Planning Statement

To retain recent engineering works within the forecourt of Lansdown House comprising removal of part of landscape boundary strip to create a loading bay for use in association with the parking and servicing of retail and commercial units at Lansdown House; installation of structures and signage associated with the operation of a pay & display management of the existing car parking and servicing; together with retention of patch repairs to the parking surface and realignment of kerb-lines at the entrances from Wilmslow Road

Applicant: Wren Properties Ltd

Application Site: Lansdown House

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1.0 Introduction

1.1 This Statement provides an appropriate planning assessment of the applicant's proposals to retain recent engineering works within the established parking area of Lansdown House comprising the removal of part of landscape boundary strip to create a loading bay; installation of structures and signage associated with the operation of a pay & display management of the existing car parking; together with retention of patch repairs to the parking surface and realignment of kerb-lines at the entrances from Wilmslow Road.

1.2 The planning application is submitted on behalf of Wren Properties Ltd., a Didsbury based property management company who own Lansdown House and the parking area that is the subject of the planning application.

1.3 The application is submitted to Manchester City Council as local planning authority ('LPA'). The application was prompted by an enforcement visit to the site and correspondence with our client, alleging a material change of use has take place (relating to the pay & display car parking use).

1.4 In Section 4 of this Statement, we will demonstrate that the site has been operating car parking for decades (far in excess of a 10 year period) for which we will argue demonstrates that the parking area and use of the site for car parking associated with activity at the commercial units within Lansdown House, has not undergone any material change of use.

1.5 It will be shown that the engineering works to create a loading bay and widen the site entrance from Wilmslow Road are of a modest nature and do not significantly alter the character of the site.

1.6 The extent of the engineering works is imperceptible from outside of the site, and the greater benefits of providing safe and accessible car parking and loading spaces to meet local community needs, outweighs the limited impact on visual amenity.

1.7 The installation of a pay & display structure to facilitate payment for parking is a permanent structure that requires planning permission. Of itself, it does not mean that the use of the frontage for parking requires planning permission as a land use matter *per se*.

1.8 Other modest signage (strapped to posts within the site frontage) giving information in relation to the operation of the pay & display parking would ordinarily be controlled through the advertisement regulations. The structures are minor elements within an established high street frontage.

1.9 This Planning Statement is to be read alongside the submitted plans and details provided in the application documentation.

1.10 This Planning Statement is prepared taking account of the planning policy compliance assessment of the relevant issues as set out in Section 3 of this report, these being relevant policies of the statutory development plan and policy advice set down in the National Planning Policy Framework (NPPF).

1.11 The statutory development plan comprises the Manchester Core Strategy, saved policies of the Manchester Unitary Development Plan and the relevant strategic policies of the Places for Everyone joint development plan for Greater Manchester.

1.12 For the reasons set out in Section 4 of this Statement, the planning balance exercise carried out in Section 5 of this Statement concludes that the proposals are acceptable in land use planning terms, comply with relevant policies of the development plan, and there being no overriding considerations to outweigh the benefits of the proposals, the presumption in favour of the application as sustainable development should apply.

1.13 On the basis that the proposals are considered to be sustainable development, under the duty of the presumption in favour of sustainable development (NPPF, paragraph 11) and applying the legal duty to determine applications in accordance with the development plan unless material considerations indicate otherwise (s38(6) of the Planning & Compulsory Purchase Act 2004), we conclude that the application should be granted planning permission without delay

2.0 Site Context

Site & Surroundings

2.1 The application site is part of the Lansdown House complex situated at the junction of Dene Road and Wilmslow Road in Didsbury, south Manchester.

2.2 Lansdown House is a 4 storey building with ground floor commercial (shops, cafes, and local amenities) with residential uses in the upper floors.

2.3 The building wraps around in a curved form between Dene Road and Wilmslow Road with entrances into a frontage parking area from Wilmslow Road and an egress onto Dene Road.

2.4 To the rear of Lansdown House is residents parking and servicing area, access via South Road.

2.5 The application site relates specifically to the frontage area, a forecourt with a vehicular accessway that for decades has served as a local parking and servicing, although there is servicing of the commercial units from the rear of Lansdown House.

2.6 The frontage boundary is formed by a low wall with landscaped strip. Planters are positioned in part of the landscape strip, and a recent excavated area of the landscaped trip provides disabled parking bays.

2.7 The surrounding area is predominantly residential with housing to the west and north of Lansdown House and a petrol filling station to the east side of Wilmslow Road.

Site Photographs

Image 1: New laoding bay alongside the existing parking spaces along the accessway.

Image 2: Existing parking area re-aligned by entrance with pay & display structures and signage.

Image 3: Lansdown House pay & display parking payment machine & signage

Images 4 & 5: Lansdown House pay & display parking information signage

Relevant Planning History

2.8 A search of the Manchester City Council Public Access Planning records revealed the relevant planning permission as noted below:

2.9 *067111/FO/SOUTH2/03* – Erection of 2 no. two storey buildings to form three flats with associated garaging, visitor parking spaces, amenity space, decking & landscaping. Application granted 18th December 2003.

2.10 *F07929 – Land adjacent to Lansdown House* - Reserved matters erection of a part 4, part 5 storey block of 12 no flats with garages and car parking spaces arising out of the outline planning permission (ref f00135 granted on 8.1.75). Application granted 1st March 1978.

Development Proposals

2.11 The proposal is for full planning consent to retain engineering works that removed part of an existing landscaped strip to create a of loading area to be used in connection with servicing of the shops and restaurants in the Lansdown House frontage.

2.12 The kerb-lines at the entrances from Wilmslow Road have been re-aligned and minor patch repairs to the parking surface have been undertaken.

2.13 The applications also seeks consent to retain a Pay & Display payment machine installed within the frontage of the site and other structures supporting signage of the pay & display parking facilities.

2.14 The council has alleged that a material change of use has occurred in respect of the use of the frontage parking bays for pay & display parking (private car parking operator).

2.15 It will be contended through the submissions set out in Section 4 of this Statement that no material change of use has occurred as the use of the land (frontage parking area) has existed for decades and is part and parcel of the uses and activities associated with the shops and restaurants within the ground floor of Lansdown House.

2.16 Installing structures for the payment of parking tickets and advertising the pay & display parking facility at the site does not change the use of the frontage area for car parking for purposes associated with activity in respect of the shops and restaurants in the frontage of Lansdown House.

2.17 Commercial considerations, including competition in respect of operation of a paid-for public car parking facility, are not controlled through the planning system. This is discussed in more detail in Section 4 of this Statement.

3.0 Planning Policy Context

National Planning Policy Framework (NPPF) – December 2024

3.1 NPPF sets out the Government's commitment to a planning system that does everything it can do to support sustainable economic and housing growth.

3.2 LPA's are expected to plan positively for new development, and to apply the policies of the Framework (NPPF) and sustainable development principles.

3.3 *Paragraph 8* - sets out the objective for achieving sustainable development through the interdependent dimensions of economic, social, and environmental objectives. Net gains in these will demonstrate sustainable development is achieved.

3.4 *Paragraph 10* - encourages sustainable development to be achieved in a positive way, applying the presumption in favour of sustainable development set out in paragraph 11 of the NPPF.

3.5 *Paragraph 11* – applications for planning permission should be granted which accord with relevant policies of an up-to-date development plan. In the context of the application, the Core Strategy is over 5 years old and any policies that are inconsistent with the policy advice in the NPPF will be out of date for the purposes of the weight to be applied to relevant policies in the planning balance.

3.6 *Paragraph 12* – the presumption in favour does not change the status of the development plan as the starting point in the determination of planning applications.

3.7 *Paragraph 38* – local planning authorities should approach decisions on proposed development in a positive and creative way. They should work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

3.8 *Paragraph 56* - local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

3.9 *Paragraph 85* - requires planning decisions to help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

3.10 *Paragraph 90* - states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation.

3.11 *Paragraph 110* – relates to encouraging sustainable transport options, ensuring safe access, and parking provision and any major impacts on the highway can be mitigated.

3.12 *Paragraph 124* – encourage and support proposals making effective use of land and proposals that make use of under-used land.

3.13 *Paragraph 135* - sets out detailed criteria for planning decisions to ensure that developments function well over the life of the development; are visually attractiveas a result of good architecture, layout, and appropriate and effective landscaping; aresympathetic to local character and history, including the surrounding built environment and landscape setting.

3.14 *Paragraphs 198, 199 & 200* – relating to impacts from noise, light and air pollution issues which expects developments to minimise impacts that create pollution orwould affect living conditions.

3.15 *Paragraph 207* - in determining applications, local planning authorities should requirean applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and *no more than is sufficient to understand the potential impact of the proposal on their significance*.

3.16 *Paragraph 210* - 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.

3.17 *Paragraph 212* – 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.

Development Plan Policy

3.18 The statutory development plan in force in Manchester comprises the Manchester Core Strategy (MCS, adopted 2012) and the saved policies of the Manchester Unitary Development Plan.

3.19 MCS is the key local planning document in Manchester and covers a period of 15 years from 2012 to 2027. It describes Manchester's vision for shaping the future of the city and sets out the land use designations and planning policies which will be used to deliver that vision.

3.20 The MCS Vision is underpinned by a number of spatial objectives. In relation to the proposed development the following are relevant policies to be taken into account:

- *Policy SO1 - Spatial Principles:* Provide a framework within which thesustainable development of the City can contribute to halting climate change

- *Policy SO2 – Economy:* Support a significant further improvement of the City's economic performance and spread the benefits of this growth across the City to reduce economic, environmental, and social disparities, and to help create inclusive sustainable communities.

- *Policy T2 - Accessible areas of opportunity and need*: The Council will actively manage the pattern of development to ensure that new development is located to ensure good access to the City's main economic drivers, including the Regional Centre, the Oxford Road Universities and Hospitals and the Airport and to ensure good national and international connections. Development should be easily accessible by walking, cycling and public transport; connecting residents to jobs, centres, health, leisure, open space, and educational opportunities.

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

- *Policy EN1* - Design Principles & Character Areas 8. Southern Character Area: There is a notable presence of older development (1750-early 1900) at key junctions and along historic radial routes such as Oxford Road /Wilmslow Road, often but not exclusively associated with District Centres. New development needs to retain the identity and focus of activity associated with the historic District Centres.

- *Policy EN3 – 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.

- *Policy DM1 - Development Management:* 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 haveregard 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 transportmodes.
    - 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.
    - Flood risk and drainage.
    - Existing or proposed hazardous installations.

<u>Saved Policies - Manchester Unitary Development Plan (UDP)</u>

3.21 The UDP was adopted in 1995. Many of the UDP's policies have been superseded bypolicies of the adopted MCS.

3.22 In relation to relevant planning matters to be addressed in this Planning Statement,the following saved UDP policies have been taken into account:

Shopfronts, signs & advertisements

Policy DC14.1 - In determining applications relating to these premises for shop fronts, security grilles, advertisement signs, canopies and awnings, the Council will seek to ensure that proposals are in keeping with the character of the building and adjoining buildings, of adjoining shopfronts, where appropriate, and of the area within which the premises are located.

Policy DC14.5 - The Advertisement Regulations require that applications for shop signs be considered only in the interests of amenity and public safety. In determining such applications, the Council will adopt the following policies:

In the interests of amenity - a. signs should not normally be positioned other than at fascia level; b. signs should respect the architectural form of buildings and shop frontages; c. where no obvious fascia level exists, signs above shopfronts should be in keeping with the scale of the frontage of the building.

In the interests of public safety - h. any sign which is detrimental to the safety of pedestrians or motorists will be refused.

Policy DC15. 1 – relates to advertisements and lists similar criteria to signage as listed for shop fronts and related signs (policies DC14.2 and DC14.5 refer).

Development & Noise

Policy DC26.1 - The Council intends to use the development control process to reducethe impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider the effect of new development proposals which are likely to be generators of noise.

Policy DC26.4 - Where the Council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures proposed to deal satisfactorily with it. Such measures might include the following:

a. engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers;

b. layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it; and screening by natural barriers or other buildings or non-critical rooms within a building; and

c. administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or all of these factors will be considered appropriate for inclusion in conditions on any planning permission.

Policy DC26.5 - The Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

<u>'Places for Everyone' – Greater Manchester Strategic Spatial Plan</u>

3.23 Places for Everyone is a long-term strategic plan of nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford, and Wigan). The 'Places for Everyone' plan will provide a strategic framework for jobs, new homes, and sustainable growth.

3.24 The Spatial Plan sets out the kind of development that takes place across the city-region. It: maximises the use of brownfield land and urban spaces, protects green belt land from the risk of unplanned development.

3.25 The Spatial Plan was adopted by the Council on 20 March 2024 and is part of the statutory development plan, thus it is material to the consideration of the development proposals.

3.26 Relevant policies of the Spatial Plan are:

Policy JP-S1: Sustainable Development - To help tackle climate change, development should aim to maximise its economic, social, and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives.

Policy JP-Strat14: A Sustainable and Integrated Transport Network - The transport network will be improved so that half of all daily trips can be made by public transport, cycling and walking, especially those shorter journeys around neighbourhoods.

Policy JP-P1 Sustainable Places - We aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy, and varied places, each having the following key attributes that all development, wherever appropriate, should be consistent with:

- Distinctive, with a clear identity that conserves and enhances the natural environment, landscape features, historic environment and local history and culture; Enables a clear understanding of how the place has developed; and respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale, and materials used.
- Socially inclusive: A. Responding to the needs of all parts of society;
- Resource-efficient with: A. low carbon footprint; B. Efficient use of land; C. Minimised use of new materials;
- Functional and convenient, enabling people and uses to act efficiently with minimal effort, and responding to needs relating to servicing, recycling facilities, refuse collection and storage.

Policy JP-C1: An Integrated Network - In order to help deliver an accessible, low carbon Greater Manchester with world class connectivity, we will support a range of measures, including: Delivering a pattern of development that minimises both the need to travel and the distance travelled by unsustainable modes to jobs, housing and other key services, including healthcare, education, retail, recreation and leisure facilities, green space and green infrastructure.

Policy JP-C5: Streets for All - Streets will be designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport. Providing appropriate places and routes for servicing, deliveries, and 'drop-off.'

Manchester Design Guide – Supplementary Planning Document (2007)

3.27 The adopted Manchester Design Guide is a hybrid design related policy document providing expansion of existing policies and detailed guidance that covers the key aspects of design in the built environment.

3.28 The document was adopted in 2007, pre-dating the Core Strategy (adopted 2012) and the National Planning Policy Framework. However, whilst the Manchester Design Guide is somewhat dated, it nonetheless is an important policy and design guidance framework against which the current proposals have been considered.

4.0 Assessment of Relevant Planning, Heritage & Other Technical Issues

4.1 The application is submitted to regularise development arising from engineering works to the frontage parking area at Lansdown House. The development, as described in Section 2 above, is minor in nature and does not involve any new buildings or significant changes of use.

Use of Land within Lansdown House for Parking

4.2 Lansdown House, built in 1940, included a forecourt area that is set-back from the road frontages of Dene Road and Wilmslow Road.

4.3 Lansdown House includes a local shopping parade that serves the local community in Didsbury.

4.4 Historically, from the point of the forecourt area being available for use (in connection with use of the ground floor properties for a range of shopping, dining, and local services) in 1940, the area to the front of Lansdown House (land entirely within the curtilage of Lansdown House) has been used by pedestrians and by visitors arriving by car.

4.5 Noting that car journeys to the properties in the frontage of Lansdown House would have been low in number and frequency in the initial period following opening of Lansdown House, it is clear from the picture below that even at the time of its opening in 1940, it was designed to be visited by cars pulling up in front of the shops.

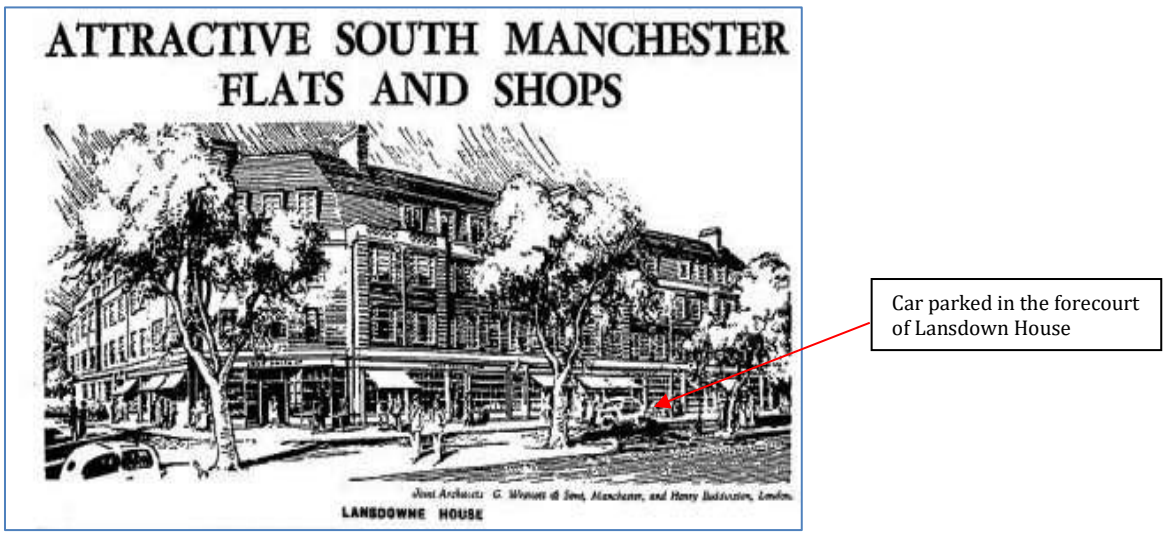

Image 1: Lansdown House: Manchester Guardian, 6th April 1940.

4.6 The council has indicated that they are of the viewpoint that there has been a material change in use, specifically in relation to the operation of a 'pay & display' car parking facility at the site.

4.7 The council is well aware that car parking occurs within the forecourt of Lansdown House and has done so for decades since the site opened for use in 1940, so it is disappointing that they (comments from the enforcement officer) are now suggesting that car parking at the site is not lawful (*we assume the council is of the view that operation of a pay & display car park has resulted in a material change in use*).

4.8 It is noteworthy to draw attention to the case of *Crawley BC v Hickmet Ltd 1998 [cited in the Journal of Planning Law, 210 (*copy of the case law can be provided if required*).*

4.9 In the *Crawley BC v Hickmet* case, the issue dealt with the question of the primary use of land. In that case, the established use of the appeal site was commercial storage. The court noted that the respondents began to use it for car parking for passengers flying out of Gatwick Airport.

4.10 The local planning authority (Crawley BC) sought an injunction restraining the respondents from using the site for car parking. The respondents contended that the parking of cars while their owners were abroad amounted to commercial storage.

4.11 At first instance, the High Court judge concluded that parking of cars in that particular case amounted to commercial storage. The Court of Appeal held that the judge had made an error of law.

4.12 The Court of Appeal opined that it was necessary, as a matter of planning law, to <u>determine the use of the land</u>. This required examining the activity, assessing the primary purpose to which the land was being put and deciding whether (in that case) it could fairly be called 'storage'.

4.13 The Court of Appeal resolved that the activity in the Crawley case clearly indicated a <u>primary use of land for car parking</u> and <u>not storage</u>. Parking of cars for 2 to 3 weeks was not sufficient to constitute storage. <u>It is an incident in the normal use of a car as it is being used for transport to and from the airport.</u>

4.14 The Court of Appeal held that parking meant leaving a vehicle while it is in current use, whether long or short term. Parking is a temporary cessation from when the vehicle is in motion and it is still in use when it is parked.

4.15 Applying the legal principles of the *Crawley BC v Hickmet* case, parking of vehicles within the forecourt at the Lansdown House site is the primary use of the land. This is consistent with the definition of parking as a land use as identified in the *Crawley v Hickmet* case.

4.16 The question is therefore whether the alterations to the landscape strip to create a loading bay and the installation of a pay & display parking system (with the associated paraphernalia) imparts changes to the use of the land in such a way that it changes the character of the land use and changes the primary use of the land for car parking (and associated activity).

4.17 Given that the car parking at the site is the primary use (serving the local parade of shops and services), through the appraisal below, we contend that the primary use of the forecourt at Lansdown House has not changed as a result of the alterations within the forecourt and the introduction of a pay & display management system.

4.18 One of the pertinent questions to ask is whether the paying for the benefit of using car parking spaces in connection with the ordinary business associated with the commercial premises within the Lansdown House, amounts to a material change in the land use. In this regard, the National Practice Guidance (NPG, *ID: Paragraph: 015 Reference ID: 13-015-20150319*) provides helpful advice.

4.19 The NPG states that in determining whether use of land for "renting out" spaces for parking would require planning permission, the decision will depend on 2 principal factors:

4.20 The first is whether renting out a parking space results in a material change in the use of the space. Determining whether there has been a material change of use will depend on whether a space is used in a significantly different way to how a parking space would normally be used. If the use of the land causes a notable public or neighbour nuisance, this could point to a material change of use.

4.21 The second is whether there are any other relevant planning considerations, such as planning conditions, which impose restrictions that prevent parking spaces being rented out.

4.22 If renting out parking spaces does not amount to a material change of use and if there are no other planning considerations that prevent parking spaces from being rented out then it would not require planning permission.

4.23 The vehicle movements associated with the use of the car parking within the Lansdown House forecourt that is subject to a payment (the space is thus rented out) is not materially different from the vehicle movements that has occurred for decades prior to the introduction of the pay & display payment system.

4.24 The number of vehicles that can be parked within the forecourt is not materially different to the number of vehicles that can otherwise be parked without any charging system in place (this is consistent with the legal principles established in the *Crawley BC v Hickmet* case).

4.25 The introduction of a pay & display operation with associated structures could indicate a change in the way the car parking is offered. However, whilst the site owners earn revenue from the car parking at the site, the impacts of the pay & display operations of the car park does not lead to any intensification of the use involved.

4.26 The traffic patterns are exactly the same, with very short-term parking, usually for one hour only, which is demonstrated by the evidence provided by the print-out of the data from the pay & display payment system (see separate document *Appendix TPS1* which shows the income from the SiPS pay & display system at Lansdown House car park).

4.27 The evidence from the submitted SiPs data (*Appendix TPS1*) confirms that the character of the activities associated with car parking at the site has not changed with the introduction of the pay & display system.

4.28 The creation of a loading bay in the widened part of the forecourt does not alter the fact that the forecourt associated with Lansdown House is used for car parking, with boundary landscaping separating the car parking within the forecourt from the adjacent highway.

4.29 Furthermore, there is no additional impacts from the activity of parking within the forecourt. Residential amenity is not affected by the controlled parking within the forecourt.

4.30 It is the management of the car parking with payment for the privilege to park on private land that has changed, and not the land use of the site (car parking within the forecourt associated with activity related to the local shopping parade within the forecourt has not changed).

4.31 On the basis of the fact and degree assessment set out above, the evidence supports our case that the introduction of a pay & display parking system does not change the primary use of the land within the forecourt for parking associated with the activity related to the shopping and other local centre uses within the ground floor premises of Lansdown House.

4.32 The minor alterations to the landscape strip, kerb-lines and the structure associated with the pay & display system are not land use matters: these are operational development for which separate planning permission would be required, irrespective of the nature of the land use.

Assuming that Manchester CC insist that a Material Change of Use has Occurred – Should Planning Permission be Granted?

4.33 It is the applicant's clearly stated position that introduction of a pay & display system to help manage car parking within the forecourt of Lansdown House does not change the character and activities associated with the use of the forecourt at Lansdown House for car parking.

4.34 Other than planning permission to retain the pay & display structures and signage and retain the engineering works within the forecourt as shown in the submitted plans, for the reasons set out above, no planning permission is required to continue to use the forecourt as a pay & display car park.

4.35 In the event that the council determines on its own assessment of the facts and making an appropriate planning judgement that a material change in use has occurred, it is considered that any additional activity from a pay & display management system of the car park (a commercial operation), is not significant to impact on traffic patterns, amenity or creates a noticeable change in the use of the land.

4.36 There are imperceptibly limited impacts from the car parking activity (none that would be significantly more than was evident when the land was used for free car parking previously).

4.37 There are no grounds to cite that the development associated with the submitted planning application amounts to a nuisance or would indicate any other adverse impact that would harm residential amenity (see further discussion in respect of impact on amenity below).

4.38 Furthermore, as will be shown below, there are clear benefits from operating a pay & display car parking facility at Lansdown House, and the continued use of the land for car parking is supported by a raft of relevant policies of the development plan in relation to encouraging local accessibility and supporting sustainable communities.

Public Benefit from the Car Park Use

4.39 There is a public benefit from management of the car park through a payment system, by providing parking spaces for people visiting the shops and restaurants to park their car and taking pressure away from on-street parking.

4.40 The revenue from the payment system helps to support the maintenance of the forecourt (private land) and provides income to help maintain the trees and landscaped spaces within the forecourt.

4.41 There is also benefit from tackling indiscriminate parking within the forecourt by residents of the flats above the shops. The residents of the flats above the shops do not have any special rights to park in the forecourt (parking is available to the rear of Lansdown House).

4.42 By imposing the SiPs payment system, residents of the flats and indeed others who park in the forecourt without any legitimate need to do so, will not take up the spaces and thereby reduce the pressure for safe and convenient car parking spaces at Lansdown House, which benefits customers of the shops and restaurants who choose to drive to the local shopping parade at Lansdown House.

4.43 The pay & display system discourages any potential commuter parking at the site, as the payment for long-term (more than a couple of hours) is not

inconsiderable. The impact of the pay & display system has reduced commuter parking at the site, as evidenced by the prolific take-up of one-hour parking tickets.

Relevant Land Use Planning Policy Considerations

4.44 Paragraph 110 of the NPPF relates to encouraging sustainable transport options, ensuring safe access, and parking provision and any major impacts on the highway can be mitigated.

4.45 The proposals provide the safe access (hence the realignment of the kerb-lines at the entrances) and privately managed car parking spaces). There are no major impacts on the highway. The proposals comply with this important transport policy of the NPPF.

4.46 Policy SO2 of the Manchester Core Strategy (Economy) seeks to reduce economic, environmental, and social disparities, and to help create inclusive sustainable communities. The proposals are supported by policy SO2 as the provision of the local parking facility, serving the shops and services located within the ground floor parade at Lansdown House, helps local residents to have choices in terms of accessibility and helps to support the vitality of the local shopping parade within this part of Didsbury.

4.47 Policy T2 of the Core Strategy- *Accessible areas of opportunity and need* states that the Council will actively manage the pattern of development to ensure development should be easily accessible by walking, cycling, public transport; connecting residents to jobs, centres, health, leisure, etc.

4.48 The proposals do not conflict with policy T2, as the pattern of traffic associated with the use of the forecourt for a pay & display car park is no different to the previous use as a free car park. Residents in the area value the local parking facility in addition to having choices for more sustainable transport modes including walking, cycling and access to public transport.

4.49 The Places for Everyone Spatial Plan (PfESP) policy *JP-P1 Sustainable Places* aspires to ensure that Manchester is one of the most liveable city regions in the world, consisting of a series of beautiful, healthy, and varied places. This policy encourages development to be socially inclusive, sustainable and for places to be functional and convenient.

4.50 Having the provision of localised car parking to serve the shops and amenities within Lansdown House contributes to supporting the economic activity at the site and gives residents the option to access local shops and services, which they might otherwise choose to do so by travelling greater distances to other local centres. The proposals are therefore considered to comply with policy JP-P1 of the PfESP.

4.51 PfESP policy *JP-C5: Streets for All* confirms that Manchester streets will be designed and managed to make a significant positive contribution to the quality of place and support high levels of walking, cycling and public transport. Providing appropriate places and routes for servicing, deliveries, and 'drop-off.' The proposals comply with this key policy of the PfESP.

Heritage Considerations

4.52 It is important to note that the proposal relates to minor development related to a site that does not fall within any part of a designated *Didsbury St James Conservation Area*.

4.53 The Didsbury St James Conservation Area was designated in 1970; it is one of the oldest conservation areas within Manchester.

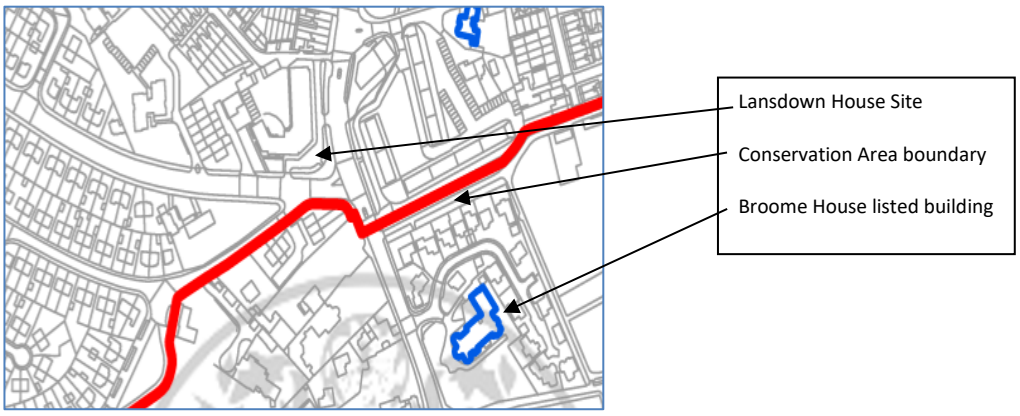

Image 3: Extract of Didsbury St James Conservation Area Map. Manchester CC

4.54 Didsbury St James is an ancient settlement where commercial development has not overpoweringly altered its broadly residential character.

4.55 Although shops do exist it is at the junction of Barlow Moor Road and Wilmslow Road, in the nineteenth century, shops developed into the new centre of Didsbury, leaving the older Didsbury St James as a place where

wealthy merchants and professional people could build their houses in relative quietness.

4.56 The pleasant residential character with its verdant setting continues to give Didsbury St James Conservation Area the special quality that informed the appraisal of the area when it was designated as a conservation area in 1970.

4.57 Lansdown House site is situated beyond the northern edge of the conservation area.

4.58 Lansdown House is a period style building built in 1940 in a style and appearance that is contextually consistent with other buildings in the vicinity of the site.

4.59 Whilst Lansdown House is not located within the boundary of the conservation area, the building and its own setting contributes strongly to the setting of the adjacent Didsbury St James Conservation Area.

4.60 Paragraph 205 of the NPPF requires a proposal that affects heritage assets to be assessed for the impact on the heritage asset and the assessment should start withan understanding of the significance of the heritage asset.

4.61 It is considered that the adjacent Didsbury St James Conservation Area is of high conservation *significance*; the overall significance of the conservation area as a designated heritage asset is determined by reference to the Historic England's '*Statement of Significance Assessment Criteria.'*

Impact of Proposals on the Designated Heritage Asset

4.62 Paragraph 214 of the NPPF states: "*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*."

4.63 The Manchester CC Didsbury St James Conservation Area guidance seeks to protect the existing well-treed suburban character of the conservation area and any development proposals should respect this.

4.64 The development within the site comprises modest alterations to the landscaped strip inside the boundary wall; creation of a loading bay; patch-repairs; re-aligned kerb-lines at the entrances and pay & display structures.

4.65 The aforementioned external alterations are a; works of a minor nature and with the landscaping to the boundaries retained, the works to the parking area and the forecourt does not therefore directly affect the character of appearance of the Didsbury St James Conservation Area.

4.66 The boundary wall facing Wilmslow Road is unaffected by the proposals and with the pay & display signage structures designed to appear similar to other street furniture, the visual impact of the development at the site is considered to be negligible.

4.67 The car park signs in the form, style and size and locations shown in the submitted plans are considered to be designed to respect the local character of the area, have minimal impact on amenity and in relation to impact on the heritage asset (the conservation area), the proposed signage is sensitively designed and is considered to have a neutral impact.

Impact on Setting of the Didsbury St James Conservation Area

4.68 Setting itself is not a heritage asset but can and invariably does contribute to the significance of a heritage asset. The NPPF notes that setting is: "*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*."

4.69 For the reasons set out above, with existing boundary treatment retained and the pay & display street furniture designed to be respectful of the local centre character at Lansdown House, the proposals are not considered to affect the setting of the Didsbury St James Conservation Area.

4.70 In terms of impact on heritage assets and their setting, the development within the forecourt at Lansdown House causes no harm to heritage assets and overall, the proposals comply the saved policies of the UDP (DC14 and DC15) and with heritage policy EN3 of the Core Strategy.

Design Considerations – Local Character, Distinctiveness & Visual Amenity

4.71 The alterations to the landscaped strip within the forecourt of Lansdown House (necessary to create the loading bay and widen the site entrances) and the installation of the pay & display payment machine and associated signage structures are designed to complement existing street furniture within the forecourt area of Lansdown House.

4.72 The area retains its pleasant suburban local shopping parade character and with the boundary treatment (including trees) retained. The development associated with the changes within the site are considered to respect the local character, distinctiveness, and the visual amenity of the area.

4.73 Overall, it is considered that the design quality of the development meets with development plan and NPPF policy expectations for achieving good quality design in delivering sustainable development. In this regard, the proposals comply with policies EN1 and DM14 of the Core Strategy and saved policies DC14 and E3.3 of the UDP and complies with design policy advice set down in paragraph 135 of the NPPF.

Impact on Amenity (including Noise)

4.74 The activity and associated comings and goings as a result of the alterations to the car parking area and installation of a pay & display management system of the car parking does not alter the land use, nor does it alter the character of the travel patterns associated with the use of the car park.

4.75 The car parking spaces are relatively few in number (10 spaces) and the trips generated by those using the car parking will continue to be from those visiting the shops and restaurants located within the ground floor premises of Lansdown House.

4.76 Therefore, on this basis, it is considered that the activity and associated noise impacts are not materially different from the activity and noise associated with the operation of the car park prior to the alterations to create the loading bay, re-align the kerbs and install the pay & display system to manage the car park.

4.77 The NPPF policy requirement to mitigate against noise impacts (paragraph 200) is similar to control over noise impact in the Council's local planning

policies, notably policies C10 and DM1 of the Core Strategy and UDP saved policy DC26.

4.78 For reasons mentioned above, in terms of impact on amenity, the proposals are compliant with these relevant policies of the development plan.

Transport & Accessibility

4.79 Policy at national and local planning level seeks to encourage sustainable forms of travel, reduce the reliance on the use of private vehicles and reduce carbon emissions through greater use of access to jobs, services, and facilities through cycling, walking and public transport (NPPF paragraphs 110 & 115, and Core Strategy policies T2 and DM1).

4.80 The site is located in the City Character Area: South, where there are frequent bus services along Wilmslow Road that serve the hospitals, the universities, and the city centre.

4.81 The shops and services within Lansdown House serve a localised, neighbourhood level need and are a vital part of having local services available to serve the Didsbury community. The proper management of the car parking at the site ensures that parking is made available only for those who are using the local shops and services.

4.82 The recent improvement works to the car park and the introduction of the pay & display management system of the car park does not provide any additional parking spaces than were previously available.

4.83 The newly created loading bay to the side is to be restricted for loading, which again helps to reduce conflicts within the parking area.

4.84 Access to the parking area is unchanged from the current arrangements with access being provided from two entrances off Wilmslow Road. A separate egress is provided onto Dene Road.

4.85 The alterations made to realign the kerbs at the entrances to the site help to improve the safety of vehicles entering the parking area. These improvements also mean vehicles can turn into the parking area without causing conflicts with pedestrians using the forecourt.

4.86 The improvements to the parking area through the creation of the new loading area, realigned kerb-lines to the entrances and management of the few parking spaces within the forecourt are considered to provide improvement to the access, servicing and reduce conflicts between the users of the forecourt, including pedestrians and cyclists.

4.87 The works associated with the submitted planning application are therefore considered to be consistent with the transport policy objectives of the NPPF paragraphs 110 and 115 and policies T2 and DM1 of the Core Strategy.

Impact on Biodiversity

4.88 The small amount of grassed embankment excavated and removed to create the new loading bay is modest in size and does not result in the loss of any important habitats. Planting can be introduced in other parts of the landscaped strip within the forecourt.

4.89 The proposals do not qualify for requiring a biodiversity net gain mitigation condition (by virtue of the *de minimis* works applies to development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m x 5m) of non-priority onsite habitat (such as modified grassland).

4.90 The council could use planning conditions to require any landscaping improvements considered necessary that could have the dual purpose of benefiting biodiversity.

5.0 Conclusions & Planning Balance

5.1 The submitted planning application relates to a retrospective set of works to the existing forecourt at Lansdown House.

5.2 The alterations to the landscape strip to create a loading bay and make improvements to the kerb-lines at the entrances from Wilmslow Road. These are engineering works that require planning permission.

5.3 The council has suggested that planning permission is also required to operate the existing car parking within the forecourt as a pay & display facility. This includes installing the associated payment machine and signage.

5.4 It is demonstrated in the assessment set out in Section 4 of this Statement that on the evidence, applying the legal principles set down in the Court of Appeal *Crawley BC v Hickmet* case , and applying the NPG guidance, the introduction of a pay & display operation of the car parking at Lansdown House (in this particular case) does not amount to a material change in use, nor does it alter the character of the primary use of the land. On this basis, there is no breach of control in respect of the land use activity associated with the car parking for those who are visiting the shops , restaurants, and services within Lansdown House.

5.5 The other elements of the works carried out within the forecourt of Lansdown House are of a minor nature and do not change the overall appearance of the forecourt, nor impact on the setting of the adjacent Didsbury St James Conservation Area.

5.6 The proposals have been demonstrated to comply with relevant policies of the development plan and would contribute to sustainable communities through the benefit of protecting parking provision within the Lansdown House forecourt for the use by customers (reducing use by commuters and those living above the shops).

5.7 The assessment undertaken in this Planning Statement considers the compliance of the proposals with relevant development plan policies (Manchester Core Strategy and saved policies of the UDP) and takes account of relevant policy advice set down in the NPPF and the Manchester Design Guide.

5.8 Overall, the planning assessment of the development as detailed in Section 4 above is demonstrated to represent sustainable development, for which there are no technical issues that are assessed as being of such relevance and significance to outweigh the presumption in favour of sustainable development (paragraph 11 of the NPPF).

5.9 Accordingly, for the reasons set out above, it is on balance concluded that the proposals should be granted planning permission in accordance with the statutory duty under the s38(6) of the Planning & Compulsory Act 2004 and s.70 of the Town & Country Planning Act 1990.