

Planning and Highways Committee

Minutes of the meeting held on 25 August 2016

Present: Councillor Ellison (Chair).

Councillors: Kamal, Nasrin Ali, Shaukat Ali, Chohan, Barrett, Curley, Loughman, Fender, Madeleine Monaghan, Siddiqi and Watson.

Apologies: Councillors: Ahmed Ali, Councillor Paul

Also present: Councillors: E. Newman, J. Reid, Hughes and Wilson.

PH/16/97 Interest: Councillors: Kamal and Siddiqi declared prejudicial interest in Item 6 (PH/16/100)

PH/16/98 Minutes

Decision

To approve the minutes of the meeting held on 28 July 2016 as a correct record.

PH/16/99 Planning Application – 111605/FO/2016/N2 - Corner Of Old Mill Street, Upper Item No. Kirby Street & Lampwick Lane Bradford Manchester M4 6BX.

A planning application for the erection of a 6 storey building to form 24 no. residential apartments (Use Class C3), together with access, landscaping, car parking, boundary treatment and associated works was received.

The application relates to the corner of Old Mill Street and Upper Kirby Street within the New Islington Masterplan area to the east of the City Centre. The site measures 720 sqm in area and is square in shape.

The existing site is clear of any buildings; however it is currently being used as the site compound for the Stubbs Mill redevelopment on the adjacent site. The land is bounded by existing development hoardings and security fencing.

The site is bounded by Old Mill Street to the north west, Upper Kirby Street and the Ancoats Dispensary to the south west, existing terraced properties to the north east and the Stubbs Mill complex to the south east with the Chips and Milliners Wharf developments beyond.

The application site sits within the heart of the New Islington Masterplan area fronting Old Mill Street. The masterplan envisaged a rich mix of house types, distinct architectures and multiple activities that will promote a sustainable and varied community in an urban environment.

This area is currently being completely transformed through new developments and public realm improvements including the new canal and water park, new homes, a school, new office space, the health centre, and new shops, restaurants and bars.

The application site is located between the two existing Victorian canals in this area, the Rochdale Canal and the Ashton Canal.

The report of the Head of Planning set out the planning issues for the Committee to consider. The Applicant was present at the meeting but did not address the Committee. A local resident objecting to the Planning Application addressed the Committee.

The Committee discussed the Planning Application and some members expressed concerns in relation to:

1. The level of car parking
2. Affordable Housing; and
3. The nature of the internal arrangements.

A proposal was made by Councillor Loughman and seconded by Councillor Curley to be minded to refuse this application.

The Chair put this proposal to the Committee who voted six to four in favour of the proposal to be minded to refuse and asked the Head of Planning to bring the matter back to the Committee with possible reasons for refusal following consideration of the concerns raised.

Decision

To be **minded to refuse** and request Officers to provide reasons for refusal.

PH/16/100 Planning Application – 112196/FO/2016/N2 - Former Godfrey Ermen Playing Fields Land at Ackroyd Avenue Abbey Hey Gorton Manchester M18 8TL

A planning application for the erection of 158 two storey dwellinghouses (Use Class C3a) and the erection of one, 3 storey block of 12 residential apartments (Use Class C3a) together with vehicular access from Ackroyd Avenue with associated car parking, landscaping, boundary treatment, pedestrian link to open space to the south and other associated works following demolition of 10 and 12 Ackroyd Avenue was received.

The application site is approximately 4.39 hectares and is an area of natural and semi-natural open space known locally as Godfrey Erman Playing Fields. The site is bounded by Ackroyd Avenue to the north together with the allotment area and Underwood Close and a cycle track to the south. To the west are a series of short roads off Abbey Hey Lane.

There is currently no formal means of vehicular access to the site with pedestrians accessing the area through various informal footpaths from the cycle route to the south. This has created various permissive public footpaths across the application site. The site is currently overgrown resulting in its current natural and semi-natural state which the applicant claims has not been in use for approximately 30 years.

There are numerous trees around the perimeter of the application site which form a mature landscape and buffer to the surrounding residential properties that abut the site boundaries.

The surrounding area is characterised by two storey residential properties. The properties located along Ackroyd Avenue and Underwood Close are semi-detached in nature whilst those located off Abbey Hey Lane are terrace properties. Immediately to the south of the application site is the Wright Robinson College with its associated buildings and sports provision.

The applicant is seeking planning permission for the erection of 170 two storey dwellinghouses (Use Class C3a) and the erection of one, 3 storey block of 12 residential apartments (Use Class C3a) together with vehicular access from Ackroyd Avenue with associated car parking, landscaping, boundary treatment, pedestrian link to open space to the south and other associated works following demolition of 10 and 12 Ackroyd Avenue.

The report of the Head of Planning set out the planning issues for the Committee to consider. At the meeting further representations were made by the Head of Planning. The applicant was present at the meeting and addressed the Committee. A local resident representing other local residents who were present at the meeting addressed the Committee. Councillor Kamal and Councillor Hughes in their capacity of Ward Councillors addressed the Committee and objected to this application. Councillor Reid in her capacity of neighbouring Ward Councillor also addressed the Committee and objected to this application.

Decision

To **refuse** the application for the reasons stated in the planning report.

(Councillors Kamal and Siddiqi declared a prejudicial interest in this item and took no part in the decision and left the room when the Committee voted)

PH/16/101 Planning Application – 111996/JO/2016/C2 - Dorsey House 8 Dorsey Street Ancoats & Clayton Manchester M4 1LU

A planning application for the variation of condition 1 (personal consent) attached to previously approved application 076853/JO/2005/C1 to amend name of operator to allow trading on Friday and Saturday until 1am was received.

This application relates to the ground floor and basement of a five storey building known as Dorsey House that is located at 8 Dorsey Street in the City Centre. The site is located within the Northern Quarter area of the city centre and is within the Smithfield Conservation Area. The area surrounding the application site is

commercial/residential in nature. There is a large residential population within this part of the city centre as well as many commercial premises including offices, bars and restaurants. The application premises are surrounded by residential properties in all directions, including directly above the bar. There are 13 apartments in the building on the upper floors above the bar and the Smithfield Housing estate is directly adjacent to the site. Dorsey Street is a cul-de-sac so does not have any through traffic.

The use of the ground floor of the application property as a bar was first approved in November 2000 under application 060262. The bar premises was extended into the basement by gaining approval in March 2002 under application 064061. The hours of operation allowed under both of these approvals were 12.00 to 23.00 Monday to Saturday and 12.00 to 22.30 on Sundays and Bank Holidays. Following this, application 076853 was granted in December 2005 and related to the variation of condition 7 attached to previously approved application 064061 to permit later opening hours on Friday and Saturday until 1am. The permission granted under application 076853 was a personal one to the applicant at that time with the following condition attached (condition 1):

The permission granted shall be personal to Mr Paul Astill & Mr Simon Cooper as Directors of Cord Bar Ltd and on the Cord Bar Ltd ceasing to occupy the premises the hours for which the permission is hereby granted shall be discontinued.

Reason - In granting this permission the City Council as local planning authority has had regard to the special circumstances of the applicants and their operation of the use.

In March 2013 a new operator took over the bar and as the later opening hours on Friday and Saturday nights previously approved in 2005 were personal to the operators at that time (i.e. Paul Astill and Simon Copper of Cord Bar Ltd), the new operator did not have planning permission to carry on trading until these times on Fridays and Saturdays (i.e. until 1am). The new operator stated that he did not appreciate the personal nature of the previous 2005 planning permission and for a time operated under the later hours without planning permission. Once this issue came to light the new operator resumed to the previous hours as given by the original planning permissions for the ground floor and basement granted in 2000 and 2002.

When the current application was first submitted in April of this year, the applicant sought to entirely remove the personal condition attached to planning permission 076853 to allow the current and any future operators to trade until 1am on Friday and Saturday. However, following discussions and in order for the City Council to monitor any potential impact of the later opening hours, the applicant is now willing to accept a further personal permission for a temporary period of 6 months.

In support of the application, the applicant's agent has made the following points:

- The applicant/bar owner has been in constant contact with Environmental Health's Street Team officers since taking over the premises and they consider the current operator to be responsible and cooperative. It is acknowledged that there have been complaints made against the premises in

the past but at the current time there are no open complaints against Cord. The applicant has also been in contact with a GMP Licensing Officer who has visited Cord and is happy with the arrangements.

- The sound levels for amplified music within the premises were recently reduced via a sound limiter (that now gives maximum noise levels below what is permitted under current noise standards) and no complaints were lodged following a series of temporary late night events this year for the May Bank Holiday, the Queen's Birthday and the opening of the Euros. On these occasions the bar traded until 1am.
- Additional door staff have been employed at the premises to ensure no lingering of patrons outside the premises and a smooth and quiet transition for those entering and leaving.
- The applicant holds regular meetings every quarter at the venue, with afternoon and evening slots, to allow local residents to drop in to voice any concerns they have with the premises. The applicant uses a range of methods to publicise these meetings including dropping letters through doors on the Smithfield Estate, Dorsey Street and neighbouring streets, posting letters through Royal Mail to these addresses (and gaining proof of postage), seeking the assistance of Environmental Health officers to spread the word, and putting up posters in the bar windows.
- An acoustic report has been submitted with the application that assesses noise breakout from within the bar.

In terms of refuse storage/disposal and recycling arrangements at the premises, general and recyclable waste is collected daily by a specialist refuse contractor, Manchester Bags and Bins. Refuse, glasses or glass bottles from the building are not disposed of in outside receptacles between the hours of 10pm and 8am, in line with the licensing conditions. Within these times, refuse is stored within the building and then moved by Cord Bar staff to an area outside the fire exit for collection at the relevant times.

The report of the Head of Planning set out the planning issues for the Committee to consider. At the meeting further representations were made by the Head of Planning. The applicant was present and addressed the Committee.

Decision

To **approve** the application for '**Temporary Approval**' subject to the conditions and reasons detailed within the report and late representation.

(Councillors Kamal, Siddiqi and Chohan did not take part in this decision as they were not present for part of the debate).

PH/16/102 Planning Application – 111295/FO/2016/S2 - 228 Fog Lane Burnage Manchester M20 6EL

A planning application for the change of use from A1 (retail use) to A4 (drinking establishment) was received.

This application was reported to the Committee on 28th July 2016, at that meeting Committee members will recall that they were minded to approve the application based upon the information submitted by the applicant and the particular way in which the business was proposed to operate. Members were of the view that the proposed use of the property would not give rise to the concerns set out in the Committee report and that impacts of the proposed use could be mitigated by the attaching of planning conditions to any approval.

Officers have re-examined the application and the weight afforded by members to the proposed operation of the unit by the applicant. In this instance a range of planning conditions are proposed to mitigate against noise impacts associated with the use and the use of a personal condition that would have the effect of the use ceasing on the ending of the applicants involvement with the property.

On this basis if Members remain to be minded to approve the application, they may wish to consider the following conditions to be attached to any permission.

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 permission granted shall be personal to the applicants only and on the cessation of ownership by the applicants, the use of the premises for which the permission is hereby granted shall be discontinued.

Reason - In granting this permission the City Council as local planning authority has had regard to the special circumstances of the applicant, pursuant to policies DM1, C10 and SP1 of the Manchester Core Strategy.

3) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

07.30hrs to 20.00hrs Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation.

4) The premises shall not be open outside the following hours unless otherwise agreed in writing by the City Council as local planning authority:-

Monday, Tuesday – Closed
Wednesday and Thursday – 15.30 – 22:00hrs
Friday and Saturday – 13.30 – 23.00hrs
Sunday – 13.30 – 22.00hrs

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation.

5) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences.

Where entertainment noise is proposed the L_{Aeq} (entertainment noise) shall be controlled to 10dB below the L_{A90} (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63HZ and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties.

6) The outdoor forecourt area to the front shall not be in use outside of the following hours:

Monday and Tuesdays – No external use
Wednesday and Thursday – 15.30 to 21.30 hrs
Friday to Sunday - 13.30 to 21.30 hrs

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

7) The rear yard area shall not be used for the disposal of refuse, glasses, or glass bottles in externally sited receptacles outside the following hours.

07.30 to 20.00 hrs

Reason - To safeguard the amenities of nearby residential occupiers, pursuant to pursuant to policy DM1 of the Manchester Core Strategy and saved policies DC26 and H2.2 of the Unitary Development Plan for the City of Manchester.

8) 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 (L_{Aeq}) below the typical background (L_{A90}) level at the nearest noise sensitive location.

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.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site.

9) Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason – In the interests of public health, pursuant to policy DM1 of the Core Strategy.

10) The development shall be undertaken in accordance with the drawing of the ground floor plan date stamped as received by the local planning authority on the 7th March 2016 and supporting statement prepared by the applicant and stamped as received by the local planning authority on the 16th February 2016.

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

The report of the Head of Planning set out the planning issues for the Committee to consider. The applicant was present and addressed the Committee, particularly in relation to one of the proposed conditions. Councillor Watson raised the importance of condition number two for local residents.

Decision

To **approve** the application subject to the conditions and reasons detailed within the report.

PH/16/103 Planning Application – 112460/FO/2016/S2 - The Waterside Hotel And Leisure Club Wilmslow Road Didsbury Manchester M20 5WZ

A planning application for the retrospective application for installation of a combined heat and power plant (CHP) including extraction flue in a compound adjacent the plant rooms of an existing hotel was received.

The application site is a leisure facility associated with the Waterside Hotel situated on the south side of Wilmslow Road in the Didsbury East ward. The leisure building is 2-storey and is separate to the hotel which is located further south within the site. The leisure facility overlooks a car park that is parallel to the rears of houses on Morningside Drive that are to the west whilst mature trees form a boundary with the River Mersey to the east.

The surrounding area is residential to the north and west whilst the river and M60 motorway beyond form the southern and eastern boundaries.

The application which is retrospective and follows a compliance investigation, seeks the determination of the Local Planning Authority for the retention of a combined heat and power (CHP) plant, including an extraction flue and gas compressor which provide heat and power to the hotel's leisure facilities. The equipment, excluding the flue which extends up to eaves level, is enclosed behind 2.7m high timber fencing forming a compound adjacent to the plant rooms of the hotel. The application is

accompanied by an acoustic report which demonstrates a commitment to reducing noise outputs from the CHP and a planning statement.

At the time of a site visit, the flue was in situ on the north-eastern corner of the building, i.e.: closest to the rears of houses on Morningside Drive and was of a shiny stainless steel appearance.

During the course of the application, the flue was replaced with that proposed in the application. The application attracted several objections during the course of a public consultation and has been assessed by Environmental Health who are satisfied that the mitigation measures in the acoustic report are acceptable.

The report of the Head of Planning set out the planning issues for the Committee to consider. The applicant was present and addressed the Committee. Councillor Wilson in his capacity of Ward Councillor addressed the Committee on behalf of local residents and raised a concern regarding the operating times of the Combined Heat and Power Plant (CHP Plant) and the associated noise.

Decision

To **approve** the application subject to the conditions and reasons detailed within the report, and subject to the operating times of the CHP Plant being further clarified with the applicant and addressed in a further condition to be agreed by the Head of Planning in consultation with the Chair of the Committee.

PH/16/104 Planning Application - 112323/FO/2016/S2 - Irvin Drive Woodhouse Park Manchester M22 5LR

A planning application for the erection of a 4 storey multi-storey car park to provide off-airport car parking facilities for 2,389 cars with associated landscaping was received.

This application is being placed before the Planning and Highways Committee due to the absence of a Wythenshawe Area Committee in the month of August.

This application relates to a vacant rectangular plot of land 1.23 hectares in size which is located to the south of the Styal Road / Finney Lane junction.

To the north of the site, on the opposite side of Finney Lane, lies a field, while to the west, on the opposite side of Styal Road, there is a playing field. Both the field and playing field are within the Green Belt, whilst the application site is outside the designated Green Belt.

To the east of the site lies Irvin Drive which provides vehicular and pedestrian access to the site. On the opposite side of Irvin Drive lies a terrace of three dwelling houses and a pair of new build semi detached properties, all of which are 2 storeys.

To the south of the application site lies a vacant plot of land and Heald Green House, a part 2/part 3 storey block of 13 apartments with access from Irvin Drive. The site

had consent under application 080376/FO/2006/S2 in 2006 for 500 car parking spaces with block style car parking. The applicant has stated that the consent is believed to be extant due to the implementation of the access into the site.

The land is occupied by an existing (off airport) surface level car park consisting of 640 long stay car parking spaces with associated temporary building to provide office accommodation, landscaping and boundary treatment, accessed from Irvin Drive with 5 metre high lighting columns and CCTV. The use was approved by application 072290/FO/2004/S2 at Planning and Highways Committee in 2005.

The report of the Head of Planning set out the planning issues for the Committee to consider. At the meeting further representations were made by the Head of Planning. The applicant was present at the meeting and addressed the Committee. A local resident representing other local residents who were present at the meeting addressed the Committee objecting to this application. Councillor E. Newman in his capacity of Ward Councillor addressed the Committee and raised a number of objections, confirming that his fellow Ward Councillors, Councillor S. Judge and Councillor B. O'Neil, also shared his views and they supported the objection to this application.

Decision

To **refuse** the application for the reasons stated in the Planning Report.

PH/16/105 Planning Application – 112455/FO/2016 - London Scottish House 24 Mount Street Manchester M2 3DB

A planning application for the partial demolition and reconfiguration of London Scottish House to create a new office building (Use Class B1) with retail uses (Use Classes A1, A3 or B1) at the ground and first floor, servicing and cycle parking, access and servicing arrangements and associated works was received.

In February 2010 the Executive endorsed a Regeneration Framework for the Civic Quarter and identified a number of key public sector projects, transport improvements and private sector developments that collectively would transform this area and create a new commercial district. Many of these projects are now complete including the comprehensive refurbishment of the Town Hall Extension and Central Library, the development of No1 St Peters Square, the relocation of the Cenotaph, the construction the Library Walks Link and the landscaping works for Peters Square. A new Metrolink interchange station is close to completion in St Peters Square as part of the second city crossing works. The development of No2 St Peters Square is now well advanced. The function and appearance of the area will be dramatically transformed and a new destination created and it is within this much changed context that this application has been submitted.

Manchester city centre is the largest driver of employment growth in the North West and is at the centre of its economic, social and cultural life. The Civic Quarter has a diverse mix of uses that provide vitality and activity and which combine to make a major contribution to the wider city centre and regional economies. St Peters Square

is a key arrival point in Manchester and therefore plays a crucial role in defining the image and perception of the city centre.

Planning permission was granted by 16 October 2014 for the Demolition of London Scottish House and the construction of new 17 Storey office building with active ground floor uses (Class A1 reference 106437/FO/2014/C1

The report of the Head of Planning set out the planning issues for the Committee to consider. At the meeting further representations were made by the Head of Planning. The applicant was present at the meeting but did not address the Committee.

A proposal was made by Councillor Watson and Councillor Curley that consideration should be given to the colour of the proposed materials and that a more neutral colour be considered.

This was put to the Committee and the vote was tied, therefore the Chair of the Committee used his casting vote, voting in favour of the proposal.

Decision

To **approve** the application subject to the conditions and reasons detailed within the report and the late representation, and subject to the Head of Planning in consultation with the Chair of the Committee agreeing a condition regarding the building's external colour scheme.

PH/16/106 Confirmation of The Manchester City Council (Land at 621 Burnage Lane, Burnage) Tree Preservation Order 2016

A request to confirm provisional Tree Preservation Order was received. The report of the Head of Planning set out the issues for the Committee to consider.

Decision

To **confirm** the Tree Preservation Order JK1/03/16 TPO.