



Appeal Decision

Inquiry held on 23-24 May 2023

Site visit made on 25 May 2023

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14th June 2023

Appeal Ref: APP/B4215/W/23/3314646

Land at the junction of Parrs Wood Lane, East Didsbury, Manchester M20 5AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dandara Living Developments Limited against the decision of Manchester City Council.
 - The application Ref 133746/FO/2022, dated 5 May 2022, was refused by notice dated 2 August 2022.
 - The development proposed is the erection of a 6 storey residential building (Use Class C3) comprising 75 new homes together with ground floor flexible residential amenity space, car parking, cycle parking as well as landscaping, highways and other associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 6 storey residential building (Use Class C3) comprising 75 new homes together with ground floor flexible residential amenity space, car parking, cycle parking as well as landscaping, highways and other associated works on land at the junction of Parrs Wood Lane, East Didsbury, Manchester M20 5AA in accordance with the terms of the application, Ref 133746/FO/2022, dated 5 May 2022, subject to the attached schedule of conditions.

Procedural Matters

2. The application was refused by the **Council's Planning Committee** which was held on 28 July 2022, on the recommendation of the Planning Officer which related to highways issues and the high density form of development. Following the refusal, the appellant produced further highways information, including the following:
 - i) A Manual Traffic Survey (3 November 2022)
 - ii) Automatic Traffic Survey (3-9 November 2022)
 - iii) LinSig Modelling work and independent audit by JCT Consulting (February 2023)
 - iv) On-Street Parking Survey (4-5 November 2022).
3. As set out in the signed Statement of Common Ground (SOCG) and the **Council's Written Statement** (25 April 2023) a review of the additional information was made by the Council and Transport for Greater Manchester (TfGM). Based on this, the Council did not contest the reasons for refusal at the

Inquiry, considering instead that the planning balance fell in favour of the grant of consent and that the proposal would be compliant with the development plan.

4. This revised position was made clear at the Case Management Conference (CMC), held on 29 March 2023. In light of the significant local interest generated by the proposals **and the Council's change** in position, on my request at the CMC, a further opportunity for local residents to comment on the updated information was given. Accordingly, I am satisfied that there is no prejudice in my taking account of the additional information in my decision.
5. While the Council did not put up any witnesses to the Inquiry, a number of interested parties also made oral representations at the Inquiry, including local residents, Ward Members and representatives of the East Didsbury Community Group and Parrs Wood Avenue Residents Group. They were given an opportunity to speak as well as put questions to the appellant's witnesses during the formal examination of evidence.
6. I have also had full regard to the written representations made by interested parties, to the original planning application, to the appeal, and in respect of the comments received as part of the further consultation.
7. A completed Unilateral Undertaking (UU) made under Section 106 of the Town and Country Planning Act 1990 was submitted by the appellant. This, along with the planning conditions, were discussed at the Inquiry and revised and finalised after it was closed. I will return to the UU and the conditions, later in my decision.

Main Issue

8. The main issue is the effect of the proposed development upon highway safety.

Reasons

Site and Area Description

9. The site is a broadly triangular area, currently used as a car park, which is around 0.24 hectares in size. The site is bounded by Parrs Wood Lane to the south, and a wider car park area serving a Tesco superstore to the north. To the west is the access into Tesco from Parrs Wood Lane and to the west, separated by a retaining wall, is Kingsway, a large dual carriageway.
10. Historically the site **was used as a bus depot, built in the 1930's. This was later demolished in the 1980's and the supermarket built, however a clock tower** was retained. This is located to the north-east of the site.
11. The wider area includes a hotel and the Parrs Wood Entertainment Centre, to the east, on the other side of Kingsway. There is also the East Didsbury Metrolink Stop and park and ride car park here. Opposite the site to the south is an open park area which is treed with areas of grass and public benches. This area effectively forms an island between a number of traffic junctions. Beyond this are flatted residential development blocks including Parrs Wood Court Apartments and the modern Citipeak Apartments.
12. To the west is a railway line, elevated above the site. East Didsbury Railway Station is located to the south west of the site, across Parrs Wood Road.

Further beyond the railway line are residential dwellings and shops which form Didsbury.

Proposals

13. The 75 units would consist of 25 one-bed apartments, 40 two-bed apartments and 10 three-bed apartments. The scheme would be a build to rent scheme (BTR) and would incorporate 20% affordable private rented units which would equate to 15 apartments.
14. The development would include 36 private parking spaces, 24 of those would be internal, including two accessible spaces and there would be 12 outdoor spaces, including one car club space and one visitor space. All would be equipped with active electric vehicle charging provision, which would be secured by planning condition.
15. A total of 75 cycle spaces would be provided at ground floor within the building, along with bin storage and plant. The ground floor would also include an entrance, concierge space and community space.
16. The development would be 6 storeys in height with a flat roof. The elevational treatments include brick, with bronze cladding, grey window frames and grey metal balconies (both Juliet and projecting). The top floor would have a slightly different architectural treatment with bronze boxes which would be framed by canted metal cornices. The proposed building would have an L-shaped form to echo the triangular shape of the site, set tight with the southern boundary, along Parrs Wood Lane. The corner area would also have a slightly different architectural treatment with a greater area of brickwork, and a broader tower design.

Planning Policy

17. The development plan for the area includes the Manchester Core Strategy (2012) (CS). The reasons for refusal cited policies SP1 (Spatial Principles), H1 (Overall Housing Provision), H6 (South Manchester), T1 (Sustainable Transport), T2 (Accessible Areas of Opportunity and Need) and DM1 (Development Management). The National Planning Policy Framework (the Framework) is also a material consideration.

Highway Safety

18. Under this main issue, there are four key themes which local residents were particularly concerned by: accessibility, parking provision, highway network and pedestrian safety. I deal with each in turn, as well as other highways matters, below.
19. It should be noted that I visited the site during the peak morning rush hour period, so that I could observe the worst-case traffic conditions in the area. A **site visit can only ever be a 'snapshot' in time, but I am satisfied that I have sufficient material in terms of the evidence put forward by the appellant, interested parties, and based on my own observations.**
20. The existing car park is also underused, as evidenced by the Transport Assessment (TA) occupancy survey results. The loss of this part of the carpark would not therefore likely cause highway issues and the principle of re-developing this area is thus accepted in this regard.

Accessibility

21. The appeal site has a Greater Manchester Accessibility Level (GMAL) of 8, which is the highest rating. This is because the site and area is well served by a wide range of transport options including East Didsbury Railway Station and the Metrolink which are both around 5-7mins walking distance from the site. The railway provides regular links into the City Centre and to other areas, including Manchester Airport, Crewe, Stockport, and other smaller settlements/areas as well as a service to Wales.
22. The Metrolink is the 'pink line' service which runs frequently between the city centre and Rochdale, with a number of stops enroute.
23. There are also bus stops at Parrs Wood Lane and along Kingsway, both which are in very close walking distance to the site. These stops support frequent services to a number of areas, including the City Centre, Stockport and the Trafford Centre.
24. The site is located near to two cycleways, the Oxford Road and Wilmslow Road Cycleway and the Mersey Valley and Stockport Cycleway, the latter being a mostly traffic-free route. These are both accessible via an entry point to the north-west of Tesco and give access to a wide area, indeed, this route forms part of the National Cycle Network (NCN) and part of the Trans-Pennine trail.
25. In terms of pedestrian access, there are a number of local services and facilities in walking distance to the site. Tesco superstore, and the entertainment complex are the closest facilities visible from the site, and further afield are the facilities in Didsbury which are within a 10-15 minute walk of the site.

Parking Provision

26. The proposed car parking spaces at the site would equate to 48% provision. It was explained at the Inquiry that the allocation of such spaces would be via a separate rental agreement. Accordingly, just over half of the units would not have any private parking provision. There would be no restriction placed on occupants who did not benefit from a car parking space within the development **as a formal 'car free' scheme**, nor for those occupants who had more than one private car.
27. In light of this, there was significant local concern that there would not be adequate provision for parking which would necessitate on-street parking in residential areas around the site.
28. Should there be any future occupants who did not benefit from a space, but who had a private car, the Tesco car park is private and would not be able to be used by occupants. Significant local concern was therefore raised regarding the proposed impact of the development on the wider local road network in terms of on-street parking, particularly for occupiers of the proposed units who did not have an allocated space within the site.
29. In order to address these concerns, the appellants undertook an on-street parking survey as part of their further highways evidence. This identified that the main roads where on-street parking could occur are Parrs Wood Avenue, Parrs Wood Road and the unnamed road leading towards the railway station, adjacent to the CitiPeak Apartments. It was concluded that on-street parking

- would be very unlikely to occur but that there was spare capacity on nearby roads within walking distance to the site on any case.
30. Having reviewed this evidence, and on hearing the submissions made, this study does not appear to be particularly robust, given some of the assumptions made. For example, the unnamed road to East Didsbury Station is not unclassified, it is private land subject to parking restrictions. I also share the local concern that the number of on-street spaces along Parrs Wood Avenue is overestimated given the narrowness of the carriageway, the grass verges with community planters and the driveways.
 31. Parrs Wood Avenue residents are clearly tolerant of other road users parking along the street, for example those that use the local businesses at the junction of Wilmslow Road. However, those are short term users and there would be a difference if this highway was to be used by occupants of the development as residential parking for longer periods of time.
 32. Due to the parking restrictions along the road to the station, I consider that Parrs Wood Avenue is the area which would be most likely to be used for on street parking, should future occupants choose to do so. This would not be a particularly attractive option, due to the separation from the appeal site. The Wilmslow Road end of Parrs Wood Avenue would also, in my view, be a disincentive because of the extant road conditions with the verges/planters, number of driveways, and the narrow width of the carriageway. This would make this area unappealing as potential parking for future occupants. Spaces further up this road, along with those at Parrs Wood Road, would also be much further away and more inconvenient, and again would be a deterrent.
 33. I note the local comments that parking restrictions are regularly monitored in the general area. In the event that any dangerous/illegal parking practices would be experienced, these are thus likely to be enforced.
 34. In any case, it is the clear position of the appellant that due to the accessibility of the site, the parking provision at the site would be more than adequate and would not lead to on-street parking.
 35. In designing the scheme at 48% provision, it is clear to me that the appellants have sought to carefully balance the need to make onsite parking provision against a number of other factors. Firstly, as explained above, the site is highly accessible, and thus there would not necessarily be a reliance on the private car, but there would be genuine choice of alternative sustainable transport options. The 100% cycle storage provision would assist in this regard. For those who wished, the car club provision would also help to encourage reduced car ownership.
 36. Secondly, detailed evidence has been presented in respect of the typical demographic of BTR schemes which demonstrates that these would be younger and less likely to have a car. Clearly that is no guarantee but I note that the 48% parking provision is also a more generous allocation than other comparable BTR schemes, given that the site is not in a city centre location, but in a suburb, and given the traffic circumstances of the locality.
 37. Thirdly, through the Car Park Management Plan, the allocation of spaces would be prioritised to those with a greatest need. Applications for the housing units would also prioritise those who do not need a parking space. The development

would also be supported by a Green Travel Plan (GTP) which would include measures to reduce dependency on the private car of residents, including the provision of travel passes for a specific period, monitoring and surveying of the travel patterns of residents. A revised GTP would also be submitted after 6 months to incorporate new measures necessary as evidenced by the survey work and monitoring. This would be secured by planning condition.

38. Finally, in order to provide comfort to the residents of Parrs Wood Avenue, and indeed the wider area, the UU commits a sum of £10,000 for the Council to progress a Traffic Regulation Order (TRO), should this be necessary. The scope of any TRO is not set and would be done in consultation with anyone who it would affect.
39. I note that other developments in proximity to the site have 100% parking provision. However, overall I am satisfied that it would not be justified in this location, given the accessibility of the site and the drive towards reducing dependence on unsustainable transportation modes for environmental reasons, and the less than ideal attractiveness of available offsite parking.

Highway Network

40. There is no doubt that the road network around the site, which includes Kingsway as a main arterial route into Manchester City Centre, is heavily trafficked.
41. The appellant's evidence on this matter within the TA and the additional highways evidence, concludes that the proposed development is forecast to generate a low level of traffic and that the levels would be as such that it would be imperceptible to other road users, with no likely material impact on road safety.
42. The assessments undertaken, which include survey work and modelling, are clearly very thorough. The trips generated would equate to 17 and 19 two-way movements during AM and PM peaks respectively. Vehicles would then disperse from the Parrs Wood Lane/site access junction to the different junctions which would reduce the two-way traffic flows across the network.
43. The evidence demonstrates that some junctions were operating at or above capacity. However, the site access junction operates well within capacity and is predicted to operate well in future year scenarios. Those junctions which are at capacity would have only a minimal increase in terms of saturation and queues, due to the low trip generation and the change in delay on the network would be less than 1%.
44. While this evidence is compelling, I am mindful of the 'local voice' in respect of highways impacts and there is clear frustration from residents which, as a general principle, is not always captured in datasets, survey and modelling work. Empirical evidence cannot be discounted and in highly trafficked areas such as this, even small-scale changes can have a big effect in relative terms.
45. I do not doubt the local concern here, but much of this relates to existing circumstances, and I note that the trip generation would be less than the existing use of the site as a Tesco superstore if the car park was operating at maximum occupancy. Even if additional delays at junctions were to be noticed, they would be minimal. Moreover, in light of any such worsening of effects, it would not be reasonable for the proposed development to address broader

concerns, such as rat-running of residential streets from Kingsway (for example along Gawsthorpe Avenue/Parrs Wood Road and Parrs Wood Road/Kingston Road/Millgate Lane/Wilmslow Road).

Pedestrian Safety

46. Concern was also raised regarding the pedestrian experience and safety, including by school children due to the proximity of nearby schools. I note that specific reference was made to a number of accidents in the area.
47. As previously noted, Kingsway and Parrs Wood Lane are very busy highways and accordingly this is an area where the road network dominates, to the detriment to the pedestrian user experience. The routes are served by a number of pedestrian crossing points which are crucial to help ensure safety, however they do mean that pedestrians can be held up at several points along a route, waiting for lights to change to allow safe passage. I thus accept it is not a particularly relaxing or pleasant experience. Nevertheless, I saw that the area is well used by pedestrians in order to access local services and facilities and thus the general environment is not a particular impediment to those users.
48. I note that proposed access arrangements within the site include improvements to the zebra crossing including the addition of Belisha beacons, extended dropped kerbs and improved tactile paving. In addition, offsite highways works including resurfacing of footways, and decluttering the pavement of excess signage and other street furniture is also proposed, and would be secured by condition.
49. These improvements would be commensurate with the scale and nature of the development proposed. In light of the extant conditions in the area, there would undoubtedly be other wider improvements which would be a benefit. However, again such improvements would not be necessitated as a direct result of the proposed development and thus would not meet the tests of reasonableness or necessity to require any such wider works.
50. Access to the Metrolink and cycleway is currently via the service road to Tesco, which allows access to HGV deliveries and staff parking. Concern was raised at this element being relied on by future occupiers of the proposed development, however this is clearly a longstanding arrangement and there is no evidence of safety implications arising from this established route.

Other highways issues

51. I note that a previous application at the site for a fast food restaurant and takeaway were withdrawn. I understand that this was on the basis of concern in respect of highways matters. However, the current proposal would be very different as the previous application would have been likely to generate specific trips to the drive-thru service. The TA also notes that the trip generation for the development would be significantly less than the trips generated for that use.

Highways Conclusions

52. Drawing the above together, the site has exceptional accessibility and future occupants would benefit from a genuine choice of sustainable transport options. The 48% parking provision at the site would thus strike an appropriate

balance, particularly given the package of measures to be secured by condition or in the UU. Any effects on the highways network, including terms of safety, would be minimal and the measures proposed would be commensurate to the development. Overall, I am satisfied that there would be no severe residual cumulative impact as a result of the proposed development.

53. The development would therefore accord with CS Policies DM1, T1 and T2, together which seek to have regard to vehicular access and appropriate car parking provision based on the site circumstances and provide sustainable transport and access for all. There would also be no conflict with the Framework, specifically paragraphs 111 and 112 which also promote sustainable transport and avoiding severe impacts on the road network.

Other Matters

54. A number of other matters were also raised and I deal with these below.

Character and Appearance

55. The appeal site, as an open area of car park located between roads and a railway line does not particularly have any strong character traits. The wider area comprises medium/large scale developments, such as the Entertainment Centre and the flatted units. The area does benefit from mature trees to the boundary of the site, and in other areas including the park opposite. This helps to soften the appearance of this built-up area, and reduce the dominance of the road infrastructure.
56. There is a distinct change in character from the site into the lower scale residential buildings in East Didsbury separated by the railway line. That said, I agree with the local residents that the site acts as a gateway into this area as accessed from Kingsway.
57. The L-shaped layout of the development and positioning within the site would exploit the shape of the site and would give a strong edge in the streetscene. Given the width of the carriageway along Parrs Wood Lane, in combination with the existing trees and proposed landscaping/planting, I do not consider that there would be a tunnel effect or make the pedestrian path an oppressive space. The daylight/sunlight report also demonstrates negligible changes to daylight.
58. The scale and massing would be entirely in keeping with the height of other developments in this part of the area, which is distinct from the semi-detached properties to the west of the railway. The change in levels would also effectively reduce the appearance of the height by a storey.
59. As a general point, the building would have a strong base, middle and top in design terms. The roofscape would consist of a single flat roof, however, the bronze metal box detailing to the top floor units would help break this up and give the development an articulated roofscape. Verticality would be achieved through the fenestration and brickwork, as well as the balconies, which would help to break up the massing of the building.
60. There is no one strong palette of materials in the area which dominates. The materials proposed are relatively restrained and would not appear incongruous in this context.

61. Concern was raised in respect of overdevelopment of the site and density, however based on the above, I consider that the development would fit comfortably in its surroundings. I deal with density later on in my decision in terms of policy. I am therefore satisfied that the development would act as a positive focal point in this gateway site. Overall, there would be no harm to the character and appearance of the area.

Clock Tower

62. The clock tower has no formal heritage designation, however this is clearly an important townscape feature to the local community. It was also considered important to be retained when the rest of the former bus garage was demolished, indeed because this was an integral part of the former buildings, significant work was undertaken to rebuild the lower parts of the tower to secure its retention.

63. This structure has some historic interest as a remnant artifact of early 20th Century suburban transport infrastructure developments. However, its appreciation is significantly compromised by the rebuilding works and loss of context. Accordingly, while it is a townscape feature, I do not consider that it could reasonably be classed as a non-designated heritage asset for planning purposes.

64. The development would retain this structure, however some views of it would be blocked by the proposed development due to the proximity of the development and its height. However, while its setting and context would yet again change, I do not consider that the impact could be classified as a harmful one. The tower and the new building would sit side by side in the area and the clock tower would still be appreciated. The effect would therefore be a neutral one.

Density and Need

65. I note that the Council's first original reason for refusal cited that the development would be high density outside of an identified district centre that does not address the housing needs of the area. Conflict was therefore cited with CS policies SP1, H1 and H6.

66. **However, as set out in the Council's written statement**, the concern of density related to proposed car parking levels. I have found above no harm to highway matters in this regard. The Council also confirmed that they had no identified any other demonstrable harm caused by the type of accommodation to be provided at the site.

67. CS Policy SP1 seeks to provide high quality and diverse housing around district centres which meets local need. Policy H1 sets housing requirements and while it drives high density development to the city centre and other accessible areas. This policy is underpinned by Policy H6 which is specifically for South Manchester, noting that high density development would only be appropriate within district centres. Outside these areas priorities will be given for housing that meets identified shortfalls including elderly people.

68. These policies do not preclude high density development outside of district centres and I have found that the site is highly accessible.

69. In term of need, the local concern is related to the need for housing for older people who wish to remain in the local area, as the typical semi-detached dwellings found in the area are problematic to adapt.
70. As a BTR scheme, the development would typically attract a younger demographic, however older persons would not be precluded from renting a unit if desired. The development would be required to accord with accessibility standards under the Building Regulations regime. Evidence was also heard at the Inquiry in respect of the adaptability of the units, should this be necessary.
71. Overall there would be no conflict with CS Policies SP1, H1 and H6 in terms of density and need.

Flood Risk

72. A Flood Risk Assessment and drainage strategy was submitted as part of the application, concluding that the site is suitable and there would be no effect in terms of flood risk. Conditions would also ensure that the drainage strategy would be adequately designed and implemented.

Living conditions

73. The appeal site is at sufficient distance from other residential properties that there would be no harmful effect in terms of privacy. There is no evidence to suggest that air quality would be worsened by the proposed development and any effects from construction can be controlled by condition, the same applies in respect of noise effects.
74. **Moreover I note that the Council's Environmental Health team were satisfied in respect of such matters, recommending conditions relating to construction management, sound insulation and overheating and contaminated land.**
75. Concerns in respect of layout related to crime could also be dealt with through the imposition of a condition.

Ecology

76. Suitable conditions could be imposed in respect of landscaping and ecology to ensure that the biodiversity of the site is protected and enhanced.

Fire Safety

77. Local concern was made in respect of the appellant not having signed up to the **Government's Developer Remediation Contract**. This is not strictly a planning matter, but in any case, any planning permission would run with the land and rather than this specific appellant. Moreover, Dandara Living provided a letter to explain this matter in more detail, citing delays in signing up to this scheme in order to provide comfort.

Planning Obligation

78. The UU commits to providing:
- 15 affordable rented housing units comprising 5 1-bed units, 8 2-bed units and 2 3-bed units.
 - Car club space.

- On site highways works, including footways along the access road, pedestrian crossing, dropped kerbs and tactile paving, Belisha beacons added to existing zebra crossing, and extended dropped kerbs and tactile paving to the Zebra crossing.
- TRO contribution of £10,000 payable to the Council. This would provide funding for an appropriate Order within 400m of the site, should it be necessary, within 5 years from the commencement of development.

79. Based on the submitted evidence, I consider all the obligations would be necessary to make the development acceptable, directly related and fairly and reasonably related in scale and in kind. In particular, as previously stated, the TRO contribution would provide comfort if any further mitigation was required as a result of the development.

80. I note other local concern regarding infrastructure, however, there would be no justification for further requirements, those included in the UU deal with those effects arising from the development.

Planning Conditions

81. Conditions were reviewed at the Inquiry and were redrafted and submitted after the close of the Inquiry to reflect those discussions. My consideration has taken account of paragraph 56 of the Framework and advice in the Planning Practice Guidance. In particular, I **have had regard to the Government's** intention that planning conditions should be kept to a minimum. I have changed the suggested wording in some cases to ensure consistency and that the conditions are precise, focused, comprehensible and enforceable.

82. Conditions covering time limits and the approved plans are necessary in the interests of proper planning (conditions 1-2).

83. As discussed conditions relating to off-site highways work, a Green Travel Plan, cycling and parking provision and EV chargers are all necessary as highways mitigation measures (conditions 3-7). I have changed the suggested wording to condition 3 to make it a true Grampian condition as it relates to offsite works.

84. Due to the nature of the site and its previous uses, conditions relating to contaminated land and environmental standards are necessary (conditions 8-9). Conditions relating to the submission of a Construction Management Plan, and acoustic issues are all necessary in order to protect the living conditions of future occupants as well as neighbouring residents (conditions 10-12).

85. In order to protect from the risk of flooding, I have imposed conditions relating to surface water and sustainable drainage (conditions 13-14). Conditions 15-17 relate to tree protection, biodiversity and landscaping and are necessary in order to protect and enhance ecology and as part of character and appearance considerations at the site. A materials condition is also necessary in relation to the latter issue (condition 18).

86. Conditions relating to local labour, crime, and details of the community space are necessary to ensure satisfactory living conditions and community benefits (conditions 19-21). Finally, in order to maintain sustainability at the site in terms of highways, character and appearance and living conditions it is

necessary to remove permitted development rights in terms of use and alterations (conditions 22-23).

Conclusion

87. Overall, I have found no harm in terms of highways effects and a number of other matters. I appreciate that this would be a disappointment to those people who spoke passionately in opposition to the proposals. In coming to my decision, the evidence of local residents and others was fully heard and carefully considered. However, the development would accord with the development plan and in decision taking, this means approval of such proposals.
88. Accordingly, for the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

C Searson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul G Tucker KC and Constanze Bell of Counsel instructed by Chris Sinton CBRE.

They called:

Carl Peers	Director, Curtins
BA (Hons) MSc CMILT FCIHT	
Stephen Hodder	Partner, Hodder + Partners
BA (Hons) BArch(Dist) Darts	
PPRIBA Hon AIA FRSA	
Kirsten McKnight	Associate Director, Stephen Levrant Heritage
MA MSc IHBC	Architecture
Harry Bolton	Senior Director, CBRE
MSc RTPi EMA	

FOR THE LOCAL PLANNING AUTHORITY:

Participant at the Conditions and Obligations Round Table Session

Robert Griffin Principal Planning Officer

INTERESTED PERSONS:

Cllr James Wilson	Didsbury East Ward
Cllr Linda Foley	Didsbury East Ward
Cllr Andrew Simcock	Didsbury East Ward
Cllr John Leech	Didsbury West Ward
Mr Stephen Rennie	Local Resident
Ms Tracey Lyn	Parrs Wood Avenue Residents Group
Mr Simon Miles	East Didsbury Community Group
Ms Valarie Shah	Local Resident
Dr Farhan Shafique	Local Resident

INQUIRY DOCUMENTS

- INQ1: Opening Submissions on Behalf of Appellant
- INQ2: Cllr James Wilson – Transcript
- INQ3: Mr Stephen Rennie – Transcript
- INQ4: Mr Simon Miles – Transcript
- INQ5: Kirsten McKnight Qualifications and Experience addendum to CD11.6, Appendix D
- INQ6: Suggested Conditions – joint representation from Cllr Andrew Simcock, Cllr Linda Foley and Cllr James Wilson (Copy of previously submitted representation)
- INQ7: Closing Submissions on behalf of Appellant

DOCUMENTS SUBMITTED AFTER THE INQUIRY

- INQ8: Revised list of agreed planning conditions received 26 May 2023
- INQ9: Unilateral Undertaking dated 1 June 2023

SUPPLEMENTARY CORE DOCUMENTS:

Updated during the Inquiry

- CD8.17 Manchester Five Year Housing Land Supply Statement (April 2022)
- CD8.18 DCMS Principles of Selection for Listed Buildings
- CD8.19 Historic England Infrastructure Transport Listed Selection Guidance, 2017
- CD8.20 Historic England Guide to Local Heritage Listing, 2021
- CD8.21 Historic England Statements of Heritage Significance, 2019
- CD8.22 Historic England The Setting of Heritage Assets, 2017
- CD8.23 ICOMOS Guide for Heritage Impact Assessments, 2011
- CD11.8 Unilateral Undertaking (supersedes previous version)
- CD11.9 Enterprise Car Club Information
- CD11.10 Application ref. 118206/FO/2017 - Withdrawn application relating to McDonalds
- CD11.11 CIL Compliance Statement
- CD11.12 Site Notice
- CD11.13 **Dandara Letter relating to the Government's Developer Remediation Contract**

SCHEDULE OF CONDITIONS

General

- 1) The proposed development must be begun not later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan CL/CL/LP/01 18 March 2021
 - Site Plan Proposed P1 L(--)901
 - Ground Level Plan P1 L(--)000
 - Level 01 Plan P1 L(--)001
 - Typical Floor Plan P1 L(--)002
 - Level 05 Plan P1 L(--)005
 - Roof Level Plan P1 L(--)00R
 - Long Site Elevation AA P1 L(--)200
 - Long Site Elevation BB P1 L(--)201
 - South Elevation P1 L(--)212
 - North Elevation P1 L(--)210
 - East Elevation P1 L(--)211
 - West Elevation P1 L(--)213
 - North Section P1 L(--)300
 - East Section P1 L(--)301
 - Facade Fragment Typical Projecting Balcony P1 L(--)250
 - Facade Fragment Typical Recessed Balcony P1 L(--)251
 - Facade Fragment Typical 5th Floor P1 L(--)252
 - 262-LYR-XX-ZZ-DWG-L-1001 Landscape General Arrangement
 - 262-LYR-XX-ZZ-DWG-L-4001 Levels
 - 76118-CUR-XX-00-D-TP-75001-P08 Proposed Access Arrangement
 - **Waste Management Strategy (including MCC's waste proforma) prepared by Hodder & Partners;**

Highways

- 3) Prior to the commencement of the development on site, a scheme for off-site highways works in accordance with drawing ref. 76118-CUR-XX-00-D-TP-75001-P08 shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details prior to first occupation of the development.
- 4) Prior to the first occupation of the development hereby approved a Green Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a Green Travel Plan means a document which includes:
 - i) the measures proposed to be taken to reduce dependency on the private car by those residing, visiting and working in the development.
 - ii) a commitment to surveying the travel patterns of residents during the first three months of use of the development and thereafter from time to time.

- iii) mechanisms for the implementation of the measures to reduce dependency on the private car.
- iv) measures for the delivery of specified travel plan services.
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car.

Within six months of the first use of the development, a revised Green Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the City Council as local planning authority. Any Green Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

- 5) The approved details for cycle parking provision as set out on the approved drawings and documents shall be installed prior to the first occupation of the development and be retained thereafter for use by people residing at the development.
- 6) Prior to the above ground construction works, a scheme for electric vehicle charging points together with details of infrastructure to allow further future EVC conversion based upon the recommendations contained within page 29 of the approved Air Quality Assessment shall be submitted to and approved in writing by the City Council as local planning authority. The approved details shall then be implemented and be in place prior to the first occupation of the residential element of the development.
- 7) The car parking as indicated on the approved plans shall be surfaced, laid out and demarcated prior to the first occupation of the development hereby approved. The car park shall then be available at all times for people residing at the development whilst the site is occupied.

Environmental Health/Contamination

- 8) Prior to the commencement of development on site, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk **Assessment shall conform to City Council's current guidance document** (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

The development shall be carried out in accordance with the previously agreed Remediation Strategy and prior to occupation a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development in each phase is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

- 9) The development hereby approved shall be implemented in accordance with the measures as set out within section 6 of the approved Environmental Standards Statement prepared by Element Sustainability dated April 2022 reference 2021.202.

Within 3 months of the completion of the construction of the authorised development a verification statement prepared by a suitably qualified expert shall be submitted to and approved in writing, by the City Council as local planning authority, to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved Statement. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the recommendations and requirements within the approved report.

Living Conditions

- 10) Prior to the commencement of development on site, a Construction Management Plan shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed plan which shall include:
- The routing of construction traffic;
 - Detail the vehicular activity associated with the construction including appropriate swept-path assessment;
 - Details of the location and arrangements for contractor parking;
 - The identification of the vehicular access points into the site;
 - Identify measures to control dust and mud including on the surrounding public highway including details of how the wheels of contractor's vehicles are to be cleaned during the construction period;
 - The details of an emergency telephone contact number for the site contractor to be displayed in a publicly accessible location;
 - A highway dilapidation survey including photographs and commentary on the condition of carriageway/footways on construction vehicle routes surrounding the site.
 - The hours of working of the site.

A method statement for the use of together with details of any vibro-compaction machinery / piling machinery or piling and other ground treatment works to be undertaken at the site.

- 11) Prior to the commencement of development on site, a scheme for acoustically insulating the proposed residential accommodation against noise from Kingsway and Parrs Wood Road, and the nearby train line shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including local commercial premises.

The potential for overheating shall also be assessed and the noise insulation scheme shall take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. It shall be necessary for vibration criteria within BS **6472: 2008 "Guide to evaluation of human exposure to vibration in buildings"** to be included within the assessment and that groundborne noise/re-radiated noise also be factored into the assessment and design.

Additionally, where entertainment noise is a factor in the noise climate the sound insulation scheme shall be designed to achieve internal noise levels in the 63Hz and 125Hz octave centre frequency bands so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

- 12) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to first occupation of the development hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Drainage

- 13) Prior to the commencement of development on site, a surface water drainage scheme shall be submitted to and approved in writing by the City Council as local planning authority. The scheme shall be designed to be in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards. The development shall be carried out in accordance with the agreed details.
- 14) Prior to the first occupation of the development details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. Those details shall include:
- Verification report providing photographic evidence of construction as per design drawings;
 - As built construction drawings if different from design construction drawings;
 - Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its Lifetime.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Ecology/Trees/Landscaping

- 15) No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the local planning authority. Any subsequent tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".
- 16) Within three months of the commencement of above ground works a scheme for the Biodiversity Enhancement Measures of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.
- 17) In addition to the approved plans, within three months of the commencement of above ground works a detailed hard and soft landscaping treatment scheme based upon the principles contained within the approved drawings and Design and Access Statement including details and positions of all boundary treatments to be installed at the site 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 date the buildings are first occupied. 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.

Character and appearance

- 18) Above-ground construction works shall not commence until samples and specifications of all materials to be used in the external elevations and hard landscaping around the buildings as detailed on the approved drawings 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.

Other

- 19) Prior to the commencement of the development on site, details of a Local Labour Proposal, in order to demonstrate commitment to recruit local labour for the duration of the construction of the development, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved document shall be implemented as part of the construction of the development.
- 20) The development hereby approved shall be carried out in accordance with the recommendations contained within section 3.3 of the approved Crime Impact Statement prepared by Greater Manchester Police reference 2013/0807/CIS/01 Version A dated 24th February 2022.
- 21) **Prior to the first use of the ground floor 'community space' details of** operating hours and arrangements in place to manage and facilitate access to this accommodation shall be submitted to and agreed in writing by the City Council as local planning authority. The community space shall be subsequently managed and operated in accordance with the agreed details.
- 22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 23) Notwithstanding the General Permitted Development Order 2015 as amended by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 or any legislation amending or replacing the same, no further development in the form of upward extensions to the building shall be undertaken other than that expressly authorised by the granting of planning permission.