majority of the former garden area of the original villa which have impacted on the setting of the original villa, the exception being to Lower Park Road where a former garden area has been retained. The application site is not prominent from the former villa as later extensions and the Colleges open space sit between the two and together with the

distances between them (approximately 100 metres) provide a physical and visual separation.



View from Lower Park Road westwards towards application site (approximate location of building is edged red adjacent the just visible Mayfield building to the left)

Given the above it is not considered that the proposed building would have an impact on the setting of the grade II listed Firwood building.

Maryland - A very good example of an ornate Victoria Park villa dating from the later period of villa development in Victoria Park. The building was originally constructed as a grand residential villa for a high status resident and the merchant's villa and both the external and some internal ornamentation reflect this. The building has a variety of ornamentation including brick banding, stylised Lombard friezes, decorated heads; columnar stone mullions, carved heads, tall ridge chimneys and interior features as such it has a high aesthetic value.

Maryland's was built as a villa and retains areas to the north, south, east and west which were part of the former residential curtilage of the villa. Whilst the southern part of the villa garden has been incorporated into the campus, the application site lies outside the former garden area of the villa. Despite being a building of substantial scale, views of Maryland's from Regent Place, Lower Park Road and Dagenham Road outside the site are often limited by tall boundary walls and/or tree planting. The view of the southern elevation of the building across the college green is more prominent. Aside from the garden setting and tall walls, a key contribution to the setting of Maryland's is the former coach house which forms the built western side of a hard surfaced courtyard accessed from Regent Place, this coach house has been refurbished as a refectory, the conversion did not involve significant change to the courtyard elevation or the setting of Maryland's. The rear of the coach house has been extended with a contemporary extension which faces west across the college green toward the application site. This contemporary extension, known as the Pavilion, has a part flat and part mono-pitched roof forms.

Given the distance between the application site and proposed building (84 metres) and the intervening built form is not considered that the proposal would have an impact on the setting of the grade II listed

Residential Amenity

The closest residential properties are those lying to the north west of the application site on Oxney Road and Deyne Avenue and are separated from the wider College campus by Dagenham Road and the boundary walls and gates surrounding it. The proposed building has windows on its western and northern elevations, those facing northwards towards Dagenham Road are smaller windows to classrooms with the main larger windows being on the western and eastern side facing towards commercial and industrial properties to the west of the campus and the College open space and Maryland building to the west.

The residential property on the end of Oxney Road would have limited views across towards the application proposals, these views would be across both Oxney Road and Dagenham Road and be restricted by both the boundary wall of the campus and the boundary trees that lie behind it. There is one first floor gable window to this property however, again given the distances between the proposed building and the property it is not considered that the proposal would give rise to unacceptable impacts in terms of loss of privacy or overshadowing.

The main entrance to the proposed building would be to the southern side of the building away from residential properties with only an emergency fire staircase located on the northern boundary. Given this arrangement it is not considered that activity and noise associated with the comings and goings of students or the use of the classrooms would give rise to additional noise or disturbance to nearby residential properties.

Impacts on trees

The application proposals are accompanied by a Preliminary Ecological Survey and Tree survey undertaken in accordance with British Standard 5837 2012: Trees in Relation to Design, Demolition and Construction which also includes an arboricultural method statement.

As set out elsewhere in this report mature trees, particularly those on the sites boundary form an important character of the Victoria Park conservation area. There are 51 individual trees within the application site, 14% of these are classed as Category A trees (those of high quality and value) and a further 41% are category B trees (those of moderate quality and value).

As a result of the proposal a category C tree (those of low quality and value) would need to be removed to facilitate the new building. The applicant is proposing to plant a heavy standard replacement tree on the site as compensation for this loss. In addition as part of the tree survey of the site a further tree classed as a category U tree (one in a condition that should be removed for reasons of sound arboricultural management) would be removed during tree works on the site.

The tree report assesses impacts of the proposed development on trees within and adjacent the application proposals. This identifies that three category A trees and two category B trees would have root protection areas affected by the proposals. The impact assessment indicates that the proposed works would not have a significant effect on tree health, with incursions below the 20% maximum root protection area incursion allowance that is set within the relevant British Standard BS5837 2012. In addition where the proposals encroach within the root protection area special construction methods are proposed to limit the impact on tree roots. Canopy pruning is proposed to one tree that may come into contact with the proposed new building.

The submitted information has been undertaken in accordance with relevant British Standards and indicates the impacts of the proposals on existing on site trees and that the development can retain category A and B trees. The recommendations and conclusions of this information has been assessed by the Council's Arborists who raises no objections to the proposed works or tree removals. However, they do recommend that further mitigation in the form of the planning of an additional tree is undertaken.

The tree survey and assessment makes a series of recommendations and it is considered necessary given the above and to ensure that works progress as set out in the report that suitably worded conditions are attached to any approval to ensure: tree protection measures are in place during construction works; that works within root protection areas are undertaken in accordance with submitted arboricultural statement; that works are progressed under the supervision of an arboricultural advisor and that a scheme for planting a further 2 trees is submitted and approved.

Highway Impacts

The applicant has confirmed that the proposals would not give rise to additional requirements for car parking by staff and students as they are not provided with on-site car parking provision. The application is supported by a technical Highway note that has been assessed by the City Council's Highway Services who raise no concerns in terms of pedestrian and highway safety.

The College have confirmed that in terms of on-site cycle parking there is currently space within the cycle store located at the Mayfield building immediately to the south. In addition to this provision extra cycle store capacity has been provided across its campus. The College indicate that students and staff utilise cycle storage at the point of their arrival at the College and not necessarily at the building they may have only one out of five lessons in.

The College has confirmed that Waste collection provision would be unchanged on the Campus as a result of the proposal and there would be no requirement for waste vehicles to access this part of the campus from Dagenham Road.

The re-provision of car parking and provision of accessible spaces accessed via Dagenham Road is considered to be acceptable, in addition it is confirmed that this area is not used by large delivery vehicles, refuse vehicles or other servicing requirements other than a smaller van required to access the on-site substation.

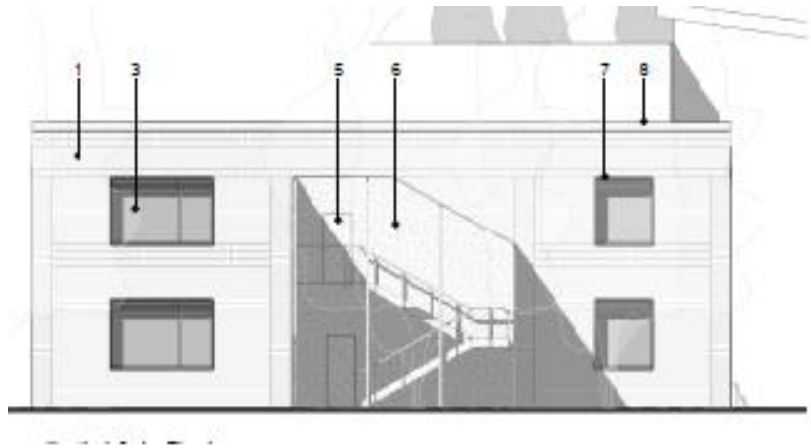
Design

The proposed building has been designed to have the appearance of a contemporary building whilst utilising materials within its construction that are found within and around the College campus.

The main material is red brick, which is elevated through brick bond patterns to add texture to the elevational treatment of the building. Contrasting feature material will highlight the main entrance and corner of the building with recessed window reveals and recessed wall elements to be framed in grey aluminium. An external fire escape stair is proposed on the northern elevation and this is to have a perforated metal screen to surround the escape stair. Concerns have been raised with regards to the design of this element of the building in particular. It is acknowledged that the external emergency staircase would be a visible element of the building from the conservation area. However, the staircase would not extend across the full width of the northern elevation of the building and the applicant is proposing a perforated metal screen solution to assist in reducing the visual impact of this external structure to the building. In addition the, brick boundary wall and boundary trees would form an additional screening element when viewing this elevation of the building from Regent Place.



Boundary wall and trees looking south towards the northern gable end of the Mayfield building



Northern elevation of the proposed building showing the centrally located external staircase

Given the location of the building within a conservation area and the matters raised above it is considered necessary that the final details of materials to be used on the building and screen to the emergency staircase should be agreed by way of appropriately worded condition.

The design approach balances the use of materials sympathetic to the conservation area with the need to provide usable educational space to support the future requirements of the College to accommodate increases in its enrolment numbers. The building would sit immediately adjacent the newest building (Mayfield) on the campus which is also of a modern contemporary design utilising metal cladding that screens and emphasises emergency staircases. Together with the lower height of the proposed building it is considered that the design would assimilate successfully onto the campus and the wider conservation area.

Accessibility

The building has been designed to be accessible throughout with the incorporation of an internal lift to provide access to the second floor. The building incorporates accessible toilet facilities and there is the provision of accessible car parking spaces external to the building.

Conclusion

The application proposals would result in the provision of additional teaching space for an existing college on an established college campus. The applicant has indicated that there is a requirement for additional space to meet the predicted increase in student numbers. The principle of education facilities within an established college campus is considered to be acceptable.

Concerns have been raised by residents with regards to the submitted Heritage Assessment. However it is considered that the submitted Heritage Assessment is proportionate to the application proposals has been written by heritage experts and does identify and assesses the impacts including those raised by residents and ward members on the designated heritage assets within the campus together with the Victoria Park Conservation Area.

In this case it is considered that with the siting, design and height of the proposed building the impact upon the character of the Victoria Park Conservation Area and the setting of both Maryland and Firwood listed buildings can be preserved and that as a result the harm arising from the proposal on Victoria Park Conservation Area can be categorised as less than substantial as set out within the National Planning Policy Framework (NPPF). As set out in this report, whilst there are identified impacts on certain views into the campus these impacts are considered to be less than substantial and the public benefit derived from the proposed through the provision of additional educational facilities is considered to outweigh any harm caused. The proposals are therefore considered to accord with section 16 of the NPPF in particular paragraphs 192, 193, 194, 195 and 196 of that document and policy EN3 of the Core Strategy.

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

Recommendation APPROVE

Article 35 Declaration

The application has been considered in a positive and proactive manner as required by The Town and Country Planning (Development Management Procedure) (England) Order 2015 and any problems arising in relation to dealing with the application have been communicated to the applicant.

Condition(s) to be attached to decision for approval

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 stamped as received on
5154-PAL-XX-XX-DR-A-1110 Rev P2 (Proposed site plan)
5154-PAL-XX-XX-DR-A-1350 Rev P1 (Proposed elevations)
Design and Access Statement Rev P1

Planning and Heritage Statement prepared by Paul Butler Associates
Preliminary Ecological Appraisal Rev A dated March 2019 XCII-PEA-001; and Site Report, Appraisal & Plans "*BS5837 2012: Trees in Relation to Design, Demolition and Construction*" dated March 2019 XCII-BS-001 Rev A both prepared by Christians Environmental
Drainage Strategy Report Rev 1 dated March 2019, XAV-SHD-00-ZZ- RP-C-0001, prepared by Scott Hughes,

All received by the City Council as local planning authority on the 8th April 2019.

5154-PAL-XX-XX-DR-A-1200 Rev P2 (Proposed GA plans)
Received by the City Council as local planning authority on the 17th June 2019

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

3) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority.

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.

b) When the development commences, the development shall be carried out in accordance with the 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.

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 EN18 of the Core Strategy.

4) Prior to the commencement of any development a Construction Management Plan shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in accordance with the agreed Construction Management Plan and shall include:

- The routing of construction traffic; o Detail the quantification/classification of vehicular activity associated with the construction including commentary on types and frequency of vehicular demands together with evidence (appropriate swept-path assessment);
- Details of the location and arrangements for contractor parking;
- The identification of the vehicular access points into the site for all construction traffic, staff vehicles and Heavy Goods Vehicles;
- Identify measures to control dust (based on British Standard 5228) and mud including on the surrounding public highway including: details of how the wheels of contractor's vehicles are to be cleaned during the construction period;
- Specify the working hours for the site;
- The details of an emergency telephone contact number for the site contractor to be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete; o Identify advisory routes to and from the site for staff and HGVs;
- A highway dilapidation survey including photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site.

Reason - In the interest of pedestrian and highway safety, as specified in policies SP1 and DM1 of Core Strategy Development Plan Document.

5) No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Core Strategy.

6) All tree work, including any related pruning or excavation works within the tree root protection areas as identified within the approved arboricultural method statement shall be carried out by a competent and suitably qualified arboricultural contractor.

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 Core Strategy.

7) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained within the approved drawings, documents and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the use or occupation of the phase of development within which the retained tree is located 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. Evidence of the installation of fencing shall be supplied in writing to the City Council as local planning authority prior to any works commencing on site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the 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 SP1 and DM1 of the Core Strategy

8) Notwithstanding the approved documents and drawings, within three months of the commencement of development a scheme for the planting of 2 no. replacement trees on the site shall be submitted and approved in writing by the City Council as local planning authority. The submitted scheme shall include the details of the species, size, location and timescale of the replacement trees to be planted. The development shall be carried out in accordance with the approved scheme and evidence that the replacement scheme has been implemented shall be submitted to and approved by the City Council within one month of the planting of the trees. 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 the implementation of a suitable tree replacement scheme as set out within the approved drawings and documents pursuant to policy EN9.

9) Above-ground construction works shall not commence until samples and specifications of all materials to be used in the external elevations have been submitted to and approved in writing by the City Council as local planning authority. Thereafter the development shall be carried out in accordance with those details.

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, as specified in policies SP1 and DM1 of the Core Strategy.

10) The development hereby approved shall not be occupied unless and until the surface water drainage has been implemented in accordance with the Drainage Strategy Report, XAV-SHD-00-ZZ- RP-C-0001, Scott Hughes, May 2019. The scheme shall thereafter be managed and maintained in accordance with the approved details.

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 Core Strategy.

11) Any externally mounted ancillary plant, equipment and servicing 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.

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. The approved scheme shall be completed before the premises is occupied.

Upon completion of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the noise criteria has 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 policy DM1 of the Core Strategy and saved policy DC26.

12) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use

commences or as otherwise agreed in writing by the City Council as local planning authority.

Upon completion of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria has 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 safeguard the amenities of the occupiers of the building and occupiers of nearby properties pursuant to policy DM1 of the Core Strategy and saved policy DC26.

13) The car parking as set out on the approved drawings shall be surfaced and demarcated prior to the first use of the building hereby approved and shall be retained thereafter.

Reason – To ensure that there is adequate provision for the parking of vehicles on the site pursuant to policy DM1 and T2 of the adopted 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: 123274/FO/2019 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

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

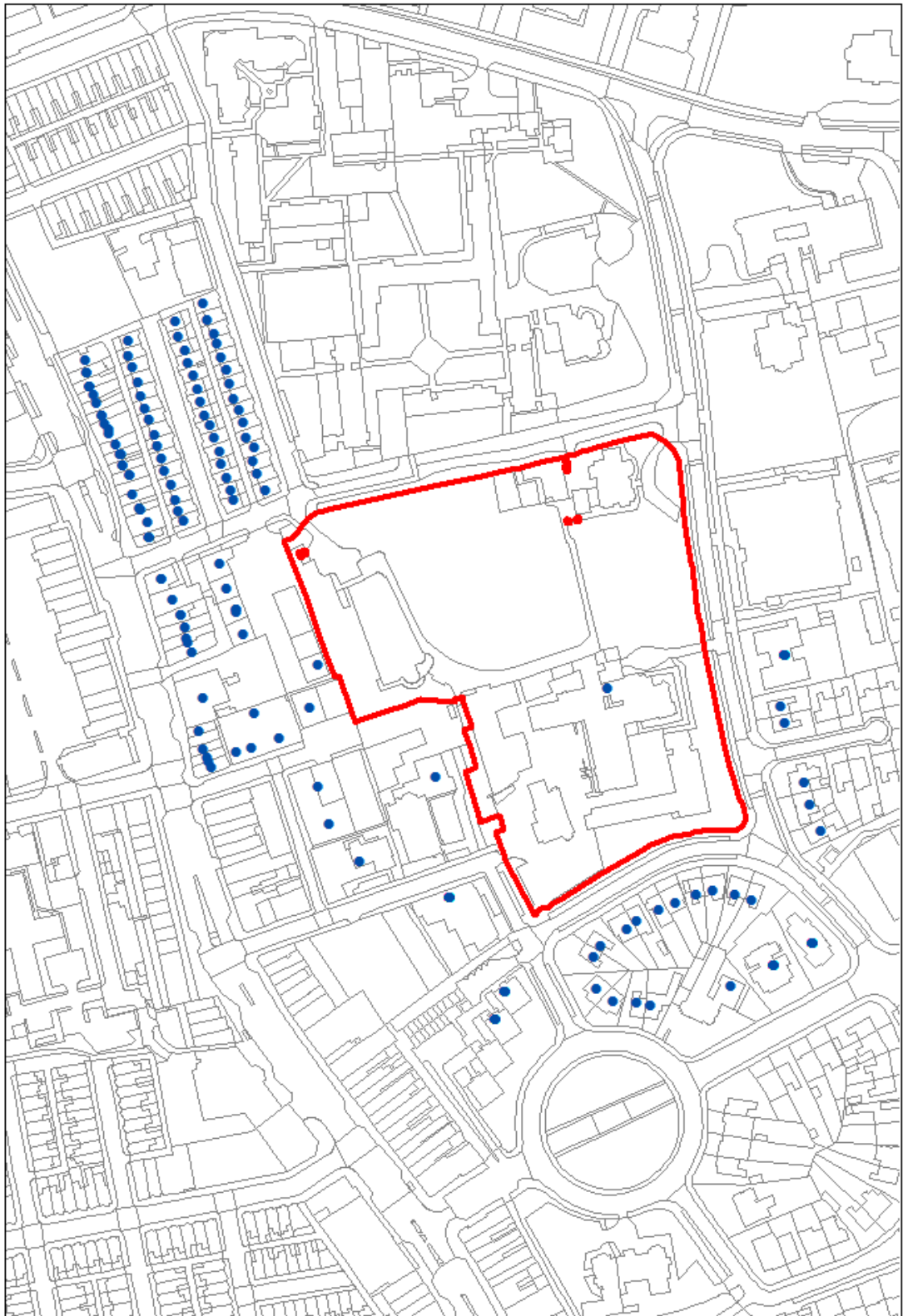
**Highway Services
Greater Manchester Police
Rusholme & Fallowfield Civic Society
Environmental Health
Neighbourhood Team Leader (Arboriculture)
MCC Flood Risk Management**

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

Representations were received from the following third parties:

**Highway Services
Rusholme & Fallowfield Civic Society
Environmental Health
MCC Flood Risk Management
MCC Neighbourhood Services (Arborist)**

Relevant Contact Officer : Robert Griffin
Telephone number : 0161 234 4527
Email : r.griffin@manchester.gov.uk



□ Application site boundary ● Neighbour notification
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