Application Number	Date of Appln	Committee Date	Ward
087900/FO/2008/S1	18th Nov 2008	15th Jan 2009	Chorlton Ward

Proposal Part retrospective application for the erection of a three storey building comprising (A1 retail) and (A3 restaurant) uses on ground floor with seven self contained flats above

Location 72/74 Manchester Road, Chorlton, Manchester, M21 9PQ,

Applicant Arrows International Limited, 160/164 Wellington Road, Withington, Manchester, M20 3FU

Agent Lambert Smith Hampton 79 Mosley Street, Manchester, M2 3LQ

Description

This application relates to a partially constructed building occupying a site of 0.025 hectares at the junction of Manchester Road and Brantingham Road. The site was previously occupied by a pair of terraced properties comprising commercial uses on the ground floor with residential above. Two planning permissions were granted for the alteration and extension of the premises to form additional living accommodation. However, rather than the approved works the buildings were demolished and a new building erected on site. The framework of the proposed building and the inner leaf has been constructed and the building is awaiting its outer skin. This new building is 0.9 metres taller than the extended premises would have been with the new building also incorporating elevational differences and a ramp at the front of the property. This application seeks to remedy what is currently an unauthorised development.

The site is located within Chorlton District shopping centre. Of the original terrace there are two, two storey properties remaining, beyond which is a petrol filling station currently being redeveloped. To the South across Brantingham Road is the former Open University Building, a 1960's style three storey office block. Adjoining the site to the rear and with a frontage to Brantingham Road is a former petrol filling station used as a hand car wash and for car sales. Facing the site across Manchester Road are three storey properties comprising commercial grounds floors with either storage or residential above.

Permission is now sought for the erection of a three-storey contemporary styled building occupying the whole of the site. It would comprise two commercial units on the ground floor, one of which would be an A3 restaurant, and seven flats on the two floors above, one of which is a duplex. There would be a small roof terrace at first floor level for one of the flats. Two other first floor flats would have a balcony overlooking Manchester Road whilst all the remaining flats would have Juliet balconies. There would be an enclosed refuse store for use by both commercial and residential properties at the rear of the building. No parking is proposed for the flats and servicing of the commercial units will be on-street.

Whilst the ground floor of the development would be fully accessible, there is no lift to the flats. However, the development is fitted with an ambulant staircase and all of the flats are accessible in terms of room sizes. As part of the

development the applicant has offered to upgrade the public footpaths in front of the building.

Consultations

Local residents/businesses - Two letters have been received objecting to the development on the following grounds:

1. The proposed development will increase demand for on-street parking in an area that is already extremely congested. In particular residents on Kepple Road will suffer as people compete for the limited number of on-street parking spaces.

2. The developer has carried out works to the adjoining property without the consent of the owner.

3. The rear access to the adjoining property has been blocked off.

4. The developer has consistently failed to respond to attempts to contact them and address the grievances of local businesses.

5. The development overlooks adjoining property and causes a loss of privacy.

6. The building takes away light.

7. The development adversely affects the adjacent business by obstructing the signs.

Ward Members - Councillor Sheila Newman has made the following comments:

She considers that the application for a three-storey building, comprising retail and restaurant on the ground floor with flats above to be an overdevelopment of the site. The building is at least a metre higher than was originally intended and creates a massing effect on Manchester Road that is not in keeping with the area or nearby buildings such as the library and nearby shops.

She further feels that it would be much preferable to have the restaurant and retail outlet on the ground floor with flats on one storey above.

Greater Manchester Police Architectural Liaison Unit - Support the proposal which has been the subject of pre-application discussions. The proposed development can achieve secured by Design.

Head of Regulatory and Enforcement Services (Contaminated Land Section) - Historical information indicates the possible presence of significant levels of contamination. It is therefore suggested an appropriate condition is attached to any approval.

Issues

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

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

H2.7 and S2.5 requires new developments to be of a high standard of design,

DC10 sets down the criteria to be considered in determining applications for food and drink uses

Regional Spatial Strategy - The RSS was adopted as part of the Development Plan for the City of Manchester in September 2008. The relevant policies are:

DP1 Which sets down the Spatial principles that underpin the RSS

DP2 Which seeks to promote sustainable communities

DP4 Which looks to make the best use of existing resources and infrastructure

DP7 Require new developments to promote environmental quality

Principle - The principle of a mixed development comprising commercial units with residential accommodation above is acceptable in a district shopping centre.

Disabled Access - The ground floor units are provided with access ramps and are fully accessible. The flats are all fully accessible in terms of their room sizes however, there is no lift, only an ambulant stair, thus the flats would not be accessible to wheelchair users.

Crime and Disorder - The proposed development can achieve Secured By Design accreditation and an appropriate condition is proposed should permission be granted. The introduction of flats overlooking Manchester Road and Brantingham Road will introduce natural surveillance of these streets.

Design - This is a prominent corner site within a major district centre which requires a high quality design solution. The proposed elevations achieve this with striking frontages to both Manchester Road and Brantingham Road.

Scale and Mass - The frontages on both sides of Manchester Road contain three storey buildings varying in age from Victorian/Edwardian to the 1960's. The remnants of the two-storey terrace are an exception in terms of height. It is therefore considered appropriate to position a three storey building on this prominent site.

Comparison with earlier schemes - The originally approved scheme was 300mm lower than the remnants of the terrace, although the corner feature was higher. The building the subject of this application would be 900mm higher that the adjoining building. Whilst 1.2 metres is a significant increase in height over

that previously approved, the proposed development is intended to hold the corner and can accommodate the height without detriment to the street scene.

Ground floor uses - The site is located within a major district shopping centre and therefore a retail use (class A1) and a restaurant (class A3) are appropriate uses, which will add to the viability and vitality of the centre.

Car parking - This is a sustainable location with good public transport links and easy access to facilities. Not to provide parking in such circumstances is in line with the City Council's normal approach as well as Government guidance.

Servicing - Most of the commercial uses within the centre are serviced on-street. The site itself is too small to provide off-street facilities and reduction in the footprint of the building would undermine the development.

Residential amenity - The only residential property affected by the proposal adjoins to the north. The development has been pulled away from the adjoining property at first and second floor levels to keep any impact within acceptable limits.

Loss of daylight - The development has been designed to minimise any loss of daylight in respect of the adjoining residential accommodation.

Refuse storage - provision is made within the development for the storage of the large euro bins for both residents and commercial operators.

Sustainability - The development is in an extremely sustainable location with good public transport links and a comprehensive range of services and facilities available within walking distance. The building itself uses locally sources materials and is designed to minimise its carbon footprint.

S106 agreement - The application agree to undertake works to improve the public footpaths adjacent to the development. This would need to take the form of a section 106 agreement. Officers are currently negotiating to extend the scope of the works to include street trees, resurfacing the footpaths and street furniture.

Conclusion - This application has been brought about by the failure of the developer to adhere to his original planning permissions for the development of the site. This in turn has lead to a great deal of unnecessary delay in completing the development and inconvenience for local residents and businesses from the construction works. Whilst this application is for a new build development rather than the alterations and extensions originally approved. In reality the only significant change is to the height. Other minor changes to the fenestration have served to improve the appearance of the building. It is believed that as this is a prominent corner site, the additional height can be successfully accommodated and that overall the development represents a significant improvement to the street scene for this part of the district shopping centre.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these articles on the applicant(s)/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. He believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation MINDED TO APPROVE

Subject to a S.106 agreement for works to the public realm, including pavements, street trees and street furniture. The proposal is considered to accord with the City Councils Unitary Development Plan and in particular policy H2.2 which seeks to protect the amenity of local residents from the adverse impact of development, policy H2.7 and policy S2.5 which require new developments to be of a high standard of design and policy DC10 which sets down the criteria to be considered in determining applications for food and drink uses, and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

1) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: 201.28.3 P10, P11, P12, P21 rev C, P22 rev A, P23 rev C, P24, P25 and P101

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2, H2.7, S2.5, DC10 of the Manchester Unitary Development Plan.

2) Within one month of the date of this permission samples and specifications of all materials to be used on all external elevations of the development shall have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policy H2.2, H2.7 and S2.5; of the Unitary Development Plan for the City of Manchester.

3) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least three star sustainability rating under the code for sustainable homes for those elements of the development which are residential in nature. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before any of the buildings hereby approved are first occupied.

Reason - In order to minimise the environmental impact of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, policies ER13 and DP3 of Regional Planning Guidance for the North West (RPG13) and the principles contained within The Guide to Development in Manchester 2 SPD and Planning Policy Statement 1.

4) The fume extraction system detailed in the document Residential Development, 72/74 Manchester Road, Chorlton shall be implemented before the use hereby approved commences and the scheme shall be maintained in accordance with the manufacturers specifications.

Reason

To protect the amenity of nearby residential accommodation from the adverse affects of fumes and odours pursuant to policies H2.2 and DC10 of the Unitary Development Plan for the City of Manchester

5) The ground floor commercial units shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

Sunday to Thursday 8.00am to 11.30 pm and Friday and Saturday 8.00am to midnight

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

6) Before any use hereby approved commences, 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.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

7) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme 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 equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

8) There shall be no storage of refuse by either residents or the operators of the commercial units outside of the designated areas.

reason

To ensure that there is no storage of refuse on-street pursuant to policies H2.2 and DC10 of the Unitary Development Plan for the City of Manchester

9) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

10) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment Desk Study) 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. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

The Desk Study shall be prepared by a suitably qualified person whose competence to carry out the Desk Study has been approved in writing by the City Council as local planning authority (an "Expert").

In the event of the Preliminary Risk Assessment Desk Study 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 Scheme) 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 Scheme shall be carried out, by an Expert before development commences and the Expert shall prepare 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. Site Investigation

Report 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, an Expert has prepared a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy Site Investigation Report) which shall be 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 Site Investigation Report, which shall take precedence over any Remediation Strategy Site Investigation Report or earlier Revised Remediation Strategy Investigation Report.

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 H2.2 of the Unitary Development Plan for the City of Manchester.

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: 087900/FO/2008/S1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

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

Engineering Services
Environmental Health
Environment & Operations (Highway Authority)
Greater Manchester Police
Steve Hobson, Crime Reduction Officer
Chorlton Civic Society
John Leech MP
43 to 71, 50, 70, 76, 78, 84, 102 Manchester Road,
73-79, Albany Road,
David Arran, Albany Service Station, Brantingham Road,
Chorlton Cars, 330 Brantingham Road,
59 Keppel Road, Manchester, M21 0BP
68 to 72, 73, 76 Keppel Road,
341 to 345 Brantingham Road,

Representations were received from the following third parties:

Councillor Sheila Newman
76 Manchester Road
Chorlton Cars, Brantingham Road

Relevant Contact Officer : Dave Morris
Telephone number : 0161 234 4539
Email : d.morris@manchester.gov.uk