

Planning

Growth & Development

Delegated officer report for planning application

Application no.	132484/FO/2021
Date registered valid:	13 December 2021
Proposal:	External elevational alterations together with erection of a single storey rear extension, installation of photo voltaic solar panels, creation of additional 7 no. parking spaces (14 no. in total) and landscaping works
Address:	Managers Flat, Jack Edwards Court, 1-6 Pandora Street & Nos 5 And 7 Lapwing Lane, Manchester, M20 2NT
Ward(s):	Didsbury West Ward
Applicant:	Mosscafe St Vincents Housing Group, 7th Floor Trafford House, Chester Road, M32 0RS
Agent (if any):	Mrs Suzanne Belfield, Arcus Consulting LLP, Dalton House, Arcus, Dane Road, Sale, M33 7AR
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	21 October 2022



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 12 January 2022

Standard consultations:

Printed: 10 June 2022 Expired: 1 July 2022

Neighbour notifications

Printed: 10 June 2022 Expired: 1 July 2022

Site notice

No site notice has been produced Posted: 23 December 2021 Expired: 13 January 2022

Press advert

Published: 11 January 2022 Expired: 1 February 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

Jack Edwards Court is a part two/part three storey sheltered housing scheme located on land located between Lapwing Lane, Pandora Street and Moordale Street. The site is located within the Albert Park Conservation Area. The building occupies an L-shaped footprint, to the rear of which is the communal gardens and off-street parking facilities associated with the building.

To the north of the site, on the opposite side of Moordale Street, there is a terrace of two storey dwellings. To the east, on the opposite side of Pandora Street, stands the side elevation of a commercial property that fronts Lapwing Lane and the side elevation of an end-terraced dwelling that front Claremont Avenue. To the south and west of the site there are a number of food and drink establishments.



Listed building: No
Conservation area: Albert Park Conservation Area 1988
Tree Preservation Order: No

Description of development

The applicant is proposing the following:

- Erection of a single storey rear extension to form an enlarged lounge.
- Elevational alterations to three existing entrances (2 x Lapwing Lane, 1 x Pandora Street)
- Installation of photo voltaic solar panels
- Creation of additional seven parking spaces, bringing the total number of spaces to 14. (14 no. in total) – three off Pandora Street and four off Moordale Street.
- Associated landscaping works, installation of replacement windows and stone window cills.



Consultations & Notification Responses

Local Residents – Letters of objection have been received from two local residents of Pandora Street, the comments are summarised below:

- The parking spot no.12 is directly outside my front door and under my bedroom and kitchen window, I would like this spot to be just for my use while I live there, as otherwise I am sure that random cars will be parked there and would cause inconvenience and disturbance to my peaceful enjoyment of my home. Parking has been a major issue in our area for years

now and to face possible nuisance again over parking because of this not being resolved and made clear is causing me distress.

- The corner of the road outside my flat and next to the parking spot no.12 does not appear to be planned to have any kind of fence or boundary beyond the existing low brick wall. If this is so then people will cut across the area and it will be full of rubbish blown there or thrown away there by passing pedestrians, it will also encourage the youth who are already hanging around there smoking etc. For years this corner has needed a fence at a decent height to prevent this ongoing nuisance of rubbish which is very unsightly and is likely to a lot worse with no fence or boundary there.
- The proposed bin store at the back is just adjacent to my flat and my living room window, I am concerned that this will be noisy and smelly and make living in my flat unpleasant, the noise and smells will disturb my peaceful enjoyment of my home
- The Ornamental Cherry Tree in the garden, at the rear of my flat, is proposed to be removed, I am not happy about this as the tree makes the environment very pleasant and is habitat to wildlife, including many birds and bats. This tree has been a source of great enjoyment for many years and forms part of the pleasant environment which myself and my neighbours, really enjoy and appreciate. This is a conservation area.
- The proposal is capable of helping to make the safe passage of pedestrians, prams, disabled and children along the Moordale Street which for several years has been blocked by a car and trailer parked on the pavement. The pedestrian route from Lapwing Lane via Pandora Street and Moordale Street to gain safe access to Burton Road and Withington village merits careful consideration. This route is very beautiful in Spring and early Summer, for the Cherry Trees in the spacious gardens of Jack Edwards Court are not fruit trees but are Flowering Cherry Blossom trees. The pastel colours of the petals and the delicate scent are a delight.
- Loss of even a single Flowering Cherry Blossom Tree would be a significant loss to the Conservation Area and should be avoided.
- It is inappropriate to regard Cherry Blossom Trees as akin to woodland trees, when the role of Cherry Blossom Trees is for visual appeal for humans and wildlife, including birds, butterflies, moths, and other insects, as well as cats and bats in this instance.
- The residents of 3 Pandora Street (flats 1 to 6) were verbally informed by the applicant that the very unkept garden in Pandora Street would be tidied up to make a small but nice garden for our dedicated use. This was in the light of us not being allowed access to the large gardens behind Jack Edwards Court, and us often having to meet and greet visitors (friends, relatives and medical staff) by us crouching on the pavement of Pandora Street next to their cars.
- It is noteworthy that residents of upper floors of 3 Pandora Street (eg flats 3,4,5,6) have only a single entry 'front door' to a single stair well. Therefore, we are pleased the proposal includes improving the layout of the access. However, it is not ideal to have our communal entrance to our stair wellbeing bordered by refuse bins.
- The rear gardens of Jack Edwards Court are of significant wildlife interest due to the Flowering Cherries and the flowering Magnolia tree as well as other trees. They constitute a sheltered safe haven for not only vulnerable small songbirds, but especially so for bats. There is no clear evidence of where the bats roost, but this is a significant feeding and patrolling site for bats.

West Didsbury Residents Association (WDRA) – WDRA have commented as follows:

- No objection to the proposed single storey extension to communal lounge; replacement of windows and insertion of new stone sills but with the proviso that prior to any removal work a precautionary bat survey be conducted; remodelled entrances to all three buildings.
- However WDRA do have considerable concerns regarding creation of 7 additional parking spaces (14 No. in total) and resulting landscaping changes, for the following reasons:

- i. It would appear that creation of additional parking spaces would necessitate removal of 6 mature trees. WDRA would contend that existing trees offer amenity value to residents by way of mitigating traffic noise and pollution, improved privacy and pleasant visual outlook.
- ii. The application does not establish a need for additional parking spaces. At present the existing spaces are only rarely occupied. We understand from residents that there is a measure of unauthorised parking in the spaces by customers of Burton Rd bars and restaurants. It is acknowledged that in supported housing schemes requirement for parking arises from both tenants themselves and their visitors.
- iii. WDRA understand that Cllr Leech has proposed a number of amendments, we agree with these suggestions and now suggest the following: submission of a comprehensive landscape scheme for the Lapwing Lane frontage; bat survey to assess bat usage of the rear garden and possible presence within air bricks/crevices around window frames on the building elevations; minimal mitigation landscaping around the 3 new bays facing Pandora St; permission for Pandora Street flats residents to use available scheme parking spaces.

Ward Councillors – Correspondence has been received from Cllr Leach, the comments are summarised below:

- First of all, I have no objections to the proposed extension to the buildings.
- The new parking spaces on Pandora Street welcome, but can there be a condition that they have to be available to residents in the flats on Pandora Street as well as those in Jack Edwards Court? Currently the residents of Pandora Street are not allowed to use the existing spaces. It would also be good to see a condition relating to the materials used for these spaces - it should be porous and the most sustainable option.
- As far as the removal of the trees in the rear garden is concerned, surely the proposed bin/cycle store areas could be moved, so that these trees do not need to be removed? As far as the 4 new spaces on Moordale are concerned, this will result in a loss of on street parking, which is already in great demand. This does not appear to have been taken into consideration.
- I have been speaking to one of the residents in the flats on Pandora Street, who has suggested that if three parking spaces are to replace the very small bit of garden that is available to residents in the Pandora Street flats, then the residents of the Pandora Street flats ought to have access to the rear garden (they currently do not).
- At WDRA it was also suggested that to minimise the impact of the three parking spaces, that some additional green screening might be introduced to lessen the impact of the parking spaces. Would this be possible?

Highway Services – Have made the following comments:

- Under normal circumstances we would not support an extended length of dropped kerb or driveway access within 10m of a junction. However, given that the kerb is already dropped over an extended length on the south side of Moordale St, and given that it is within a cul-de-sac with limited vehicle access and good visibility, we can support the parking proposals.
- The design and access statement indicates that two of the bays are for accessible use and that electric vehicle (EV) charging is provided. This is supported by Highways and we would recommend that a minimum of two charge points are provisioned with a 7kW charge unit.
- The pedestrian access arrangements are being amended with level access provided from the extended rear lounge into the communal garden and these measures are supported.
- Should the planning application be approved it is recommended that a Construction Management Plan be conditioned.

- We note the inclusion of secure cycle parking within the site which is supported.

City Arborist – The trees listed for removal are Cat C and therefore they would not support TPO status and we would not seek to stop the development. The mitigation planting appears to be sufficient for the site and It would maintain the green screen between both properties. The parking spaces would have to be done carefully and in line with BS:5837 as they clearly encroach into some of the root protection zones of the retained trees.

Cadent Gas Ltd – Suggest the inclusion of an informative designed to protect Cadent Gas infrastructure during the construction phase.

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

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

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

In addition to the above, Section 16 (*Conserving and enhancing the historic environment*) is of relevance:

Paragraph 197 states that in determining planning applications, local planning authorities should take account of:

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

Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

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

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

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

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

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

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.

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

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

The Manchester Green and Blue Infrastructure Strategy (G&BIS) – The G&BIS sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is:

By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

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

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

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

Issues

Principle of the Proposal – The principle of providing improved living conditions for the residents of this sheltered housing development, namely the enlarged communal lounge and improved entrances, is acceptable. In addition, the installation of photo voltaic panels is welcomed, as is the replacement windows where required.

WDRA have raised concerns that the parking spaces are not required and have cast doubts on the justification for the additional schemes. Mosscaire St. Vincents Housing Group have responded to this objection as follows:

Currently Jack Edwards Court has 25 flats and currently only 7 car parking spaces. Parking in the surrounding area is very restricted. In addition to residents and staff, the nature of the scheme means there are a number of visitors on a daily basis including care and medical professionals etc. who require on-site parking.

The additional spaces will ensure the residents, staff and visitors are able to park close to the scheme without having to park a significant distance away and also stop them taking up parking spaces in other parts of the area. Currently both health and care professionals visiting the scheme, as this occurs both through the day and into the evening having sufficient spaces would enable safer visiting to the scheme, as they will not need to try to park a distance and walk in. This is something continually mentioned by visiting health and care professionals, the lack of parking and how it impacts on their safety and ability to dispense required medical and care needs.

The scheme manager has received a number of complaints about the lack of parking from essential visitors.

In addition to the information above, a factor that requires consideration is that the 6 residents of the cat 1 block on Pandora Street currently have no parking available to them or their essential visitors and councillors have been involved in partitioning on their behalf to have use of the 7 spaces for Jack Edwards court, therefore by increasing both spaces for them and increasing number of parking spaces for the scheme it allows greater access for disabled and elderly customers and their essential visitors.

In light of this need, the provision of the additional parking spaces is considered acceptable in principle.

Notwithstanding the above, the impact of the proposal upon existing levels of residential/visual amenity, pedestrian/highway safety, the character of the Albert Park Conservation Area and existing flora and fauna must be assessed.

Design – The rear extension would consist mainly of glazing, i.e. low brick walls topped by glazing panels and a lantern roof. In addition, French doors would allow direct access to the communal garden area.

The installation of replacement anthracite uPVC windows and the replacement of the concrete cills with buff reconstituted stone cills is considered acceptable.

The three entrances are to be modernised, being fitted with new glass entrance doors and reclad in a contrasting material to make a feature and focal point. A flat roof and new signage are also proposed to the entrances to provide a more contemporary appearance.

The PV panels would sit parallel to the Lapwing Lane and Pandora Street roof planes and would not be readily visible from the public realm.

Overall, the design of the extension and elevational alterations is considered acceptable.

Car Parking – The applicant has made a compelling need for the additional car parking spaces. Given this and the recognised parking issues experienced in the area, the provision of the parking spaces is considered acceptable.

A number of the residents fronting Pandora Street have requested that the three parking spaces (nos. 12 to 14) be allocated for their use. The applicant has confirmed that they would have sole use of these parking spaces.

Pedestrian and Highway Safety – It is not considered that the proposed car parking and associated comings and goings of the additional vehicles would have a detrimental impact upon the levels of pedestrian and highway safety enjoyed within the vicinity of the site.

Visual Amenity – Given the design of the proposal, it is not considered that the proposal would have a detrimental impact upon the existing levels of visual amenity enjoyed within the vicinity of the site.

Residential Amenity – The proposed works would not lead to overshadowing or a loss of privacy, accordingly it is not considered that the proposal would have a detrimental impact upon the levels of residential amenity enjoyed by neighbouring residents.

Impact on Heritage Assets (Albert Park Conservation Area) – The requirement to preserve or enhance the Conservation Area is a key requirement within policy EN3 of the Core Strategy, saved policy DC18 of the UDP, along with the objectives of the NPPF. As such, any new development must seek to retain the character of the area through careful detailing and, where appropriate, the use of compatible materials.

The Albert Park Conservation Area, which was designated in March 1988, is situated approximately four miles south of Manchester city centre, in West Didsbury. Albert Park as a residential suburb was established in the second half of the 19th Century on what was previously an outlying rural area. Development began along Palatine Road after it was opened in 1862, and from then until the close of the century, the area between Palatine Road, Barlow Moor Road and Lapwing Lane was developed with housing. These consisted mainly of three-storey pairs of semi-detached properties, slightly less grand than those fronting Palatine Road. Development accelerated with the opening of the Midland Railway's Withington and Albert Park railway station

in 1880, which was sited directly opposite numbers 22-24 Lapwing Lane. Further expansion took place in the early 20th century, with the post-war period characterised by infill development. Though principally an area of housing, the conservation area also includes a district shopping centre on Burton Road, a smaller group of shops on Barlow Moor Road, schools, public houses and a number of churches.

The properties within the Albert Park Conservation Area generally have walls of red or orange-red brick with dressings in stone, moulded brick or a brick of a contrasting colour. Heavily moulded and strongly contrasting colours in terracotta or glazed ceramic ware are meanwhile reserved for the public buildings such as Withington Town Hall on Lapwing Lane and Cavendish Road County Primary School. The roofs of the Albert Park houses are predominantly of blue slate. Ridge tiles sometimes have decorative fins, while bargeboards and eaves boards are occasionally moulded and decorated with fretwork. Trees make a considerable contribution to the character of the area, both in the pavements and more significantly in private gardens.

Jack Edwards Court was erected in the latter half of the 20th century and is located along the northern edge of the conservation area (the boundary runs along the rear of the dwellings on Moordale Street). It is constructed from red brick and topped by a tiled roof and reflects the architecture of the early 1980s. The proposed rear extension, elevational alterations and rooftop PV panels all sit comfortably on the building and would not detract from its overall design.

It is not considered that the proposal would have a detrimental impact upon the overall character of the Albert Park Conservation Area and that any harm at all would be at the very low end of less than substantial with the public benefits outweighing any harm. The public benefits would be the reduction in on-street parking in an area that suffers from congestion; improved living conditions for the residents of the sheltered housing; and the provision of greener forms of energy production.

Trees – The applicant has submitted a detailed tree survey which identified 13 trees within the site, namely 1 category B trees, 11 category C trees and 1 category U tree. An explanation of the categories follows:

- *Category B - Trees of moderate quality with a remaining life expectancy of at least 20 Years*
- *Category C - Trees of low quality with an estimated life expectancy of at least 10 years, or young trees with a stem diameter below 150mm.*
- *Category U - Trees of such a condition that they can not be realistically retained as living trees in the context of the current land use for longer than 10 years.*

To accommodate the additional parking spaces the applicant is proposing to fell five trees (T12 to T16), four of which are category C trees, with the remainder being a category U tree, namely the Flowering Cherry referred to by the local resident in the comments section. The original submission has been amended along the lines suggested by Cllr Leach (relocated bin/cycle/scooter stores) to ensure the retention of an additional tree.

Given the condition of the trees to be felled and the fact the applicant is proposing to plant the following replacements the impact on the overall tree coverage for the site is considered acceptable:

- 1 No. Betula Pendula – silver birch
- 1 No. Sorbus Joseph Rock – mountain ash
- 1 No. Sorbus Aria - whietbeam
- 1 No. Acer Compestre – field maple
- 1 No. Pyrus Calleryana Chanticleer - ornamental pear tree

A condition, designed to protect the retained trees, would be attached to any approval granted.

Landscaping – The replacement tree planting, general landscaping and provision of the new cycle/bin/scooter storage areas is considered acceptable. The requirement to submit a detailed landscaping scheme, indicating the species and size of shrubs etc, would be enforced via condition no. 5.

Ecology – There is no indication that any protected species reside within the site or the building itself. The comments of local residents with regarding bats foraging within the gardens is noted but it is not considered that the proposal would have a detrimental upon any existing ecological feature within the site.

Notwithstanding this, an informative concerning bat roosts would be attached to any approval granted.

Security – The proposal does not raise any security concerns. A local resident has enquired about increasing the height of the boundary treatment at the corner of Moordale and Pandora Streets in an effort to stop people crossing the garden area at the front of his flat. While it would not be possible to do this, as it would interfere with pedestrian/vehicular intervisibility splays, it should be noted that the applicant is proposing to plant shrubs to the side of parking space no. 12 and it is believed that these, along with a car parked in the space, would deter people from taking the shortcut referred to by the resident.

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: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner to resolve any matters arising in relation to dealing with the planning application.

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

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

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

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

- a) Drawing no. 6756 P-00, stamped as received on 13 December 2021
- b) Drawing no. 6756 P-02C, stamped as received on 24 May 2022
- c) Drawing no. 6756 P-04A, stamped as received on 24 May 2022
- d) Drawing no. 6756 P-06, stamped as received on 13 December 2021
- e) Tree Survey (Trevor Bridge Associates Ltd report and associated drawing no. 6734.01A), stamped as received on 13 December 2021
- f) Full Planting Schedule, stamped as received on 13 December 2021
- g) PV Technical Date (Longi Solar), stamped as received on 24 May 2022

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

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

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Manchester Core Strategy.

4) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with BS 5837 (2012) - Trees in Relation to Design, Demolition and Construction.

(b) All work within the root protection zones of the retained trees shall be carried out in accordance with BS 5837 (2012) - Trees in Relation to Design, Demolition and Construction.

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

(d) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

5) Notwithstanding the detail shown on drawing no. 6756 P-02C (stamped as received on 24 May 2022), prior to the commencement of above ground works, a hard and soft landscaping treatment scheme shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the construction work is completed. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

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

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

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

7) Prior to the commencement of above-ground construction works, details of the electric vehicle charging units to be installed (as shown on drawing no. 6756 P-02C), shall be submitted to and approved by the City Council as local planning authority. The approved charging units shall then be installed prior to the operational phase of the development and remain in perpetuity.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy

8) No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- A construction programme including phasing of works;
- 24 hour emergency contact number;
- Expected number and type of vehicles accessing the site: Deliveries, waste, cranes, equipment, plant, works, visitors; Size of construction vehicles; The use of a consolidation operation or scheme for the delivery of materials and goods; Phasing of works;
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction): Programming; Waste management; Construction methodology; Shared deliveries; Car sharing; Travel planning; Local workforce; Parking facilities for staff and visitors; On-site facilities; A scheme to encourage the use of public transport and cycling;
- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;

- Locations for storage of plant/waste/construction materials;
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- Any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Arrangements for temporary facilities for any bus stops or routes;
- Method of preventing mud being carried onto the highway;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

Reason - In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

Informatives

1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

2) Should evidence of bat roosts be discovered during the construction phase all work shall cease and Natural England and Greater Manchester Ecology Unit notified.

Appendix 1 – List of consultees & neighbours notified

Highway Services
 Neighbourhood Team Leader (Arboriculture)
 West Didsbury Residents Association
 Cadent Gas Ltd
 Flat 6, 3 Pandora Street, Manchester, M20 2JS
 Flat 2, 3 Pandora Street, Manchester, M20 2JS
 35 Lapwing Lane, Manchester, M20 2NT
 33 Lapwing Lane, Manchester, M20 2NT
 Flat 4, 4 Lapwing Lane, Manchester, M20 2WS
 Flat 3, 4 Lapwing Lane, Manchester, M20 2WS
 Flat 2, 4 Lapwing Lane, Manchester, M20 2WS
 Flat 1, 4 Lapwing Lane, Manchester, M20 2WS
 3 Claremont Avenue, Manchester, M20 1JN

1 Claremont Avenue, Manchester, M20 1JN
135A Burton Road, Manchester, M20 1HW
7 Lapwing Lane, Manchester, M20 2NT
The Metropolitan, 2 Lapwing Lane, Manchester, M20 2WS
8 Lapwing Lane, Manchester, M20 2WS
135B Burton Road, Manchester, M20 1HW
Flat 4, Waterloo Court, Lapwing Lane, Manchester, M20 2NT
Flat 1, Waterloo Court, Lapwing Lane, Manchester, M20 2NT
Flat 24, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 21, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 19, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 16, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 26, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 4, 3 Pandora Street, Manchester, M20 2JS
Flat 1, 3 Pandora Street, Manchester, M20 2JS
14 Moordale Street, Manchester, M20 2JR
8 Moordale Street, Manchester, M20 2JR
2 Moordale Street, Manchester, M20 2JR
3 Lapwing Lane, Manchester, M20 2NT
1A Lapwing Lane, Manchester, M20 2NT
6 Lapwing Lane, Manchester, M20 2WS
4 Lapwing Lane, Manchester, M20 2WS
Flat 15, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
137B Burton Road, Manchester, M20 1HW
137A Burton Road, Manchester, M20 1HW
137 Burton Road, Manchester, M20 1HW
135 Burton Road, Manchester, M20 1HW
4 Claremont Avenue, Manchester, M20 1JN
2 Claremont Avenue, Manchester, M20 1JN
1 Lapwing Lane, Manchester, M20 2NT
Flat 3, Waterloo Court, Lapwing Lane, Manchester, M20 2NT
Flat 2, Waterloo Court, Lapwing Lane, Manchester, M20 2NT
Flat 25, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 23, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 22, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 20, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 18, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 17, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 14, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 12, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 11, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 10, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 9, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 8, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 7, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 6, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 5, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 4, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 3, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 2, Jack Edwards Court, 5 Lapwing Lane, Manchester, M20 2NT
Flat 5, 3 Pandora Street, Manchester, M20 2JS
Flat 3, 3 Pandora Street, Manchester, M20 2JS
18 Moordale Street, Manchester, M20 2JR
16 Moordale Street, Manchester, M20 2JR

12 Moordale Street, Manchester, M20 2JR
10 Moordale Street, Manchester, M20 2JR
6 Moordale Street, Manchester, M20 2JR
4 Moordale Street, Manchester, M20 2JR

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Conservation Area - Albert Park Conservation Area 1988
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH