

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136688/JO/2023

Date registered valid: 17 July 2023

Proposal: Application to vary condition nos. 2 (contaminated land), 3(Secure by Design), 4 (highway works) and 15 (external lighting) attached to planning permission 131722/JO/2021.

Address: Former Manchester Metropolitan University Didsbury Campus , Manchester, M20 2RW

Ward(s): Didsbury East Ward

Applicant: Mr Richard Wilshaw PJ Livesey Holdings Ltd

Agent (if any):

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 17.01.2024

Application details

Type of application: Variation or Removal of Condition

Development type: Notifications

Date of site visit: 29 August 2023

Standard consultations:

Printed: 4 August 2023 Expired: 25 August 2023

Neighbour notifications

Printed: 4 August 2023 Expired: 25 August 2023

Site notice

Posted: 29 August 2023 Expired: 19 September 2023

Press advert

Published: 8 August 2023 Expired: 22 August 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Didsbury St James Conservation Area 1970

Tree Preservation Order: Not applicable

Background

Planning approval reference 108541/OO/2015/S2 was granted consent subject of a section 106 agreement for the comprehensive redevelopment of the former Manchester Metropolitan University and Broomhurst Halls of Residence to provide a residential development and outline approval for a new school building. The planning consent included the conversion of a number of listed buildings on the MMU campus for residential use and the demolition of a number of non-designated buildings to allow provision of new residential dwellinghouses. The development has been completed and occupied.

Subsequent applications were submitted to amend certain aspects of the approved scheme including 131722/JO/2021 which altered the previously approved lighting scheme for the site. That decision was subject to conditions requiring the submission of further details within a set timescale of the approval relating to matters that were meant to have been approved prior to the occupation of the development.

This current application seeks further amendments to the approved lighting scheme and the approval of other matters that had been reserved by condition.

Site description

The application site relates to the redeveloped former MMU campus site which now comprises residential dwellinghouses and apartments. There are residential areas to the immediate east of the site along with two properties in use as hotels one on Wilmslow Road and the other on Didsbury Park. There are a number of listed buildings in close proximity to the site which includes the Methodist Church of St Paul (Grade II), and its gates and boundary wall (Grade II). The houses of The Grove are all listed at Grade II. Pine House, to the north-east of the site, and abutting the site boundary on Didsbury Park, is also Grade II Listed; as is Park House (Didsbury Hotel) to the immediate southeast. In addition to this the application site is located within the Didsbury St James Conservation Area.

The former main Didsbury campus site for the Manchester Metropolitan University is bounded by Wilmslow Road to the west and south, by Sandhurst Road to the north and by the rear of properties fronting Didsbury Park to the east. The site also contains :

- o The Grade II* Administration Building dating from 1790
- o The Grade II Chapel building
- o The Grade II properties at 801 and 803 Wilmslow Road

In addition to these designated heritage assets there is a Lodge building located at the access point to the site on Wilmslow Road which has an important relationship to the Administration and Chapel Building and is curtilage listed. The principal for the conversion of the former Administration building and Chapel building to apartments was established through the original planning approvals.

Application Proposals

The application proposals seek to alter the approved lighting scheme for the site together with the approval of other matters reserved by condition including: secured by design accreditation of the development; contaminated land matters; and, highway works. These conditions required the submission of details within three months of the approval of the previous section 73 application (reference 131722/JO/2021). These conditions were originally to be subject to agreement prior to the first occupation of the development through planning approval references 111891/JO/2016/S2 and 108541/OO/2015/S2.

The lighting scheme is amended by the omission of an up light beneath a tree within the landscaped area to the south of the former Administrative building, the submitted plans also indicate the omission of lighting within a landscaped area between residential properties and Wilmslow Road on the south-west corner of the site. This lighting was to be adjacent a footpath that run within this landscaped area providing a separate pedestrian access to Wilmslow Road from the site. The footpath has never been implemented as part of the development and this lighting scheme seeks to omit the lighting associated with it.

Relevant Planning History

108541/OO/2015/S2 - Outline application for development comprising: the erection of 42 no. dwellinghouses, erection of four storey building with basement car parking to form 7 no. apartments following demolition of existing buildings; change of use of the former Main Administrative building to form 32 dwellings (10 no. townhouses and 22no. apartments) and including the erection of a two storey extension to internal courtyard, elevation alterations, creation of underground car park together with associated landscaping and boundary treatments, following the demolition of existing buildings within the courtyard; change of use of The Chapel building to form 10 no. apartments including the erection of a single storey extension, elevational alterations, creation of underground car park, and associated amenity space; change of use of The Lodge building to form a dwellinghouse, erection of two storey side and rear extensions following demolition of attached electricity sub station; change of use of 801 Wilmslow Road to form single dwellinghouse; change of use of 803 Wilmslow Road to form

single dwellinghouse following demolition of existing two storey outrigger ; alterations to boundary walls; and provision of associated parking, landscaping, boundary treatments and other infrastructure works with all matters to be considered for the site of the former Manchester Metropolitan University Campus: and; Outline application for the erection of a School building (with a maximum 3,161 sqm of gross internal floorspace) and associated facilities on the site of the Broomhurst Halls of Residence following the demolition of existing buildings on site, with access from Wilmslow Road and all other matters reserved. Approved

111891/JO/2016/S2 - Application for the variation of condition 4 (approved plans) attached to planning approval 108541/OO/2015/S2 to allow for amendments to: the conversion and refurbishment of the former Main Administrative building to form 32 dwellings (17no. Townhouses and 15no. Apartments) and the erection of a two storey extension to internal courtyard, omission of underground car park, and installation of internal courtyard canopy; amendments to the layout of the internal roads , siting of houses, and landscaping; and amendments to house types. Approved

124885/JO/2019 - Variation of condition 4 (approved plans) attached to planning approval reference 111891/JO/2016/S2 to amend the lighting scheme. Finally Disposed of - 01.06.2021

131722/JO/2021 - Variation of condition number 4 (Approved Plans - Lighting) from planning approval reference 111891/JO/2016/S2. Approved 21.07.2022

Consultations

This application has been advertised by way of site notice, press advertisement and notification of adjoining properties.

Local residents - Three comments have been received from local residents one objecting and two in support of the proposals. A summary of the comments is set out below:

- Object to the uplight not being installed as previously agreed, the area is not light enough and there have been break ins at the bike store near to where the uplight is positioned.
- We support not to install a footpath through the wooded area and additional pedestrian access to Wilmslow Road, this area is now 'wild', the lack of pedestrian access allows for it to be populated by birds and mammals and is more secure to properties on Turnstone Avenue and the Chapel.
- The existing access to the site provides equally convenient access to Wilmslow Road.
- The screening helps to insulate the properties from vehicle noise and emissions from traffic and adjacent licensed premises.

MCC Highways - A Section 278 application for highways works has not yet been received. This should be undertaken through the Manchester City Council Highways Statutory Approvals team so that a process can be determined and taken forward. The proposed lighting apparatus is acceptable.

MCC Environmental Health - The sampling frequencies for the top soil and sub soil in the report should be the same as MCC guidelines, the validation report is also required to be submitted.

Policy

Manchester Core Strategy

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012 and is the key Development Plan Document in the Local Development Framework (LDF). The Core Strategy is to be used as the framework that planning applications will be assessed against.

There are a number of relevant policies within the adopted Core Strategy relevant to the consideration of the current application in summary these are set out below:

Policy SP1 (Spatial Principles)

Policy EN3 (Heritage)

Policy DM1 (Development Management)

Unitary Development Plan (1995)

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

Policy DC18.1 (Conservation Areas)

Policy DC19.1 (Listed Buildings)

The National Planning Policy Framework (December 2023)

Planning law requires that applications for planning permission be determined in accordance with the development plan², unless material considerations indicate otherwise³. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

Particular relevant sections of the NPPF in this instance are:

- 5 'Delivering a sufficient supply of homes'
- 12 'Achieving well-designed and beautiful places'
- 16 'Conserving and enhancing the historic environment'

Issues

Principle - The principle of the provision of an external lighting scheme for the development of a residential estate has previously been accepted on this site. In this instance the revised proposed lighting scheme needs to consider impacts on residential amenity and safety and security of occupiers and people accessing the site. The objectors raise concerns that the developer has failed to comply with the previously approved lighting scheme.

In addition a number of conditions required the submission of details within a set timescale of the previously approved amendment to the overall site approval these relate to - provision of details relating to the remediation of contaminated land within the site and the submission of completion/verification report; written confirmation of secure by design accreditation; and, the submission and approval of all highways works to vehicular accesses; and a scheme for the acoustic insulation of a number of the properties within the site.

Impact on Heritage Assets including the Didsbury St James Conservation area

The omission of an uplight to the south of the Grade II listed former MMU Administrative building and footpath lighting within the landscaped area to the south west of the site is not considered to give rise to any harm to the designated heritage assets on the site or the Didsbury St James Conservation Area.

Accordingly, it is considered that the proposal complies with the guidance contained within the NPPF, Core Strategy Policy EN 3 and saved UDP Policy DC 18.1 and 19.1.

Residential amenity - The revisions to the lighting scheme are not considered to give rise to unacceptable residential amenity impacts. The revisions would allow sufficient lighting to external areas during the night time and whilst two landscaped areas would not benefit from lighting directly within these areas adjacent areas are provided with lighting that has previously been considered acceptable.

The proposed lighting scheme submitted alongside the application is considered acceptable for the development and incorporates bollard style lighting to internal routes and paths as well as entrance feature lights to driveways, the approved scheme retained existing column lights on the site and the previously approved scheme added to these to improve the overall lighting at the site.

Safety and Security - The previously approved revisions to the lighting scheme were considered acceptable, the site is subject to lighting through a variety of lighting types including columns, and bollard lighting and the revised proposals are not considered to give rise to unacceptable impacts in terms of safety and security.

Other matters- The original approval for the sites redevelopment included a number of conditions that required the submission and approval of further details. The previous revised approval (reference 131722/JO/2021) reimposed a number of these conditions as they had not been subject to applications to discharge them, details were expected to be submitted within three months of the date of that approval. The current application seeks to resolve three of these conditions relating to contaminated land, highway works and secured by design accreditation. Given the passage of time and that the previous variation sought to provide a suitable time period for these matters to be resolved and that the development is now fully occupied the applicant was requested to deal with these matters through the current application, consideration of the details submitted is set out below.

Secured By Design Accreditation - The original planning approval required the development to achieve secured by design accreditation, certification of this was required to be provided prior to the first occupancy of the development. No details have been provided by the applicant to resolve this condition as part of this application or since the properties have been occupied. The requirements of this condition have therefore not been satisfied and condition cannot be varied or removed in this instance.

Contaminated Land - A post demolition site investigation, risk assessment and updated remediation strategy report has been submitted alongside the current application. This is dated 15th December 2016. The conclusions of this report offer two options to resolve contaminated land matters at the site and concludes that once validation has been completed and appropriate assessment undertaken that this should be presented in a Completion Report and submitted to the Council for review. Clarification is still required in respect of the soil sampling frequency undertaken at the site and a completion report is still required as set out within the relevant condition. As such the requirements of this condition have not been satisfied and cannot be varied or removed.

Highway Works - The development included the need for highway works to existing and proposed vehicular accesses to the site and the repositioning of a bus shelter within the footpath on the south bound side of Wilmslow Road. Whilst it is noted that highway works have been undertaken including the provision of the bus shelter there is no record of formal approval of other highways works as confirmed in the correspondence . As such the requirements of this condition have not been satisfied.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a

legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority 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 recommendation given 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: Refuse

Article 35 Declaration

The applicant was invited to provide further information to resolve outstanding matters and extensions of time were agreed in order for this to be submitted and assessed. Unfortunately, in this instance further information hasn't been provided and the application is unable to be approved.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) Insufficient information has been provided to confirm that condition number 2 attached to planning permission reference 131722/JO/2021 can be complied with and that the measures to remediate the site have been undertaken in accordance with the submitted strategy.

2) No information has been provided to confirm that the development has achieved secured by design accreditation, therefore condition 3 of planning permission 131722/JO/2021 has not been complied with.

3) Insufficient information has been provided to set out the details of all the works to the adopted highway that were required by condition 4 to facilitate the development including the vehicular access to Wilmslow Road. Condition 4 has therefore not been complied with.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Didsbury House, Didsbury Park, Manchester, M20 5LJ
17 The Grove, Manchester, M20 2RG
809 Wilmslow Road, Manchester, M20 2QR
Flat 10, Chapel House, 1 Turnstone Avenue, Manchester, M20 2EQ
Flat 11, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 1, Park Terrace, 1 - 3 Didsbury Park, Manchester, M20 5LH
5 Firecrest Drive, Manchester, M20 2FD
Flat 9, Park Terrace, 1 - 3 Didsbury Park, Manchester, M20 5LH
8 Bloomesbury Avenue, Manchester, M20 2BN
19 Didsbury Park, Manchester, M20 5LH
11 Bloomesbury Avenue, Manchester, M20 2BN
16 Bloomesbury Avenue, Manchester, M20 2BN
28 Bloomesbury Avenue, Manchester, M20 2BN
16 Sandhurst Road, Manchester, M20 5LR
6 Skylark Close, Manchester, M20 2FQ
11 The Grove, Manchester, M20 2RG
60 Bloomesbury Avenue, Manchester, M20 2BN
807 Wilmslow Road, Manchester, M20 2QR
Flat 7, Chapel House, 1 Turnstone Avenue, Manchester, M20 2EQ
Flat 1, Chapel House, 1 Turnstone Avenue, Manchester, M20 2EQ
1 Walkershall Way, Manchester, M20 2EP
5 Didsbury Park, Manchester, M20 5LH
Flat 4, Park Terrace, 1 - 3 Didsbury Park, Manchester, M20 5LH
Flat 8, Park Terrace, 1 - 3 Didsbury Park, Manchester, M20 5LH
12 Bloomesbury Avenue, Manchester, M20 2BN
40 Bloomesbury Avenue, Manchester, M20 2BN
26 Bloomesbury Avenue, Manchester, M20 2BN
2 Bloomesbury Avenue, Manchester, M20 2BN
10 Sandhurst Road, Manchester, M20 5LR
805 Wilmslow Road, Manchester, M20 2QR
38 Bloomesbury Avenue, Manchester, M20 2BN
34 Bloomesbury Avenue, Manchester, M20 2BN
Flat 3, Chapel House, 1 Turnstone Avenue, Manchester, M20 2EQ
Flat 9, Chapel House, 1 Turnstone Avenue, Manchester, M20 2EQ
30 Bloomesbury Avenue, Manchester, M20 2BN
Flat 8, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
17 Bloomesbury Avenue, Manchester, M20 2BN
Flat 11, Park Terrace, 1 - 3 Didsbury Park, Manchester, M20 5LH
Flat 6, Park Terrace, 1 - 3 Didsbury Park, Manchester, M20 5LH
4 Bloomesbury Avenue, Manchester, M20 2BN
Serviced Apartment 3, 13 Didsbury Park, Manchester, M20 5LH
5 Bloomesbury Avenue, Manchester, M20 2BN
24 Bloomesbury Avenue, Manchester, M20 2BN
Flat 5, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
58 Bloomesbury Avenue, Manchester, M20 2BN
13 The Grove, Manchester, M20 2RG
7 The Grove, Manchester, M20 2RG
66 Bloomesbury Avenue, Manchester, M20 2BN

70 Bloomesbury Avenue, Manchester, M20 2BN
Flat 5, Chapel House, 1 Turnstone Avenue, Manchester, M20 2EQ
Flat 2, Beeches Court, 48 Bloomesbury Avenue, Manchester, M20 2NF
Flat 10, Park Terrace, 1 - 3 Didsbury Park, Manchester, M20 5LH
50 Bloomesbury Avenue, Manchester, M20 2BN
15 Didsbury Park, Manchester, M20 5LH
42 Bloomesbury Avenue, Manchester, M20 2BN
11 Didsbury Park, Manchester, M20 5LH
781 Wilmslow Road, Manchester, M20 2RW
801 Wilmslow Road, Manchester, M20 2QR
4 Skylark Close, Manchester, M20 2FQ
3 Skylark Close, Manchester, M20 2FQ
2 Skylark Close, Manchester, M20 2FQ
9 The Grove, Manchester, M20 2RG
3 The Grove, Manchester, M20 2RG
1 The Grove, Manchester, M20 2RG
Flat 12, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 3, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 3, Beeches Court, 48 Bloomesbury Avenue, Manchester, M20 2NF
Flat 5, Beeches Court, 48 Bloomesbury Avenue, Manchester, M20 2NF
Flat 7, Beeches Court, 48 Bloomesbury Avenue, Manchester, M20 2NF
7 Firecrest Drive, Manchester, M20 2FD
Flat 7, Park Terrace, 1 - 3 Didsbury Park, Manchester, M20 5LH
7 Bloomesbury Avenue, Manchester, M20 2BN
46 Bloomesbury Avenue, Manchester, M20 2BN
9 Bloomesbury Avenue, Manchester, M20 2BN
13 Bloomesbury Avenue, Manchester, M20 2BN
18 Bloomesbury Avenue, Manchester, M20 2BN
20 Bloomesbury Avenue, Manchester, M20 2BN
23 Didsbury Park, Manchester, M20 5LH
Bdh Communications Ltd, 781 Wilmslow Road, Manchester, M20 2RW
15 The Grove, Manchester, M20 2RG
72 Bloomesbury Avenue, Manchester, M20 2BN
4 Turnstone Avenue, Manchester, M20 2FN
Flat 4, Chapel House, 1 Turnstone Avenue, Manchester, M20 2EQ
Flat 6, Chapel House, 1 Turnstone Avenue, Manchester, M20 2EQ
Flat 2, Chapel House, 1 Turnstone Avenue, Manchester, M20 2EQ
Flat 4, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 1, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
52 Bloomesbury Avenue, Manchester, M20 2BN
1 Firecrest Drive, Manchester, M20 2FD
Flat 4, 13 Didsbury Park, Manchester, M20 5LH
3 Bloomesbury Avenue, Manchester, M20 2BN
44 Bloomesbury Avenue, Manchester, M20 2BN
9 Didsbury Park, Manchester, M20 5LH
22 Bloomesbury Avenue, Manchester, M20 2BN
Flat 9, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 6, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
12 Sandhurst Road, Manchester, M20 5LR
803 Wilmslow Road, Manchester, M20 2QR
56 Bloomesbury Avenue, Manchester, M20 2BN
62 Bloomesbury Avenue, Manchester, M20 2BN
68 Bloomesbury Avenue, Manchester, M20 2BN
36 Bloomesbury Avenue, Manchester, M20 2BN

32 Bloomesbury Avenue, Manchester, M20 2BN
Flat 4, Beeches Court, 48 Bloomesbury Avenue, Manchester, M20 2NF
Flat 6, Beeches Court, 48 Bloomesbury Avenue, Manchester, M20 2NF
Flat 5, Park Terrace, 1 - 3 Didsbury Park, Manchester, M20 5LH
Flat 12, Park Terrace, 1 - 3 Didsbury Park, Manchester, M20 5LH
6 Turnstone Avenue, Manchester, M20 2FN
Flat 3, Park Terrace, 1 - 3 Didsbury Park, Manchester, M20 5LH
1 Bloomesbury Avenue, Manchester, M20 2BN
14 Bloomesbury Avenue, Manchester, M20 2BN
Serviced Apartment 2, 13 Didsbury Park, Manchester, M20 5LH
Serviced Apartment 1, 13 Didsbury Park, Manchester, M20 5LH
7 Didsbury Park, Manchester, M20 5LH
Didsbury Methodist Church, Sandhurst Road, Manchester, M20 5LR
Flat 10, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
14 Sandhurst Road, Manchester, M20 5LR
5 Skylark Close, Manchester, M20 2FQ
1 Skylark Close, Manchester, M20 2FQ
2 Turnstone Avenue, Manchester, M20 2FN
5 The Grove, Manchester, M20 2RG
64 Bloomesbury Avenue, Manchester, M20 2BN
Flat 8, Chapel House, 1 Turnstone Avenue, Manchester, M20 2EQ
Flat 7, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 2, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 1, Beeches Court, 48 Bloomesbury Avenue, Manchester, M20 2NF
Flat 8, Beeches Court, 48 Bloomesbury Avenue, Manchester, M20 2NF
3 Firecrest Drive, Manchester, M20 2FD
Flat 2, Park Terrace, 1 - 3 Didsbury Park, Manchester, M20 5LH
54 Bloomesbury Avenue, Manchester, M20 2BN
6 Bloomesbury Avenue, Manchester, M20 2BN
17 Didsbury Park, Manchester, M20 5LH
15 Bloomesbury Avenue, Manchester, M20 2BN
10 Bloomesbury Avenue, Manchester, M20 2BN

Appendix 2 – Planning constraints

[illegible]

Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA