

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
113713/FO/2016	24th Aug 2016	15th Dec 2016	City Centre Ward

**Proposal** Erection of 3, 5, 7 and 8 and 11 storey building to comprise 38 residential apartments (Class C3) (12 no 1 bedroom units , 25 no 2 bedroom units and 1 no. 3 bedroom unit) above ground floor commercial space (Use Class A1 (Shop), A2 (Financial and Professional Services), A3 (Restaurant and Cafe) and B1 (Office)) with retention and restoration of facade to no. 2 Union Street following demolition of the rear of the building and provision of associated cycle parking, landscaping and ancillary works.

**Location** Red Lion Street / 2 Union Street, Manchester, M4 1PT

**Applicant** Red Lion St Limited, Unit 4 Block C, Kestrel Court, Trafford Park, M17 1SF

**Agent** Mr David Tye, Paul Butler Associates Ltd, 31 Blackfriars Road, Salford, Manchester , M3 7AQ,

Consideration of this application was deferred at the meeting of the Planning and Highways Committee on 17<sup>th</sup> November 2016 to enable a site visit to take place.

### Site Description and Context



The Application relates to a T-shaped site of approximately 0.07 hectares, bounded by Union Street, Red Lion Street, Church Street and Catlow Lane. It has largely been cleared for many years. It shares a boundary with a 5 storey residential building at 4-6 Union Street which has a number of windows abutting the site boundary and, a

courtyard boundary with a 4 storey commercial property at 27-29 Church Street. This latter building is used for a variety of commercial purposes including a tattoo studio that is accessed by an external stairwell, which is within the applicants ownership and within the site edged red. The former Bull's Head public house at 2 Union Street, a 2 storey late Georgian building lies within the otherwise vacant site

Number 2 Union Street is in a very poor condition and has suffered previously from fire damage. It has been boarded up for the last 5 years. The cleared area of the site is enclosed by security fencing and contains an illuminated advertising hoarding on the corner of Red Lion Street and Church Street. The gable end of 27-29 Church Street features some artworks.

The application site lies within part of the City Centre known as the Northern Quarter a unique area characterised by its distinctive architecture, red brick alleys and converted grand warehouses. The neighbourhood is considered by many to be Manchester's 'alternative' and 'bohemian' heart. Whilst it runs adjacent to the mainstream presence of the Market Street and Piccadilly areas, the concentration of independent retail and leisure outlets in the area and hotbed of cultural production and consumption, set it apart.

The area immediately surrounding the application site is characterised by a variety of uses including: digital, media and technology-based companies; creative and cultural industries; an established residential population that has grown over the past 15 years; more traditional offices, retail units and a number of mainly independent bars and restaurants. There is an NCP multi-storey car park on the opposite side of Red Lion Street to the application site.

There are residential developments adjacent to the site including 4-6 Union Street (13 units owned by a Housing Association), 25 Church Street (80 units, which has an elevation facing the site on the opposite side of Union Street), 23 Church Street (Conran Building 49 units – junction of Church Street and High Street) and Pall Mall House (169 units) on the opposite side of Church Street). A planning application ref no 114146/FO/2016 is currently under consideration for the site at the junction of Tib Street and Church Street on the NCP surface car park site at rear of Debenhams at the junction of Tib Street and Church Street. This proposes the redevelopment of the site for a residential building (Class C3) with ground floor commercial uses (Class A1, A2, A3, A4, B1, D1, D2) varying in height from 9 to 10 storeys to provide 183 apartments (56 x 1 bed, 125 x 2 bed and 2 x 3 bed) with associated landscaping and other works following demolition of existing structure and artwork.

The site is within the Smithfield Conservation Area but there are no listed buildings within the immediate vicinity. The site is well located in relation to all forms of public transport being close to Piccadilly Gardens, Manchester Victoria and Piccadilly train stations and Shudehill interchange.

### **Description of Development**

Consent is sought for the erection of a 3, 5, 7, 8 and 11 storey building, incorporating 38 apartments above ground floor commercial space (Use Class A1 (Shop), A2 (Financial and Professional Services), A3 (Restaurant and Cafe) and B1 (Office)).

The facade of 2 Union Street would be retained and restored following the demolition of the rear of the building. The scheme includes cycle parking, landscaping and ancillary works. The apartment mix would comprise 12 no 1 bedroom units (32%), 25 no 2 bedroom units (66%) and 1 no. 3 bedroom unit

The 3 ground floor commercial units would provide 200 sqm of floorspace. Only one of the proposed units would be suitable for use as an A3 unit, due to capacity issues in terms of fume extraction and refuse, and this would be located at the corner of Red Lion Street and Catlow Lane (Unit C). It is envisaged that the proposed A3 use would 'complete' the informal square which has formed around the external seating area used by Solita.

The height and mass of the development would create a series of blocks which would be staggered and of varying heights in order to respond to the surrounding urban grain and context, whilst delivering a viable development. The northern part of the development towards Catlow Lane / Turner Street would be 5 storeys. This would be a freestanding element which is linked to the main building by a series of glazed walkways. The development would rise to 7/8 storeys between Red Lion Street and the rear of a 3 storey element behind the retained façade of 2 Union Street, and then to 11 storeys at the junction of Red Lion Street and Church Street. At its highest point (including top of plant and screening) the building would be 34.9m. The highest point of 25 Church Street (including the lift shaft) is 35.9m but 33.2m to the top of the roof arches. Pall Mall House is 34.5m

The physical separation of the lower 5 storey block component from the main block would breakdown the overall mass onto Red Lion Street and allow views from the windows at 4-6 Union Street through the walkways.

The main communal entrance would be from Red Lion Street which would lead to a lift core, stairwell and to a dedicated residential courtyard of around 28 sqm created for use by the neighbouring residents at 4 - 6 Union Street only. A condition would be attached to any consent granted to require the landscaping and detailing of this space to be agreed in consultation with those residents. This would create a distance of approx 7.5 m from the windows on the rear part 4-6 Union Street to the new development.

The frontage to 2 Union Street would be retained and restored and would provide a separate entrance to two of the apartments in this building. A three storey element is proposed to the rear of the retained façade. This would step back at third floor via a private terrace and provide a transition to the modern façade above which itself would be setback from the retained frontage at levels 4- 8.

Riser provision for Unit C would be integrated within the building. The void for the ductwork would be located internally to the rear wall of Unit C. The existing footpath to Red Lion Street would be increased in width from 700mm to 2330 mm and 1850 mm alongside a proposed loading bay. No new vehicular ingress or egress points are proposed as part of the development.

The external fire escape to 27-29 Church Street would be replaced by a dedicated entrance hall within the proposed scheme providing a safe and convenient access to the unit's occupying the upper floors of this premises.

The building would be constructed in a mix of red brick and glazing with corten steel balustrades and powder coated window frames. Corten steel cladding is also proposed to the plant room, whilst structural glazing would be used at the upper floors. Ground floor elements such as the commercial unit stall risers would be finished from black facing brick slips. Black spandrel glazing panels would accommodate signage and complement the stall risers.

The scheme has been designed to include the possibility of Riverside Housing Association who own 4-6 Union Street removing the existing security wall to their light well and linking this area to the new courtyard for access and maintenance purposes.

The development would feature a green roof at 5th floor level.  
A new loading bay / drop off point would be provided on Red Lion Street for use by both residents and commercial units and for refuse collection from the building.

The refuse store for the residential accommodation would be located within the basement and would connect to the upper floors via lift. The commercial uses would have their own ground floor storage area accessed from one of the units. Waste would be split into the following bins:

Blue - Pulpable material (recycled) - paper, cardboard, tetrapak etc  
Brown - Co-mingled material (recycled) - glass, cans, tins, plastic etc  
Green - Organic waste (recycled) - food stuffs etc  
Black General waste (non-recycled) - all non-recyclable

The total number of bins serving the development have been calculated from guidance provided in City Council document 'GD04 Waste Storage and Collection Guidance for New Developments V2.00 -0 Citywide Support - Environmental Protection (September 2014).

Calculations:

Black bins (660L) - 7 bins stored on site collected weekly  
Blue bins (660L) 3 bins stored on site collected fortnightly  
Brown bins (660L) - 4 bins stored on site collected fortnightly  
Green bins (240L) - 1 bins stored on site collected weekly

The bins would be moved by on-site management staff on collection days to an area located on Red Lion Street.

The applicants would provide secure car parking for residents within nearby NCP car parks through contract parking and discounted rate season tickets.

1 cycle parking space would be provided per apartment within the basement. This would equate to 35 % per bedroom. Cycle parking racks are also proposed within the courtyard for use by the residents of 4-6 Union Street.

In support of the application the applicants have stated that the following range of benefits would be provided by the development:

- The construction of a high quality development that makes efficient use of a long standing brownfield site, providing significant improvements to the visual amenity of the area.
- Response to an identified housing need in the Manchester City Council Core Strategy and emerging Greater Manchester Spatial Framework.
- Relieves pressure to build on potentially more valuable / sensitive green field sites.
- The introduction of an active frontage at street level which will contribute positively to the achievement of a successful public realm.
- The mix of uses proposed and provision of active commercial use at ground floor will enhance the vitality of the Northern Quarter district.
- Strengthening the Northern Quarter as a vibrant and sustainable community within the city centre.
- Provision of a high density of development in a highly accessible location, encouraging the use of sustainable forms of transport
- Retention and restoration of the existing façade at 2 Union Street will preserve and enhance the special interest of this historic building on site.
- Improved, wider footway along the Red Lion Street frontage, improving the accessibility of Red Lion Street for all users whilst enhancing the public realm.
- A new dedicated courtyard for the residents of 4-6 Union Street;

It should be noted that the current application is the second application to be submitted by the applicants on this site. Application ref no 111389 (submitted February 2016) was withdrawn by the applicants (August 2016) to allow the resubmission of a revised scheme following consideration of objections received on the previous application. The current application is the result of those considerations and further consultations with adjacent residents.

The key changes to the previously submitted scheme are as follows:

- A new useable and secure external residential courtyard space for residents of 4-6 Union Street and an opportunity to comment on the detailed landscaping of the courtyard;

- Improved visibility for residents with windows to the rear of 4-6 Union Street through to Red Lion Street through the inclusion of lightweight 'floating walkways';
- Use of lighter materials within the courtyard facing elevations to create a brighter outlook;
- A lowered block of accommodation of similar height to 4-6 Union Street on the corner of the site;
- Improved daylighting to existing windows of 4-6;
- An allowance for maintenance access for Riverside Housing Association which does not exist currently;
- Increased building height at junction of Church Street and Red Lion Street from 10 to 11 storeys;
- A reduction in building height on Union Street, in response to concerns expressed by the neighbouring residents of 25 Church Street;
- A reduction on the number of apartments from 40 to 38.

## **CONSULTATIONS**

**Publicity** – The occupiers of adjacent premises were notified of the application. The development was advertised in the local press as a major development, affecting a conservation area. Site notices were placed adjacent to the site.

24 letters of objection have been submitted and an independent critique of the submitted Sunlight / Daylight Assessment. Some residents are supportive of the redevelopment of this gap site but object to the scale of the impacts that this would have in terms of loss of privacy and overlooking.

The objectors raise the following issues:

Objectors believe that the proposals are contrary to the Conservation Area Guidance Leaflet, Paragraph 64 of the NPPF, Section 72 of the Listed Building Act, section 12 of the NPPF, Core Strategy policies EN12, EN1, EN2, EN3, EN15, CC6, CC9, H1, DM1 and UDP policies DC18.1, DC26.1 and Small Area Policies RC20 (Area 4).

### **Design and scale**

1. The design does not respond to the character and features of the Smithfield Conservation Area and is not in keeping with the historical character of an area where the majority of buildings are Victorian;
2. Large buildings such as this change the very fabric, character and uniqueness of an area the character of which the City Councils should be seeking to retain and would further banalise the visual quality of the area;

3. The vast majority of properties in the Northern Quarter are of modest height, and in the sector of the Northern Quarter that includes Church Street, all the properties are either the traditional old, red brick, converted buildings, or are new, but have been designed in keeping with the look and feel of the Northern Quarter. This creates a special character and ambience which is unique to the Northern Quarter which would be compromised by this proposed very modern development; The proposed structure would be out of keeping with this aesthetic in terms of scale and the materials proposed would be cheap looking and would not improve the visual amenity of this area.
4. 11 storeys would tower above adjacent buildings and would be taller than is characteristic of the area. The building would be unreasonably and disproportionately tall for its width on this narrow strip of land. This would diminish the use value of one of few public open spaces in the conservation area;
5. The proposals would erode the uniqueness of the Northern Quarter ruining its character and one of the major points of attraction for Manchester with non-descript buildings;
6. The proposed site of the development is currently open space and should be retained and improved (e.g. with a small greenspace or allotment) to meet local needs, rather than developed;
7. The proposed design compromises the rhythm of the street wall on Church Street, Union Street and Red Lion Street.
8. The proposed development is contrary to Core Strategy policy EN2 (Tall Buildings) as the proposed development does not respect local context and street pattern and would be out of character for the area.
9. The development would be overbearing and an eye sore. The proposed pictures show a huge square block which looks oppressive, obtrusive, and overbearing compared to the lower buildings it is attached to;
10. The thoughtful design of the contemporary arched roof that Sir Terence Conran designed for 25 Church Street adds to the character of the Northern Quarter in views walking down Dale Street onto Church Street where this can be seen amongst the characterful mix of old brick and should remain visible. The new build would completely block this building which will make the area lose character and interesting design features;
11. The proposals would be contrary to paragraph 64 of the NPPF which states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area;
12. Plans for a development at the Tib Street Car Park show a building at 9 storeys so why is the maximum height of this 11 storeys;

13. The development would both obscure the current views of a mish mash of new and old buildings view for some apartments and ruin it irreversibly;
14. Residents feel very strongly about this site's importance for creating a sense of place by maintaining the scale and volumes of the area;
15. Whilst it is understand that the city council might wish to pursue a high rise development policy in some areas in order to boost population growth in the city centre buildings there is no shortage of brownfield sites outside conservation areas where High Rise clusters can be planned in a way that does not affect local communities or sites of unique heritage beauty and conservation areas;
16. The proposals would include the demolition of a set of buildings that have been a landmark of the Northern Quarter and are a much loved feature of the area and would destroys the place making character of the existing site;
17. The proposal in effect changes the boundaries and reduces the footprint of the Smithfield conservation area, by extending a high rise development into the heart of this unique conservation area;
18. The Northern Quarter and the Smithfield conservation area in particular are amongst the most significant heritage sites of Manchester and the UK, and have been nominated for International Heritage site status. This particular site on which the new development is proposed holds a special place in enhancing and emphasizing the conservation character of the area. This gives the contemporary resident or visitor a glimpse into the feeling scale and urban fabric of Manchester's past.
19. The sense of place one gets when walking by the site is conveyed through scale textures and low density which is exactly what the character of the conservation area is about. The design has none of the textures and playfulness of volumes and materials it will be replacing. Moreover, it 'blocks' the entry to the heritage site by raising an 11 storey high building. The height and mass of the proposed development also blocks the views to other historical buildings, notably, of Abel Heywood, Union Street, thus negatively predisposing the visitor to move further inside and explore the conservation area;
20. In terms of the Tall Buildings Policy within the Core Strategy the guidelines require that tall buildings seeking to receive planning permission in or near conservation areas should be able to demonstrate that they are of:
  - 1) excellent design quality
  - 2) appropriately located
  - 3) make a contribution to sustainability
  - 4) contribute positively to place-making

This planning application goes against every single one of the above guidelines



## Comments on Impact on Heritage Assets

1. The preparation of the planning proposal shows remarkable disregard of the suggestions and concerns raised by residents but also by heritage organisations in relation to pre-application discussions during the consultation period;
2. The development of the Northern Quarter as a whole into a creative and residential area has been materialised through a series of imaginative conversions of heritage buildings into residential spaces. This model of development is exactly what makes the Northern Quarter special and what has preserved its character and this model is threatened by developments such as the one proposed in the planning application.
3. The proposals including the demolition of the buildings on Union Street would result in a loss of character from the Conservation Area which would be disrespectful of the Heritage Protection Bill and the MCC's Heritage Asset Strategy (2005) and of Historic England's guidelines for conservation areas;
4. The justification within the Heritage Statement for the 'erosion of character' is unsubstantiated. It is extraordinary, that the planning application proposes to demolish buildings on this site on the grounds that it is 'not significant'. The planning application (Tall buildings document) plays lip service to comprising with Heritage and conservation standards by stating that:  
  
*"the proposed development design has been based on extensive character analysis of the local area and immediate development context and undertaken in the context of addressing the advice set out in Historic England's guidance"*
5. Nowhere in the Heritage Protection Bill or inside MCC's own Heritage Asset Strategy (2005) is it stated that disrepair or altered features can constitute grounds for demolishing historical buildings and for loss of the historic character of an area.
6. The Heritage Statement fails to demonstrate exactly how the 'revelation of the architectural historic significance of the site' is possible through the erection of an 11 story monolithic block
7. There is a lack of method in assessing the impact of the proposed development on heritage and conservation –More specifically the Heritage document that is submitted as part of the planning application
8. There is no methodology, references, or other explanation as to why the remaining buildings on the site are deemed to be of no significance.
9. Whilst it is true that this area neighbours are more developed parts of the city the argument that this neighbouring is reason enough to alter the character of the site is nonsensical.

10. To claim that existing variety in architectural styles is reason to demolish historical buildings, is a twisted argument. The equivalent would be to say that because the streets surrounding Manchester's Town Hall host a mix of modernist and historical building, the Town Hall should be demolished to give way to new buildings and further high rise. This is a dangerous argument

### **Impacts on Amenity**

1. Due the proximity of the development to other adjacent apartment blocks the development would cause disturbance to existing residents from music and noise from the new apartments. Some apartments can only get fresh air from opening windows which would exacerbate such issues;
2. Should the application be approved, the Council needs to consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of the works more bearable.
3. Block C would have an unacceptable level of impact on the amenity of some adjacent residents and would be detrimental to their health and well being and would disconnect them from the local community;
4. Adverse impacts on current residents outlook would decrease the quality of day to day lives for adjacent residents;
5. Another café / restaurant and associated nuisance would further impact on the environmental quality of the Northern Quarter and negatively impact on the quality of living for existing long term residents of the area;
6. Current licensed premises in the basement of 27/29 Church Street often use large base amplifiers in their sound systems and occasionally this music reverberates through buildings. Given this it is more than likely that occupiers of the proposed new development will complain about noise levels, which has never been a problem so far. Has the developers taken this into consideration.

### **Effect upon living conditions of existing residents of 4-6 Union Street and 25 Church Street.**

#### **Daylight , sunlight and overshadowing impacts**

1. The impacts on these from the adjacent development would be contrary to Core Strategy Policy DM1;
2. The Daylight and Sunlight Study is a desk top study and purely theoretic and open to interpretation; this is not a scientific paper based on practical on-site specific study, it is a report which is compiled to buttress a specific proposal. Anyone who lives in Manchester knows that the extent and level of sunlight or even ambient light is highly variable depending on numerous factors such as time of year, time of day, cloud cover, weather conditions etc. Figures provided at Appendix 3 and 4 use alternate Annual Probable Sunlight Hour targets, and a hypothetical mirror image based on the 'mirror image of the

existing 25 Church Street building, an equal distance away from the boundary. The proposed development is not a mirror image of 25 Church Street. The BRE guide is not mandatory and should not be seen as an instrument of planning policy.

3. In the original application (111389/FO/2016/C2) the Neighbouring Daylight and Sunlight Study showed a pass rate for 25 Church Street of 46% for VSC and 69% Sunlight. For the new application submitted in August there has been a decline in VSC and Sunlight to 25 Church Street to VSC 40% pass and Sunlight 67% pass.
4. The addition of an 11<sup>th</sup> floor can only negatively impact the already profound loss of daylight for residents on the lower floors of 25 Church Street that the proposed development of this site above a certain height would have. The developers had offered to reduce the mass above the pub by three floors however in the revised scheme that this has been reduced by only 2 floors. It is acknowledged that this may partially improve the situation however due to the faults in the Daylight Report, it is difficult to quantify this improvement alongside the addition of the 11<sup>th</sup> floor;
5. The survey seems to have been conducted from sites much further away from the proposed site and from places which have no residential significance. It appears that this has been done to mask the obvious massive loss of light for residents of 25 Church Street and 4-6 Union Street. The application suggests that the development will be 11 storeys high just 5.5 - 20 meters away from 25 Church Street which we believe will adversely cause loss of light for the apartments on this side of 25 Church Street;
6. The windows to some residential apartments will not meet the BRE Guidelines and in some cases would result in reductions of over 50% and this would lead to a very claustrophobic feel for some residents within their apartments;
7. It is not right to compare the impact of how the site was 100 year when the buildings on the site were used as warehouses to how the adjacent site is used now in terms of assessing these impacts;
8. One of the most appealing features of some adjacent apartments is the solar gain through the extensive windows from the East and South, which would be lost if the proposed new development goes ahead. This has already been compromised by the Light Aparthotel development, across the road from Church Street,
9. Using hypothetical scenarios to manipulate data shows how the light report cannot be taken seriously and in no way reflects the reality for residents;
10. Solita bar has an outdoor sitting area which gets direct sunlight from Church Street at the moment. The square adds to the charm and promotes the sense of community within the Northern Quarter. With the height of 10 storeys the light to this square will be completely blocked and would adversely impact on its useability;

In addition comments from the Independent critique are summarised as follows:

The proposed scheme would result in an unacceptable impact on the daylight amenity of 25 Church Street and 4-6 Union Street. The manner in which the provisions of the guidance have been applied and the conclusions that have been drawn by Smith Marston are not considered to be objective or balanced. In addition MCC have not been provided with all of the information that they would require in order to fully understand and evaluate its residential amenity impact.

The principles that run through the residents' position in registering this objection are as follows:

- That the August Scheme continues to have a very material impact on the daylighting and sunlighting capabilities of 25 Church Street and 4-6 Union Street. The extent to which daylight and sunlight would be reduced is character changing and would significantly and negatively alter the beneficial use and occupation of the habitable rooms.
- The results of their scientific study demonstrate non-compliance with the BRE Guidance with the report proving that the August Scheme takes more than its fair share of daylight and sunlight from the residents' homes.
- Smith Marston have been selective in the information that they have included in their Report such that the Report does not paint a full picture of the daylight and sunlight impact of the August Scheme.
- Smith Marston seek to paint a positive picture of the August Scheme by comparing the daylight and sunlight impact of it against the impact of the February Scheme and highlighting "improvements" in the results of their technical study. This is not an objective means of appraising the impact.

Whilst Section 2 of the Report confirms the source data used, the Report contains no massing extracts of the model that can be used as a means of validating the study as accurate.

#### 4-6 Union Street

The principal concern is, the impact of the scheme on the direct availability and distribution of daylight and sunlight and the affect that this will have on the beneficial use and occupation of the rooms.

Alternative Vertical Sky Component ("VSC") daylight targets have been set for 20 windows and whilst we do not object to the principle, for 13 of the 20 windows (65%) an alternative target of less than 0.5% VSC is established. Such alternative targets are so low that they are meaningless.

Again, as it was with the February scheme, the effective position here is that the "fair share" of light that these windows should receive over the site is no light at all. This is unacceptable; no light at all will fundamentally alter the character of this neighbouring residential building.

A similar position has been adopted regarding sunlight amenity. 20 individual windows have been appraised, 12 of which have been set an alternative target. Five windows are set with positive, albeit small, alternative targets, none of which are achieved or "fail" using Smith Marston's own nomenclature. For the other 7 windows, alternative summer and winter sun targets of 0% APSH are set. These windows are identified as a "pass", but that is wholly inappropriate.

Smith Marston's position here, is that the fair share of sunlight that the neighbouring windows should receive over the site is no sunlight at all. This is unacceptable and would materially alter the residential amenity of this building.

Smith Marston have not confirmed the impact that the August Scheme has on the internal distribution of sky light in percentage terms. The reason for this is considered to be that it does not suit their purposes to do so, as it is quite obvious that the extent to which sky light distribution within the rooms is reduced is significantly greater than 20% at all floor levels.

Smith Marston have sought to compare the NSL results of the August Scheme against those of the February Scheme and identify "improvements" in sky light distribution as a means of sufficiency. This is a misplaced and non-objective means of appraising impact, as it assumes that the impact of the February Scheme is the starting point or benchmark against which the impact of the August Scheme should be measured, and that is a fundamentally incorrect position to adopt.

### 25 Church Street

Comparing the results of Smith Marston's February Scheme study against the results for the August Scheme is not straightforward due to changes in the extent of their study.

In their February Report, 78 individual windows were daylight appraised. This time around, that has increased to 102. A number of windows have not been appraised this time that were appraised in February. 27 No. windows have been appraised this time around that were not previously.

They have compared the August results against the February results for those windows that were originally appraised - 71 in total, acknowledging those that have not been appraised this time around that were in February 2016. The results of Smith Marston's technical study confirms that 55 of the 71 windows appraised (77.5%) do not meet the BRE's target criterion.

The reduction in VSC values are greater, across the board and without exception, based on the massing of the August Scheme than they were based on the massing of the February Scheme Again. The existing vs proposed magnitude of change is high and the reduction in daylight amenity in particular will most certainly be noticeable to the building I room occupants

Again Smith Marston have not performed the BRE's NSL test for this neighbouring property. The BRE Guidance does not say that the NSL test should not be undertaken in the absence of known room arrangements.

Because the Church Street massing of the August Scheme is greater than the February Scheme, it is anticipated that the results of the NSL test have not been presented as part of the Report, because Smith Marston would not have been in a position whereby they could suggest so called "improvements" in internal daylight distribution as they have with 4-6 Union Street.

As an experienced and actively practising Daylight and Sunlight Adviser, the results of the NSL test would demonstrate that the August Scheme is having an increased, extensive and unacceptable impact on the internal sky light distribution of the rooms.

### **Impacts on Privacy**

1. Impacts on privacy would be contrary to Article 8 of the Human Rights Act (Britton v SOS). This makes provision for substantive rights to respect for private and family life the right to peaceful enjoyment of all my possessions, which includes my home and encompasses surroundings. New residents would be able to see directly onto the balconies in adjacent properties and residents will be able to see onto the balconies within the proposed development.
2. In terms of overlooking and loss of privacy the proposals are contrary to policy H1 (Overall Housing Provision) as there will other apartments directly opposite looking into existing apartments and curtains / blinds will have to be drawn to maintain privacy;
3. The new design omit the opaque windows the were proposed in the previous application which would impact on privacy. In addition windows are now proposed above 27 Church Street and 25 Church Street which would exacerbate the concerns about impacts on privacy;
4. The development would condemn adjacent properties to a permanent lack of privacy due to its proximity to adjacent residential accommodation for both existing and proposed residents, this would be exacerbated by the fact that many adjacent apartments have full height floor to ceiling windows and that the proposals include balconies and roof gardens;
5. The position of residents within 25 Church Street on the treatment of the windows that remain facing 25 Church St is that they should be opaque as originally submitted by the developer and that this should be a permanent / etched treatment as this would mitigate the significant risk overlooking and loss of privacy which will occur where the buildings are closest together i.e. the units above 2 Union Street facing 25 Church Street.

### **Traffic and Highways**

1. There is great pressure in the area for parking and the developers should therefore at least provide some parking;
2. The proposed site of development is small and contained, so there needs to be consideration about how and where construction vehicles and staff would

gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours;

3. There are highway safety issues on Red Lion Street, this is a one way System but is constantly being used as a two way system. It is very confusing for vehicles maybe because of the NCP multi-storey. The design and the narrow pavement widths would only escalate the danger and it will not be long until we have a serious accident there has already been many minor collisions and some involving pedestrians;
4. Cramming such a development into such a narrow space is not practical and will impact on the already congested area. Residents currently experience issues with traffic/parking due to the narrow roads and streets around the area and deliveries (to the Tesco Store, the open market on Church Street and the Co-op on the corner), as well as the everyday congestion i.e. post deliveries, bin collections, residents moving into and out of apartments etc. Buses in the area have also increased with the addition of the new bus stops on Church Street. The addition of two loading bays for the development will not assist in alleviating the traffic problems experienced in the area, but will only add to the congestion in the area causing more safety issues.

### **Other Issues**

#### **Rights to Light**

1. The site in question has not had a building on it since the 1950's and therefore has had uninterrupted light for more than 20 years.

#### **Maintenance access to existing lightwell**

2. Access is required to the existing lightwell at 4-6 Union Street in order to carry out regular maintenance. A scaffolding tower needs to be built in order to provide safe access for workers how would this be achieved as there would no longer be access to the rear of this building;

#### **Safety Concerns**

1. If the rear of 4-6 Union Street was on fire there would be no access to put the fire out.
2. Existing fire escapes would be blocked by the proposed buildings.

#### **Bat Survey / Biodiversity**

1. The submitted survey is flawed as it only surveyed during the day and not at night when the bats would emerge and was not carried out at the right time of year. It should have been carried out in the warmer months and during twilight hours.

## Public Health

1. Impact on drainage - the drains are already blocked which cause a problem nearby every time there is a downpour and the development would only exacerbate this. The drains can't take anymore

## General

1. The developers have suggested that Planning Officers have been supportive of the increased height (11 floors) compared with the previous scheme (10 floors) and that they supported the removal of the obscure glazing and this approach has made the situation worse for some residents;
2. The development would make an existing busy street unusable for long periods, how would this activity be relocated;
3. There would be a loss of solar gain through the extensive windows from the East and South within some apartments at 25 Church Street, which would be lost if the proposed new development goes ahead;
4. The proposed development would cover over the existing art work on 27-29 Church Street which adds to the unique character of the area;
5. The proposed development would have a negative impact on property values for adjacent owners;
6. The proposed development would deprive the Northern Quarter of an open area for local residents to gather;
7. The well being of existing residents must be balanced against the narrow interests of a small number of property investors. The area is being gentrified and it appears to be the developers plan to give no consideration to the local community and put profit as the only measure of success for the redevelopment of the land;
8. Residents are angered and disappointed that they are being disregarded by the council who are trying to push through a housing agenda that appears to favour only the interests of the developers;
9. An adjacent building owner says that the developers do not own an adjacent fire escape that they propose to incorporate within the development;
10. The proposals would adversely impact on the ability of adjacent landowners to redevelop their sites;
11. The proposals would increase energy costs in adjacent properties due to loss daylight;
12. Common Law states that if you have enjoyed uninterrupted views



Over somebody's land for over 20 years that this will not be challenged or threatened in any way. Whilst not a planning issue this is something that can be pursued in courts for breaching natural light. No compensation for this has been agreed;

13. The proposed new build is far too close to some adjacent buildings and would create party wall issues;

### **Suggested Amendments**

The development of Block C should be reconsidered and instead provide a green space for residents and the wider community to use;

The design should be amended to make it more harmonious with the late Georgian / early Victorian Buildings that characterise the area;

The height of the building should be reduced to 4-5 storeys in keeping with that of adjacent buildings;

Places Matter - At pre application stage and commenting on the original scheme overall the Panel were supportive of this level of residential development at this location which they felt was a viable one with a good ground floor mix of commercial units. The retention of the façade of 2 Union Street was not considered aspirational enough and they urged consideration of retaining more of the building.

The response to the conservation area was not considered to be entirely clear. They observed that this is an area in which there is a predominance of modest, solid, brick buildings or warehouses and that the frontage onto Church Street is very important. It is along this where height can be tolerated but the height of 10 storeys is surprising as the local authority states that new development, "should relate to their immediate neighbours which are up to seven storeys high".

In terms of elevational treatment the following key comments were made:

- It was considered that the façade along Church Street is unbalanced and fragmented by too many changes in ground floor expression creating an overall compressed feeling at this level. It was felt that the ground floor façade on Red Lion Street should be opened up and the line of the adjacent pub should be used as an indication of the ground floor height. It was considered that the major elevation should be on Church Street and the return piece at the corner. A blank façade at the prominent corner of Church Street and Red Lion Street is contrary to the importance of this corner in urban design terms. Elevational order should be set along Church Street and continue along down Red Lion Street.
- The external fire exit stair attached to the adjacent block (27-29 Church Street) should be integrated into the building façade by enclosing the stair and building over it to help with the overall design of the façade along the street.

- There is a conflict between the vertical and horizontal expressions on the façade. One must be subservient to the other and the fenestration should work with that rather than be in conflict with it.
- The natural primary entrance for the building should sit on Red Lion Street with a visual connection through to a secondary entrance on Union Street.
- The courtyard that is accessed from Red Lion Street would make a good entrance for residents rather than it being used for deliveries. With the scale and size of the commercial units it should be easier to have a loading bay on the street and make deliveries from this through the front doors of the commercial units.
- If the courtyard were not to be used as a residents' entrance then it would be worth considering one through the building itself. This would help with the overall legibility of the building and might give focus to the elevation and help rationalise the façade on Red Lion Street.
- The northern façade of the building must turn the corner as well and interface with the open space along Red Lion Street.
- The balconies on Red Lion Street emphasise the limited height of the ground floor. Although recessed balconies set into the façade of the building are more integrated, the panel was not convinced of the success of individual balconies.

In terms of building massing the following key comments were made:

- It was noted that the tower block sitting in the middle of the composition and above the Union Street façade has no engagement with the street and that, rather than trying to make it an integrated part of the overall expression it might be better to give it its own distinct identity.
- Whilst rationale for the stepped block above 2 Union Street was understood it was not accepted as a convincing solution and it was noted that by creating a single piece that rises up through the centre of the proposal the stepped terraces in the current iteration over Union Street could form one communal, deeper outdoor space at ridge height of the existing building.

In terms of materials the following key comments were made :

- The quality of the building must be considered as an important element within this conservation area and as such the use of the rainscreen for the façade was questioned with the use of brick and the structural framing being suggested as an alternative;

### **Elected Members**

A representation has been received from Cllrs Davis and Peel. This notes an appreciation that the applicants have made some effort to reduce the detrimental effect the development will have on 4 - 6 Union Street but that they have also made

changes which will impact both positively and negatively on residents at 25 Church Street.

Whilst welcoming the development of the site which has a lain undeveloped and unused too long it is noted that some residents will be severely impacted by this development, most obviously in the Union Street building which houses a number of social housing apartments.

Given this they object to the proposals on the basis of the impact on the light levels that would be received within some apartments as a result of this development and make the following points:

Firstly that the appropriateness of the height in terms of its suitability for this location is questioned. It is noted that the site is surrounded by buildings of different heights and it is noted that that this is a matter on which the planning committee would wish to reflect, possibly after visiting the site.

Secondly concerns are raised about the light impact on existing residential apartments and particularly the Union Street apartment building which they consider would be particularly badly affected such that certain apartments will suffer considerable loss of daylight/sun light.

They believe that the statement quoting percentages masks the fact that for some residents 100% of their windows will be affected. It is noted that the argument is presented that this is acceptable in the city centre environment and that 25 Church Street and 4-6 Union Street currently receive more that their fair share of daylight from over the application site which is cleared. However they consider the arguments presented in the report to be incomplete as they do not define what levels would be acceptable and consider that a clearer definition of this might be helpful to the committee to better define the boundary of acceptability.

It is noted that the reference to "more that their fair share of daylight" is also undefined. If a mirror building is meant to reflect this, it was not in place when the consent for the conversion of the Union Street building was granted and it is also noted that no doubt the committee feels the need to be certain that the Union Street Apartments that were created can still be apartments which are attractive to live in.

Concern is also raised in relation to the residents' detailed criticisms of the light study.

Manchester Conservation Areas and Historic Buildings Panel - Have not commented on the current scheme but provided the following comments on the original scheme:

The Panel felt that the proposals failed to understand the context especially in terms of its height, which the Panel considered inappropriate and out of character with the conservation area.

The Panel highlighted the importance of 2 Union Street as a surviving Georgian building and was not convinced that the whole of the building couldn't be retained

and repaired. The Panel felt that a facade retention scheme was inappropriate and would harm the character of the original building. The Panel commented on the inappropriate proposed windows to the front of 2 Union Street and drew attention to the heritage statement which seemed to show the original sash windows behind the boarding. The panel asked for the original timber sash windows to be repaired and reinstated.

The Panel would like to see 2 Union Street retained as a whole building and the Red Lion Street frontage built up separately with a distinct space between this and 2 Union Street. This would reinforce the urban grain found in the area.

The Panel also observed that the proposed new building at the rear of 2 Union Street appeared to have obscured glazing and they felt that if it wasn't possible to develop this part of the site without proper windows then this development should be resisted.

The Panel asked to see better defined entrances as they felt that the proposed entrances lacked definition.

Historic England – Have no comments to make and have recommended that the applications should be determined in accordance with national and local policy guidance, and on the basis of the City Council's expert conservation advice.

Strategic Housing – Have no specific comment to make on these proposals except that they are pleased to see development to provide much needed housing to meet the need of the mobile city centre workforce. In terms of the affordable housing requirement this is not a location/development where they would be looking for social rented units as part of the contribution. Shared ownership apartments might be possible but have been problematical for prospective purchasers accessing mortgages in the last few years, though things may change as the market improves. In any event, they would anticipate that access to home ownership could be available through the Help to Buy scheme should this still be in place when the development is brought forward.

Therefore they suggest that any affordable housing contribution, subject to financial viability assessment, would be in the form of commuted sums.

The Head of Neighbourhood Services (Highway Services) – Has no objections

Head of Regulatory and Enforcement Services (Environmental Health)- Has no objections but has recommended conditions relating to the storage and disposal of refuse, acoustic insulation of the accommodation, acoustic insulation of associated plant and equipment, fume extraction and the hours during which deliveries can take place. Advice has also been given about appropriate working hours during construction.

Head of Regulatory and Enforcement Services (Contaminated Land ) - Has no objections subject to a condition relating to the need to carry out a full site investigation in respect of potential contaminated land issues relating to the proposed development and the need to submit details of appropriate remedial measures be attached to any consent granted.

Greater Manchester Ecology Unit – Have no objections.

Head of Growth and Neighbourhood Services (Travel Change Team City Policy) - No comments received.

Greater Manchester Archaeological Unit – Have no objections but recommend that a programme of archaeological works be undertaken. The programme of works should commence, prior to any building soft-strip or demolition, with an archaeological building survey. This should be undertaken by a suitably qualified buildings archaeologist and be undertaken at Historic England's level 3. The building survey should be followed by the next phase of the programme of archaeological works. Prior to the commencement of any development groundworks a series of machine excavated evaluation trenches should be excavated by an experienced archaeologist. Where remains of earlier buildings or activity come to light then this should be investigated and recorded. They recommend that this could be achieved through enlarging the evaluation trenches to allow for open area excavation. It is recommended that a condition in relation to the above is attached to any consent granted.

Environment Agency - Have no objections but have recommended conditions to mitigate the risks to adjacent ground and controlled waters and have recommended that guidance set out within our document 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination' is followed as appropriate.

Greater Manchester Police (Design for Security) – Have no objections subject to the recommendations of the Crime Impact Assessment being implemented.

Transport for Greater Manchester – Have no objections subject to the existing bus stop on Church Street being retained and that if the footpath improvement works affect the current position of the bus stop, any relocation will need to be agreed in liaison with the TfGM Route Equipment team. This needs to be highlighted within the Officer's report with appropriate attached to any planning consent.

United Utilities - Have no objection but have made comments in relation to drainage and water supply (which have been passed to the applicant) and have recommended that specific conditions are included in any planning permission granted to ensure that no surface water is discharged either directly or indirectly to the combined sewer network and that the site must be drained on a separate system, with only foul drainage connected into the foul sewer.

Flood Risk Management Team – Note that the applicant has prepared a drainage statement in support of their planning application. Assuming acceptance has been received from United Utilities for connection into the public sewer network, they recommend that conditions to agree surface water drainage works to be implemented in accordance with SuDS National Standards and to verify the achievement of these objectives should be attached to any consent granted.

## **ISSUES**

Local Development Framework

The principal document within the framework is **The Core Strategy Development Plan Document 2012 -2027** ("the Core Strategy") was adopted on 11 July 2012 and is the key document in Manchester's Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) and sets out the long term strategic planning policies for Manchester's future development.

The proposals are considered to be consistent with the following Core Strategy Policies SP1, CC3, H1, H8, CC2, CC5, CC6, CC7, CC8, CC9, CC10, T1, T2, EN1, EN2, EN3, EN4, EN6, EN8, EN9, EN11, EN14, EN15, EN16, EN17, EN18, EN19, EC1, EC2, DM1 and PA1 for the reasons set out below.

### **Saved UDP Policies**

Whilst the Core Strategy has now been adopted, some UDP policies have been saved. The proposal is considered to be consistent with the following saved UDP policies DC 10.1, DC18.1, DC19.1, DC20 and DC26 for the reasons set out below.

Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. The adopted Core Strategy contains a number of Strategic Spatial Objectives that form the basis of its policies:

SO1. Spatial Principles - provides a framework within which the sustainable development of the City can contribute to halting climate change. This development would be in a highly accessible location and reduce the need to travel by private car.

SO2. Economy - supports further significant improvement of the City's economic performance and seeks to spread the benefits of growth across the City to reduce economic, environmental and social disparities, and to help create inclusive sustainable communities. The scheme would provide new jobs during construction and would provide housing near to employment opportunities.

SO3 Housing - supports a significant increase in high quality housing provision at sustainable locations throughout the City, to both address demographic needs and to support economic growth. Manchester's population grew by 20% between 2001 and 2011 which demonstrates the attraction of the city and the strength of its economy within the region. The growth of economy requires the provision of well located housing for prospective workers in attractive places so that they can contribute positively to the economy.

SO5. Transport - seeks to improve the physical connectivity of the City, through sustainable transport networks, to enhance its functioning and competitiveness and provide access to jobs, education, services, retail, leisure and recreation. This development would be in a highly accessible location, close to all modes of public transport and would reduce the need to travel by private car and make the most effective use of existing public transport facilities.

S06. Environment - the development would be consistent with the aim of seeking to protect and enhance both the natural and built environment of the City and ensure the sustainable use of natural resources in order to:

- mitigate and adapt to climate change;
- support biodiversity and wildlife;
- improve air, water and land quality; and
- improve recreational opportunities;
- and ensure that the City is inclusive and attractive to residents, workers, investors and visitors.

### **Relevant National Policy**

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to apply. It aims to promote sustainable development. The Government states that sustainable development has an economic role, a social role and an environmental role (paragraphs 6 & 7). Paragraphs 11, 12, 13 and 14 of the NPPF outline a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan. Paragraph 12 states that:

"Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

The proposed development is considered to be consistent with sections 1, 2, 4, 6, 7, 10, 11 and 12 of the NPPF for the reasons outlined below.

NPPF Section 1 - Building a strong and competitive economy and Core Strategy Policy SP 1 (Spatial Principles), Policy CC1 (Primary Economic Development Focus - City Centre and Fringe), CC8 (Change and Renewal)– The proposal would develop an underutilised, previously developed site and provide a high-quality development. The development would be highly sustainable and consistent with the aim of bringing forward economic and commercial development, alongside high quality city living within the Regional Centre, in a location which would reduce the need to travel. This would create employment during construction and permanent employment in the commercial units and the building management on completion and therefore assist in building a strong economy. It would complement the well established community within this part of the City Centre and contribute to the local economy through residents using local facilities and services.

The development would make a positive contribution to neighbourhoods of choice by enhancing the built and natural environment and creating a well designed place that would enhance and create character and provide good access to sustainable transport provision and maximise the potential of the City's transport infrastructure.

NPPF Section 2 Ensuring the Vitality of Town Centres and Core Strategy Policies SP 1 (Spatial Principles) and CC2 (Retail) - One of the spatial principles is that the Regional Centre will be the focus for economic and commercial development, leisure and cultural activity, alongside high quality city living. The proposal fully accords with

the aims of this Policy. It would contribute to the creation of a neighbourhood which would help to attract and retain a diverse labour market. This would support GM's growth objectives by delivering appropriate housing to meet the demands of a growing economy and population, adjacent to a major employment centre in a well-connected location and therefore would assist in the promotion of sustained economic growth.

NPPF Section 4 Promoting Sustainable Transport, Core Strategy Policies CC5 (Transport), T1 Sustainable Transport and T2 Accessible Areas of Opportunity and Need - The proposals are in a highly accessible location close to both Victoria and Piccadilly Stations, tram stops at High and bus routes from the Transport Interchange at Shudehill and Parker Street Interchange and therefore should exploit opportunities for the use of sustainable transport modes. A Travel Plan would facilitate sustainable patterns of transport use and the City Centre location would minimise journey lengths for employment, shopping, leisure, education and other activities. The proposal would contribute to wider sustainability and health objectives and give people a real choice about how they travel and help to connect residents to jobs, local facilities and open space. It would help to improve air quality and should encourage modal shift away from car travel to more sustainable alternatives. The development would also include improvements to pedestrian routes and the pedestrian environment which would prioritise pedestrian and disabled people, cyclists and public transport.

NPPF Section 6 (Delivering a wide choice of high quality homes), Core Strategy Policies CC3 Housing, CC7 (Mixed Use Development), Policy H1 (Overall Housing Provision), Policy H8 (Affordable Housing) and Policy CC10 A Place of Everyone, Saved UDP Policy DC10.1 (Food and Drink Use) - The proposal would provide an efficient, high-density development in a sustainable location within the heart of the City Centre within part of the City Centre specifically identified within the Core Strategy as a key location for residential development. The apartments would appeal to a wide range of people from single people and young families to older singles and couples. The scheme would provide a range of accommodation sizes and types and help to create sustainable, inclusive and mixed communities within this part of the City Centre.

Manchester's economy is growing post-recession and significant investment in housing is required in locations that would support and sustain this growth. The City Centre is the biggest source of jobs in the region and this proposal would provide suitable accommodation to support the growing economy and contribute to the creation of a sustainable, inclusive, mixed and vibrant community.

It is expected that a minimum of 16,500 new homes will be provided within the City Centre from 2010-2027 and this scheme would contribute to meeting the overall housing targets identified for the City Centre within the Core Strategy.

The development would contribute towards an ambition that 90% of new housing would be built on brownfield sites and have a positive impact on the built environment of the surrounding area. The proposed development has been designed to seek to minimise potential for loss of privacy.



A Viability Appraisal has been submitted to consider the potential for the proposed development to contribute towards affordable housing within the city. The appraisal demonstrates that the proposed scheme is viable and capable of being delivered; however, the appraisal concludes that the development cannot support affordable housing. This issue is discussed in more detail below.

The ground floor commercial uses would, along with the residential uses proposed would, be an appropriate mix of uses and would provide additional facilities for local residents and businesses; subject to appropriate control of in terms of the hours of operation and the need to deal satisfactorily with noise, fumes, smells and storage and disposal of refuse.

NPPF Sections 7 (Requiring Good Design), and 12 (Conserving and Enhancing the Historic Environment), Core Strategy Policies EN1 (Design Principles and Strategic Character Areas), EN2 (Tall Buildings), CC6 (City Centre High Density Development), CC9 (Design and Heritage), EN3 (Heritage) and saved UDP Policies DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) - The proposed development would be a high density development and maximise the efficient use of land and is considered to be appropriate to the City Centre context. The development would be classified as a tall building within some of its local context but would be of a high quality and would help to raise the standard of design more generally in the area. The proposed development would be appropriately located within the site, contribute positively to sustainability, contribute positively to place making and would bring significant regeneration benefits whilst its integration into the natural and built environment would improve connections with local communities.

The proposal involves a good quality design, and would result in development which would enhance the character of the area and the overall image of Manchester. The design responds positively at street level and would provide public realm which would result in improvements to the City's visual permeability and the legibility of routes from the Commercial Centre to the Northern Quarter. The positive aspects of the design of the proposals are discussed in more detail below.

A Tall Building Statement submitted with the application identifies key views and assesses the impact of the proposed tall buildings upon these. It also evaluates the tall buildings in terms of its relationship to its site context / transport infrastructure and its effect on the local environment and amenity. These impacts are discussed in more detail below.

The site is close to the grade II listed buildings at 35-37 Turner Street and within the Smithfield Conservation Area.

The application submission also includes a Heritage Appraisal, Visual Impact Assessment and Planning Statement that includes a Justification Statement in relation to policies within the NPPF.

The condition of the site has a negative impact on the character and setting of adjacent heritage assets including the character of Smithfield Conservation Area and the setting of the listed buildings on Turner Street. The impact on these heritage

assets is considered to be acceptable when balanced by the removal of the negative impact that the present condition of the site has on the heritage assets in the area.

The Heritage Statement and NPPF Justification Statement demonstrate that the proposals would not result in any significant harm to the setting of surrounding listed buildings and demonstrates that the proposal would preserve the character and significance of the Conservation Area and have a beneficial impact on the visual appearance of the surrounding area, thus ensuring compliance with local and national policies relating to Heritage Assets. It is also noted that the quality and design of the proposed building would sustain the heritage value of the identified heritage assets.

Saved UDP Policy DC20 (Archaeology) - Consideration of the application has had regard to the desirability of securing the preservation of sites of archaeological interest.

Section 10 (Meeting the challenge of climate change, flooding and coastal change), Core Strategy Policies EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon) EN6 (Target Framework for CO2 reductions from low or zero carbon energy supplies), EN 8 (Adaptation to Climate Change), EN14 (Flood Risk) and DM1 (Development Management- Breeam requirements) -The application site is in a highly sustainable location. The Environmental Standards Statement submitted with the application demonstrates that the development would accord with a wide range of principles intended to promote the responsible development of energy efficient buildings integrating sustainable technologies from conception, through feasibility, design and build stages and also in operation. The proposed development would follow the principles of the Energy Hierarchy to reduce CO2 emissions. The application is supported by an Energy Statement, which sets out how the proposals would meet the requirements of the target framework for CO2 reductions from low or zero carbon energy supplies.

The buildings are in a highly sustainable location and the residential element of the development will achieve a minimum of 15% in CO2 emissions above Part L 2010. This has been calculated to be the equivalent of 5% minimum increase above Part L 2013.

A Flood Risk and Drainage Statement accompanies the application. These documents demonstrate that the development would have no significant adverse impact on flood risk.

The report sets out how the development complies with the requirements for new development to minimise surface water run-off including through Sustainable Urban Drainage Systems (SUDS) and appropriate use of green infrastructure.

Core Strategy Policy EN11 Quantity of Open Space, Sport and Recreation - The proposals would realise an opportunity to provide a new area of public realm which is considered appropriate to a development of this scale and density of accommodation.

NPPF Section 11 (Conserving and enhancing the natural environment), Core Strategy Policies EN 9 (Green Infrastructure), EN15 ( Biodiversity and Geological Conservation), EN 16 (Air Quality), Policy EN 17 (Water Quality) Policy EN 18 (Contaminated Land and Ground Stability) and EN19 (Waste) - Information submitted with the application has considered the potential risk of various forms of pollution, including ground conditions, air and water quality, noise and vibration, waste and biodiversity lighting and has demonstrated that the application proposals would not have any significant adverse impacts in respect of pollution. Surface water run-off and ground water contamination would be minimised

The Ecology Report submitted with the application concluded that there was no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development following the mitigation proposed.

The development would be highly accessible by all forms of public transport and would reduce reliance on cars and therefore minimise emissions from traffic generated by the development.

The development would be consistent with the principles of waste hierarchy. In addition the application is accompanied by a Waste Management Strategy which details the measures that would be undertaken to minimise the production of waste both during construction and operation. The Strategy states that coordination through the onsite management team would ensure the various waste streams throughout the development are appropriately managed.

Policy DM 1- Development Management - Outlines a range of general issues that all development should have regard to and of these, the following issues are or relevance to this proposal:-

- appropriate siting, layout, scale, form, massing, materials and detail;
- design for health;
- adequacy of internal accommodation and amenity space.
- impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- that development should have regard to the character of the surrounding area;
- effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- accessibility to buildings, neighbourhoods and sustainable transport modes;
- impact on safety, crime prevention and health; adequacy of internal accommodation , external amenity space, refuse storage and collection, vehicular access and car parking; and
- impact on biodiversity, landscape, archaeological or built heritage, green Infrastructure and flood risk and drainage.

The above issues are considered in detail in below.

Policy PA1 Developer Contributions - This is discussed in the section on Viability and Affordable Housing Provision below

DC26.1 and DC26.5 (Development and Noise) - Details how the development control process will be used to reduce the impact of noise on people living and working in the City stating that this will include consideration of the impact that development proposals which are likely to be generators of noise will have on amenity and requiring where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate This is discussed below.

Other relevant National Policy and Legislative requirements

Section 66 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development that affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S72 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development that affects the setting or character of a conservation area the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area

In relation to the above and in terms of the NPPF the following should also be noted:

Paragraph 131 - Advises that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 - Advises that any harm to or loss of a designated heritage asset should require clear and convincing justification. Substantial harm or loss should be exceptional and substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II\* listed buildings should be wholly exceptional.

Paragraph 133 - Advises that local planning authorities should refuse consent for proposals that will lead to substantial harm to or total loss of significance of a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. This is essentially a matter of judgement and will depend on the weight that is attached by decision makers and consultees to the various issues.

Paragraph 134 - Advises that where proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Historic England do not have a remit to comment on the proposals due to the size of the application site.

The proposal would introduce high quality buildings of an urban scale and would make a positive contribution to the townscape. The proposal would have a beneficial impact on the setting of 35 to 37 Turner Street.

The positive aspects of the design of the proposals, and the compliance of the proposals with the above sections of the NPPF is fully evaluated and addressed in the report below.

S149 Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

S17 Crime and Disorder Act 1998 provides that in the exercise of its planning functions the Council shall have regard to the need to do all that it reasonably can to prevent crime and disorder.

### **Other Relevant City Council Policy Documents**

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007) - Part 1 of the SPD sets out the design principles and standards that the City Council expects new development to achieve, i.e. high quality developments that are safe, secure and accessible to all. It seeks development of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones. For the reasons set out later in this report the proposals would be consistent with these principles and standards.

Draft Manchester Residential Quality Guidance (July 2016) – On 29<sup>th</sup> June 2016 the City Council's Executive Committee has agreed the draft Manchester Residential Quality Guidance for consultation. As such, the document is material planning consideration in the determination of planning applications and weight should be given to this document in decision making. However, given that this document is only at the consultation stage the weight that can be given to it should be more limited than that of the adopted documents.

The purpose of the document is to outline the consideration, qualities and opportunities that will help to deliver high quality residential development as part of successful and sustainable neighbourhoods across Manchester. Above all the guidance seeks to ensure that Manchester can become a City of high quality residential neighbourhood and a place for everyone to live.

The document outlines nine components that combine to deliver high quality residential development, and through safe, inviting neighbourhoods where people want to live. These nine components are as follows:

- Make it Manchester;
- Make it bring people together;
- Make it animate street and spaces;
- Make it easy to get around;
- Make it work with the landscape;
- Make it practical;
- Make it future proof;
- Make it a home; and
- Make it happen.

It is considered that the proposals are broadly in keeping with the aims and objectives set out in the draft guidance, compliance with which is set out within the considerations of the merits of the proposals as set out below.

In terms of space standards Space Standards - The draft "Manchester Residential Quality Guidance" document seeks to underpin the City Council's ambition to create sustainable and popular neighbourhoods where people want to live and, at the same time, to contribute to raising the quality of life in the city. The draft document seeks to provide clear direction to all those involved in the development of, the construction of and the management of new homes in the city.

As a basis for assessing new residential developments in Manchester, in March 2015 the Executive Committee adopted on an interim basis, the London Housing Design Guide Space standards, pending the preparation of specific guidance for the City. The new London standards and guidance are intended to encourage provision of enough space in dwellings to ensure homes can be flexibly used by a range of residents. They also aim to ensure that space can be sensibly allocated to different functions, with adequate room sizes and storage integrated into the planning.

The draft Manchester Residential Quality Guidance document now provides specific guidance for Manchester and includes a section on the consideration of space and daylight. The guide states that space standards within dwellings should comply with the National Described Space Standards as a minimum. In assessing space standards for a particular development, consideration needs to be the planning and laying out of the home and the manner in which its design creates distinct and adequate spaces for living, sleeping, kitchens, bathrooms and storage. The size of rooms should be sufficient to allow users adequate space to move around comfortably, anticipating and accommodating changing needs and circumstances.

The National Described Space Standards set out minimum gross internal areas (GIA) for new homes. This is based on the number of occupants the dwelling is designed to accommodate and the number of storeys within a dwelling. For example, in a development containing typical apartments, a 1-person apartment (open plan studio) would be expected to have a minimum GIA of 37 sq.m and a 1-bed, 2-person apartment would have a minimum GIA of 50 sq.m. These recommendations include an allowance for storage and circulation.

All of the proposed apartments would be compliant with the National Space Standards.

Manchester City Centre Strategic Plan- The Strategic Plan 2015-2018: updates the 2009-2012 plan and seeks to shape the activity that will ensure the city centre continues to consolidate its role as a major economic and cultural asset for Greater Manchester and the North of England. It sets out the strategic action required to work towards achieving this over the period of the plan, updates the vision for the city centre within the current economic and strategic context, outlines the direction of travel and key priorities over the next few years in each of the city centre neighbourhoods and describe the partnerships in place to deliver those priorities.

The application site lies within the area identified in the document as the Northern Quarter. This identifies the importance of the areas non-mainstream offer as being important for any global city and giving the Northern Quarter a unique identity within both the city and, to some extent, the UK. The areas growing reputation and attraction to a high number of visitors, is identified as providing an important contribution to the economy of the city centre.

Because of its nature, the regeneration within the Northern Quarter area is described as having been organic and incremental and, therefore, more subtle and ultimately less predictable than in other parts of the city centre. The aim of activity within the area is to bring about change in a way that retains the area's distinct identity. This can be done by building on the area's strengths to produce a creative and cultural destination, with a high-quality built environment attractive to businesses and residents, and providing opportunities for private sector investment. It is considered that the proposals would be in keeping with these objectives. The proposed commercial units (only 1 of which would potentially be a Class A3 (Restaurant / Cafe) Use and a further addition to the current well established residential community around the site would help to build on the successes of the area's evening economy by promoting usage as a daytime destination.

Residential Growth Strategy (2016) – This recognises the critical relationship between housing and economic growth. Manchester City Council began a process of developing a strategy to support residential growth by preparing a Residential Growth Prospectus (approved in draft by the Council's Executive Committee on 18 June 2013). The starting point of this document was the urgent need to build more new homes for sale and rent to meet future demands from the growing population. It looked to address undersupply and in particular the development impasse, that had until recently been evident in the 'downturn' years across all house types and tenures in the City.

A key aspect of the Council's supporting interventions is to ensure that the local planning framework provides the appropriate support for residential growth. Housing is one of the key Spatial Objectives of the adopted Core Strategy and through this the City Council aims to provide for a significant increase in high quality housing at sustainable locations and the creation of high quality neighbourhoods with a strong sense of place.

In the wake of the transformational Devolution Agreement in November 2015, which provided a framework for new housing related powers and a £300m recyclable housing fund for Greater Manchester, an updated Residential Growth Strategy was endorsed for consultation by the Council's Executive in November 2015 and

thereafter formally adopted at the March 2016 Executive. The Strategy sets out a number of housing growth priorities to meet the City's ambitions for sustainable growth in terms appropriate locations, type, quality and sustainability credentials as well as anticipating 25,000 homes will be built over the next ten years from 2015 until 2025.

The proposed development would contribute to achieving the above targets and growth priorities.

Stronger Together: Greater Manchester Strategy 2013 - This is the sustainable community strategy for the Greater Manchester City Region. It was originally prepared in 2009 as a response to the Manchester Independent Economic Review (MIER) which identified Manchester as the best placed city outside London to increase its long term growth rate based on its size and productive potential. This sets out a vision for Greater Manchester where by 2020, the City Region will have pioneered a new model for sustainable economic growth based around a more connected, talented and greener City Region, where all its residents are able to contribute to and benefit from sustained prosperity and a high quality of life.

The proposed residential development of the application site will clearly support and align with the overarching programmes being promoted by the City Region via the GM Strategy.

The prospectus acknowledges the urgent need to build more new homes for sale and rent to meet future demands from the growing population and to address undersupply. The core principle running through the document is that there is a requirement to build more new homes in order to support future growth and the demands of a growing economy and population and the Council is actively looking to adopt measures to enable this. The proposals represent an opportunity to partially address these requirements adjacent to a major employment centre and in a well-connected location,

The GM Strategy sets out a programme of vigorous collective action based on reforming public services and driving sustainable economic growth to deliver prosperity for all. By supporting new residential development at the Site, a number of the GM Strategy's key growth priorities will be met, including:

- Creating the places and spaces that will nurture success;
- Stimulating and reshaping our housing market;
- Crafting a plan for growth and infrastructure ; and

## **Conservation Area Declarations**

### **Smithfield Conservation Area Declaration**

The Smithfield conservation area lies on the north-eastern edge of the city centre of Manchester. It is one of a group of three in this vicinity designated by the City Council



in February 1987; the others are Shudehill and Stevenson Square, which lie to the north-west and south-east respectively.

The area is bounded by Swan Street, Oldham Street (a common boundary with the Stevenson Square Conservation Area), Market Street, High Street and Shudehill (a common boundary with the Shudehill Conservation area).

Buildings to the south of the conservation area, closest to the commercial heart of the regional centre along Oldham Street, Market Street and Church Street, are larger and of later date than the rest of the area. The contrast is especially noticeable around Turner Street and Back Turner Street, where there are some very small-scale houses dating from the Georgian period, subsequently converted or used for commercial purposes.

The south-west part of the Conservation Area is composed of large buildings, and it is anticipated that any new development here is likely to be designed on a substantial scale. Conversely, the remainder of the Conservation Area is composed of relatively small buildings of one to four storeys, and new proposals here will need to be scaled appropriately. A number of sites have been left vacant where buildings have been demolished. Many of these are used as temporary car parks, which detract from the visual appeal of the area. Most of these sites should be developed with buildings which contribute to the character of the conservation area. A mix of uses would be appropriate, with housing being especially welcome.

**Environmental Impact Assessment. The proposal does not fall within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended 2011)**

The proposal does not fall within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended 2011)

The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015, which raised the thresholds for screening of industrial estate and urban development projects to determine the need for Environmental Impact Assessment (EIA). The number of apartments proposed does exceed the thresholds set out in Schedule 2b(iii) that would require the application to be the subject of a Screening Opinion in addition. In addition Schedule 4 of the EIA Regulations requires consideration of a proposed development cumulatively with other development.

This planning application was therefore the subject of a pre-application Screening Opinion for an Environmental Assessment in relation to Schedules 2 (iii), 3 and 4 of the EIA Regulations.

The Screening Opinion concluded that as the scale of the development is appropriate for a City Centre context, that it would reuse a previously developed site, allow greater use of public transport, would improve conditions for pedestrians, would assist regeneration of the City, is unlikely to result in significant or unusual adverse impact for local residents, that the impact of the development would not have more than a local impact and would support the City's objectives of making the City Centre

a better place to live, shop, invest, and visit and that as such the scheme is not likely to have significant effects. Taking into account the submitted information and the EIA guidance thresholds it was Manchester City Council's formal opinion that an EIA was not required to support the proposed development.

## ISSUES

**The Schemes Contribution to Regeneration** - Regeneration is an important planning consideration as the City Centre is the primary economic driver of the region and crucial is to its longer term economic success. There is an important link between economic growth, regeneration and the provision of new housing and as the national economy has entered a new growth cycle, it is essential that new homes are provided.

Manchester's population is expected to increase by 100,000 by 2030, and together with trends and changes in household formation this will result in an increase in demand for more housing. An additional 60,000 new homes are expected to be required over the next 20 years (3,000 per annum). Manchester's Residential Growth Strategy (2016) sets a target of building 25,000 new homes over the next ten years up until 2025. The proposed development would contribute to meeting that need within part of the City Centre which has been identified as being suitable for new residential development. The quality and mix of the product, and the size of the apartments, has been designed to appeal to a range of potential occupiers.

The scheme would be consistent with a number of the GM Strategy's key growth priorities by delivering appropriate housing to meet the demands of a growing economy and population, adjacent to the city centre. It would therefore help to promote sustainable economic growth. The ground floor commercial space would provide services and facilities that could benefit the local community.

The poor condition of the site and remaining building present a run down appearance of inactivity and dilapidation on a prominent site in the Northern Quarter. Despite the artwork on the side of 27-29 Church Street, the site provides a poor quality street scene on the edge of Northern Quarter.

A high quality development within the conservation area would deliver significant regeneration benefits, by 'mending' of the primary street-frontages and helping to establishment a sense of place at a prominent location. The proposal would complement ongoing population growth, contribute to the economy and help to sustain the Northern Quarter as a vibrant place to work and live. It would create employment during construction along with permanent employment from the proposed uses. The uses proposed would complement the existing retail and leisure uses within the Northern Quarter.

Given the above, the proposed development would be consistent with the, with the objectives of the Central Manchester Regeneration Framework and the City Centre Strategic Plan and would complement and build upon Manchester City Council's current and planned regeneration initiatives, and as such would be consistent with sections 1 and 2 of the National Planning Policy Framework, and Core Strategy policies H1,SP1, EC1, CC1, CC3,CC4, CC7, CC8, CC10, EN1 and DM1.

**Viability and affordable housing provision** - The NPPG provides guidance for applicants and Councils stating that decision-taking does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary.

The NPPG sets out in relation to brownfield sites, that Local Planning Authorities should seek to work with interested parties to promote their redevelopment. To incentivise the bringing back into use of brownfield sites, Local Planning Authorities should:

- Consider the different funding mechanisms available to them to cover potential costs of bringing such sites back into use; and
- Take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.

Core Strategy Policy PA1 considers the Council's specific policy requirements in relation to Planning Obligations. It states that where needs arise as a result of development, the Council will seek to secure planning obligations. It outlines the range of provisions that such obligations may require and advises that this should be assessed on a site by site basis. Of relevance to this application could be provision of affordable housing, community facilities, the provision of green infrastructure including open space, public realm improvements, protection or enhancement of environmental value and climate change mitigation / adaptation. In the past, City Centre residential developments have in some instances, contributed towards environmental and residential infrastructure improvements. However in determining the nature and scale of a planning obligation, it is necessary to take into account specific site conditions and other material considerations including viability, redevelopment of previously developed land or mitigation of contamination.

There is a city wide requirement that on all residential developments of 0.3 hectares and above, or where 15 or more units are proposed, a contribution should be made to the City-wide target for 20% of new housing provision to be affordable. There are exemptions where either a financial viability assessment is conducted that demonstrates that it is not viable to deliver affordable housing; or where material considerations indicate that intermediate or social rented housing would be inappropriate

The criteria that might qualify developments for exemptions that are of relevance in this instance include:

- That inclusion of affordable housing would prejudice the achievement of other important planning or regeneration objectives which are included within existing Strategic Regeneration Frameworks, planning frameworks or other Council approved programmes;
- It would financially undermine significant development proposals critical to economic growth within the City; The financial impact of the provision of

affordable housing, combined with other planning obligations would affect scheme viability;

It is also noted that there are issues around the viability of the scheme relating to the City Council's requirements for the highest quality of design and materials and the costs associated with the delivery of the associated public realm works which would have benefits to the wider Village area, such as improving linkages, beyond the direct benefits to occupiers of the buildings on the site.

The applicant has provided a viability appraisal for the development which has been assessed and demonstrates that the proposed scheme is viable, in its current form, and is capable of being delivered. A high quality residential development in this key regeneration area with units of various sizes, would assist in diversifying the housing market in the City Centre and would deliver substantial regeneration benefits by developing an under used site which detracts from the vitality and viability of the area.

The site is currently underutilised and has been in a poor condition for some time and as a consequence of its current condition significant investment is now required to provide a higher value and sustainable use for the site.

The type of housing offer would complement the housing market in this area and is consistent with the approved Strategic Regeneration Frameworks. The proposal is in accordance with the Councils approved guidance in relation to affordable housing policies H8 and PA1.

**Space Standards** – 100 % of the apartments would meet or exceed the City Councils interim space standards and the apartments within the development would offer with good quantities of natural light, enhanced floor to ceiling heights and on site amenity space.

### **CABE/ English Heritage Guidance on Tall Buildings**

One of the main issues to consider in assessing these proposals is whether the scale of the development is appropriate. The development at between 5 and 11 storeys is considered to be tall buildings within much of their local context and as such the proposal does need to be assessed against Core Strategy Policies that relate to Tall Buildings and the criteria as set out in the Guidance on Tall Buildings Document published by English Heritage and CABE.

### **Design Issues, Relationship to context and impact on Heritage Environment**

This considers the overall design in relation to context and its effect on key views, listed buildings, conservation areas, scheduled Ancient Monuments, Archaeology and open spaces. The design has been discussed at pre-application with Historic England (although they confirmed that Historic England had no statutory basis to comment on the proposal and did not wish to offer further comment on the proposals), Places Matter and a public engagement took place.

The application site lies within the Smithfield Conservation Area, a designated Heritage Asset. There are no listed buildings nearby that would be directly affected by the proposals. The undeveloped nature of the site does cause a degree of visual harm to the character of the Smithfield Conservation Area and to the quality and character of the townscape. There is potential harm to the character of the conservation area from the almost complete demolition of 2 Union Street.

The development of vacant sites such as this, present the opportunity to enhance the character and appearance of Conservation Area. It is important however that the narrow-fronted character of the older buildings within the Conservation Area is reflected in any new development to ensure a vertical rhythm in the 'street wall' when viewed in perspective. The height, scale, colour, form, massing and materials of new buildings should relate to the existing high quality buildings and complement their character. Buildings within the conservation area do have different styles and use different materials, but natural materials such as brick and stone do predominates. Windows are generally deeply recessed to create deep modelling and visual interest within the facades. The corner emphasis characteristic of Manchester buildings is evident in Smithfield, and its use in new developments is therefore be encouraged.

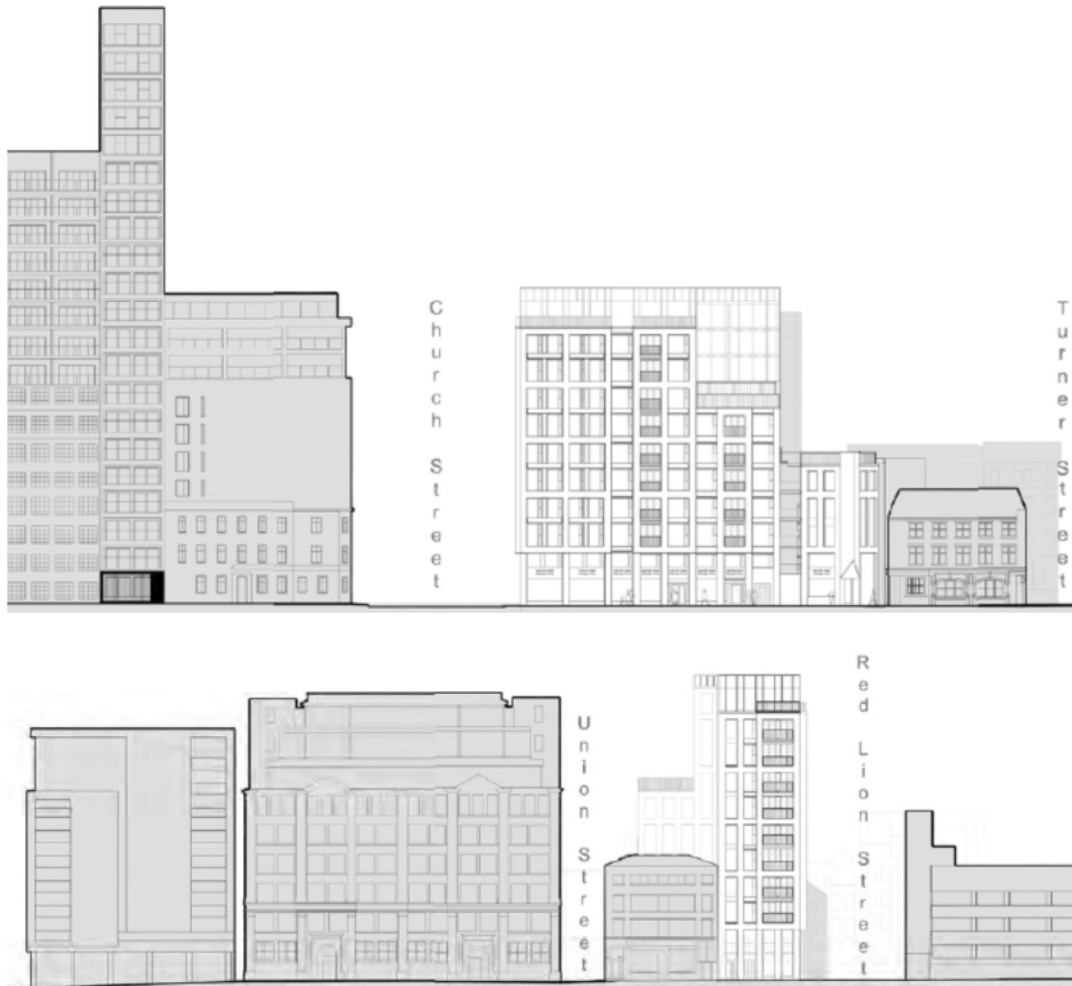
The areas to the south and west of the application site are generally of a larger overall scale than those to the north and buildings along Church Street reflect a transition in scale between these 2 parts of the Conservation Area and indeed from the commercial core to the smaller scale that typifies some sub areas of the Northern Quarter.

There are taller buildings in the area at 25 Church Street and Pall Mall Court on the opposite side of Church Street to the application site. Consent was granted for a 9 storey residential development on the corner of Church Street/Tib Street in 2008 and renewed 2010 but this has now expired. The Margolis Building at 7 storeys is taller than some buildings that characterise the north side of the Conservation Area. As such a key issue for consideration may not necessarily be one of height per se, but how this integrates with the streetscene and wider context.

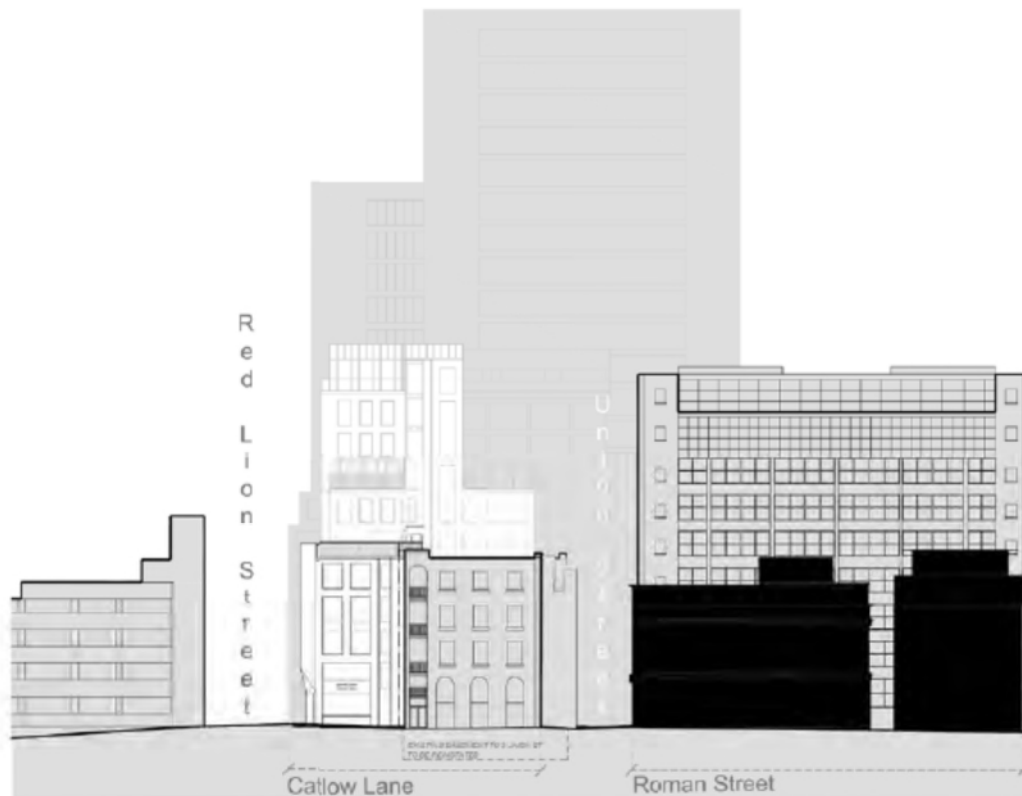
The scale and height of the building is important as the Church Street frontage occupies a very prominent location in the area. The building would mainly be viewed within the immediate area, and so it is important that it is read as a positive contributor to streetscape along Church Street, Dale Street and part of Turner Street. In this context it is considered that the development would have an appropriate presence within the streetscape, and would act as a placemaking element reinstating the status of Red Lion Street as a key entrance into the Northern Quarter and the Conservation Area.

The distribution of accommodation seeks to respond to the proportions, scale and mass of the adjacent built form, including some reference to the vertical rhythm of the street wall seen elsewhere within the conservation area and transitions in height and scale of the buildings on Church Street to those to the north of the site. Consequently, the development has been designed as a series of blocks of different heights that seek to respond to the urban grain. The highest part of the development would be at 11 storeys on Church Street where it would present a strong corner

feature. The development would then step down to 8 storeys along Turner Street and then down to 5 storeys at Catlow Lane to address lower buildings including 4-6 Union Street and Turner Street. There would be a step back at third floor behind the retained façade to Union Street to provide a transition to the new build element which is well setback from the retained frontage at levels 4-7, with a further setback at level 8. This stepped design would reduce the massing of the modern addition when viewed from the street level on Union Street.



The constrained nature of the site is a characteristic of the Conservation Area. The need to minimise the impacts on adjacent residential accommodation have to some extent driven the distribution of scale and massing proposed. The 11 storey element at the junction of Church Street and Red Lion Street would be the tallest built form on this side of Church Street and would be of a similar height to both 25 Church Street and Pall Mall House. This is considered to be acceptable on balance within the Church Street context.



The proposal would reinstate the linear character of the streets that characterise the Conservation Area. It responds to the T-shaped configuration of the site, facilitating the efficient use of this brownfield site. The scheme retains and integrates the retained facade to 2 Union Street which would increase the vitality of this frontage. Apartments would look out onto Union Street at both floors. The location of the main residential entrance and commercial units at ground floor level on this elevation would create an active street frontage and strong street edge to Red Lion Street.

One of the key characteristics of the Conservation Area south of Church Street is elevation rhythm created by the sense of regular plot widths. The treatment of the elevations and the expression of the massing as a series of blocks would create a proportion and rhythm that interprets the historic built form in a contemporary manner. The main facades to Red Lion Street, Church Street and Catlow Lane would feature a tri-partite subdivision that typifies that of the larger historic buildings within the Conservation Area with a differentiated ground floor, a middle portion, with deep reveals to the window openings with the top element creating a varied skyline.

The proposed materials are intended to reflect the diversity of the Northern Quarter, and aim to complement the wider townscape in terms of colour and textures.

The constrained nature of the site and the tight knit nature of the surrounding urban grain mean that this is a challenging site to redevelop. It also has to be recognised that within the context of the site constraints, a quantum of accommodation has to be delivered to make the scheme viable. The impact on sunlight and daylight levels within adjacent properties and the appropriateness of these within a City Centre context are discussed in detail below. However, it is inevitable that in order to bring

forward development on sites such as this, there will be some impact on the levels of amenity enjoyed by properties adjacent to a long vacant development site. These impacts are accentuated by the tight urban grain that prevails around the site. The design has sought to distribute the massing in a way which would fill the site and reinstate the historic building lines, in accordance with good urban design principles, it has also sought to distribute the blocks so as to minimise the impacts on adjacent properties.

The scheme has been modified since the first submission in order to reduce the impact on adjacent property, including a reduction in the number of apartments from 40 to 38. The development would impact on the levels of sunlight and daylight received in habitable rooms to the rear of 4-6 Union Street more than any other adjacent property. These current levels could, to some extent, be maintained if there was no development in this part of the site but this would be at the expense of reinstating the historic building line that had been absent since the site was cleared and, in terms of viability, would require more accommodation on other parts of the site which would accentuate impacts on other nearby residents. In order to respond to those impacts, the block at the junction of Red Lion Street and Catlow Lane has been reduced to a similar height to 4-6 Union Street and a new useable and secure external courtyard space has been created for the exclusive use of residents of that building. The use of lighter materials within the courtyard facing elevations would also create a brighter outlook. In addition improved from windows to the rear of 4-6 Union Street through to Red Lion Street has been created by breaking the new block to Red Lion Street.

The height has also been lowered on Union Street to reduce the impact on residents of 25 Church Street. However, the changes also include an increase in height at junction of Church Street and Red Lion Street from 10 to 11 storeys in order to maintain viability. This additional height would have some additional impact on some residents within 25 Church Street.

### **Significance of the Fabric of 2 Union Street and case to Support Demolition**

The submitted Heritage Assessment notes that an application to 'list' 2 Union Street was rejected in 2007, due to the extent to which the building had been altered, the ambiguity of its origins and its dilapidated condition.

2 Union Street is approximately 180 years old. The Heritage assessment concludes that that whilst the façade makes a positive contribution to the Smithfield Conservation area, and therefore retention of this facade is favourable; this is a remnant building of modest local heritage interest. However, it does contribute positively to the Conservation Area.

In its current state of disrepair, it would need a large amount of reconstruction to restore the building in its entirety. Evidence has been presented to demonstrate that the cost of these works, and the overall quantum of space that the development needs to deliver in order for the development to be viable, would preclude its inclusion within the scheme.



In accordance with national and local policy, the proposal seeks to retain the most significant part of the building, i.e. the street frontage onto Union Street, and integrate this into a development in a manner which complements the conservation area.

This would retain the most significant components of the Union Street frontage, expressing the modest significance of this component. The restoration would return symmetry to the façade and reinstate windows which have been lost as the building was adapted for various uses. The restored facade would have repaired brickwork using reclaimed brick from areas of the building which are to be demolished and new sash-style windows that are typical within the conservation area. The vinyl paint would be removed, and the stonework cleaned up.

The Heritage Assessment concludes that the alteration and partial demolition of the building would not cause substantial harm to the heritage values and character of the Smithfield Conservation Area. The proposed mixed use, high quality new build component would remove an unfortunate void within the streetscape and inject further vitality into the Northern Quarter.

2 Union Street has some heritage value and therefore, in accordance with the NPPF, a proportionate evaluation is required to balance the proposed interventions against its heritage significance. The levels of *harm* resulting from the adaptation of the building and the retention of the façade must be outweighed by the public benefits achieved by the development. It is considered that the relatively modest heritage impact would be out-weighted and mitigated by the public benefits in terms of the economic and social regeneration benefits that would result from the proposals.

### **Impact on the Character and Setting of the Conservation Area**

The site currently makes no contribution to the townscape. Its condition and appearance are poor, its buildings are inactive and the site currently has a negative impact in the area and there is therefore, considerable capacity for change which could enhance the setting of adjacent heritage assets and wider townscape. The views into and across the site are artificially opened because of the vacant sites, both on Red Lion Street and Tib Street. The character of this city centre site has historically been both diverse and densely packed

Summer view from the top floor of Affleck's Palace along Church Street towards the application site.



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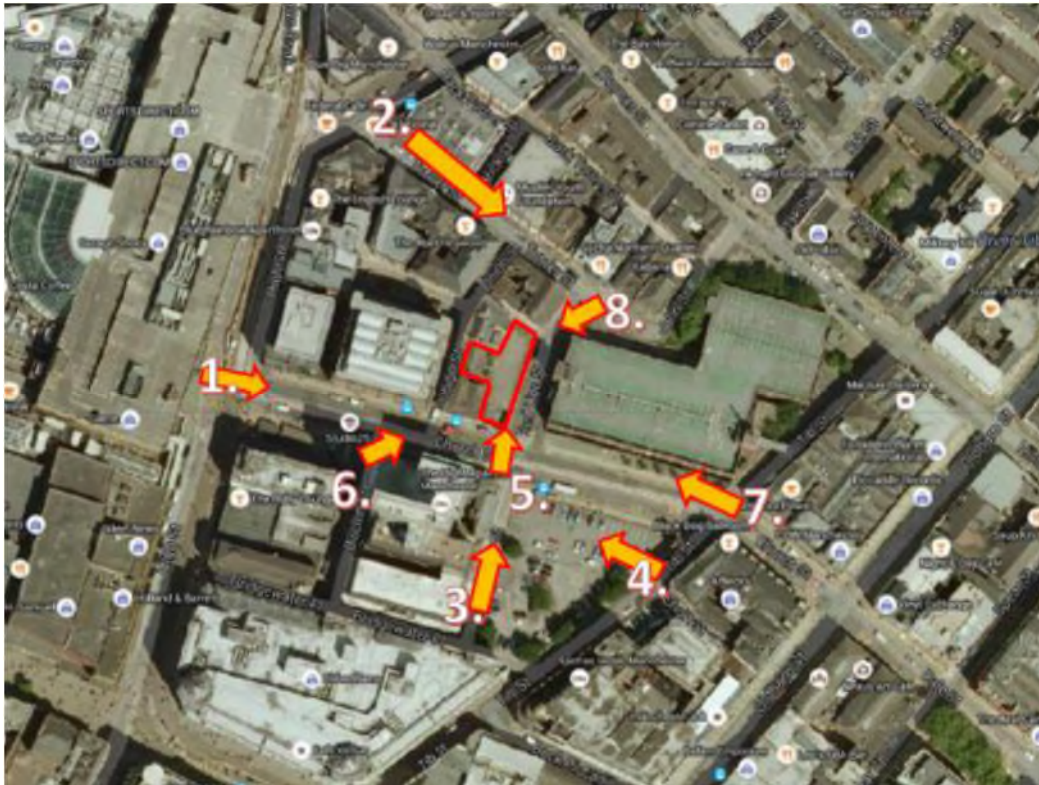
The effect of the proposal on key views, listed buildings, conservation areas, scheduled ancient monuments, archaeology and open spaces has been carefully considered. This largely cleared site has no heritage value, contributing little in terms of appearance or activity to the surrounding area and makes no contribution to the townscape. The proposed development would introduce buildings of an urban scale that would make a positive contribution to the wider townscape. Therefore, the development does present an opportunity to enhance the Smithfield Conservation Area.

There are no World Heritage Sites in the immediate vicinity of the application site..

Section 72 of the Listed Buildings Act requires members to give special consideration and considerable weight to the desirability of preserving the setting or preserving or enhancing the character or appearance of a conservation area when considering whether to grant planning permission for proposals that affect it. Development decisions should also accord with the requirements of Section 12 of the National Planning Policy Framework which notes that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance. Of particular relevance to the consideration of this application are sections 132, 133 and 134.

A Visual Impact Assessment (VIA), has been submitted that assesses the likely townscape and visual impacts of the proposals upon the site and surrounding area, including on the character of the Smithfield Conservation Area. The VIA has been carried out in accordance with English Heritage's Seeing the History in the View: A Method for Assessing Heritage Significance Within Views (May 2011) and considers 8 verified photo montages of the proposals from representative viewpoints which have been agreed through consultation with officers at the City Council providing a 360 degree analysis. Of these 8 views, 6 are currently considered as low value views

( views 1,3,4,5,6 and 7) and 2 as being of moderate value (views 2 and 8). The Assessment concludes that impacts would be low beneficial (views 1 and 4), moderate beneficial (views 6 and 7), high beneficial (views 5 and 8), imperceptible (view 2) and negligible (view 3). In terms of the highly beneficial impacts, this would result primarily from the removal of the dereliction and vacancy at the heart of the conservation area and replacement with a building of an appropriate high quality, scale and massing appropriate to its context.



The Visual Impact Assessment concludes that the proposed development would have a cumulatively positive impact on the character, appearance and views into the Smithfield Conservation Area. The development has considered the physical and visual impact on the wider townscape and has demonstrated that it would not be intrusive and would sit comfortably within its diverse context. It would create a positive architectural statement which would revitalises the enclosing streets and the city's skyline, while causing no substantial harm to any adjoining heritage assets.





The new development would sit relatively unobtrusively in the streetscape in view 1 and reflect the substantial scale and proportions of buildings on Church Street. The frontage would be clearly read as an addition to the collection of substantial blocks which line the street. The proposed Church Street frontage would have a moderate but positive visual impact on the streetscape, as it will remove a detracting void, while being visually absorbed within the overall composition presenting an axial landmark signalling the junction with Red Lion Street and the route towards Turner Street

Views 2 and 3 would have no direct impact on any individual heritage assets.

The new development would have a positive and substantial impact on this streetscape in view 4, as it would mark the junction of Church Street and Red Lion Street and fill the existing void in the townscape. The proposed height and mass would express the verticality of the Church Street frontage, as well as making a contribution to the skyline. However, the scale and proportions of the proposed block would be proportionate to the immediate townscape, and as a consequence the character and appearance of the conservation area would be enhanced by contributing to the restoration of the formerly tight urban-grain.

The new development would have a substantial but positive impact on the streetscape in view 5, by removing the void and thereby enhancing the character and appearance of the conservation area, as a whole, (i.e. its heritage values). The streetscape would be transformed and activated and whilst the skyline would be altered, any impact would be tempered by a stepping down to address the scale of the Able Heywood pub and Turner Street. Thus the scale and proportions of the building components within the view should mean that the character and appearance of the Conservation Area would be enhanced by contributing to the restoration of the tight grain of the townscape, with a focus on enhanced street level activity.

The proposed development would have a substantial and positive impact on this streetscape in views 6 principally as its height and mass would alter the skyline and create a new presence on Church Street which would counter the negative impact of the multi-storey car park and the much-altered warehouse at 27-29 Church Street. The development of the site would contribute to the enclosure of the streetscape, enhancing the urban grain by creating a proportionate edge to the wide street. The frontage block would also create a visual anchor to signal the connection along Red Lion Street with an appropriately proportioned landmark positively addressing Church Street. The kinetic views along Dale Street into Church Street would also be enhanced through the creation of a positive vertical landmark within the streetscape, countering the impact of the multi-storey car-park.

The substantial positive impacts on view 8 would particularly be experienced at the street-level, as the development would revitalise Red Lion Street, with a focus on the street-frontage activity connecting Church Street to Turner Street. The development to street-edge would animate the street and re-capture the historic character of the tightly-grained streets which are over-looked by substantial properties.

The NPPF stresses that '*great weight*' should be given to the objective of conserving designated heritage assets (paragraph 132), emphasising the need to avoid substantial harm to such designated heritage assets. Given this objective, any perceived harm, from demolition to visual compromise, resulting from insensitive development within the setting of a designated heritage asset, should be avoided and at least require '*clear and convincing justification*'. In this instance the development would result in some loss of historic fabric, but no impact on significant archaeological remains. There would be clear impact on views of the Smithfield Conservation Area but overall such impacts would be beneficial or at worst be negligible.

The NPPF Planning Practice Guide (2014) emphasises that, in general terms, "*substantial harm is a high test, so it may not arise in many cases*". Thus when determining whether a proposed development within the setting of a conservation area would result in substantial harm, a key consideration is whether or not the impact seriously affects an important element of its "*special architectural or historic interest*". It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The current proposals would have some physical impact in terms of loss of fabric on 2 Union Street but this is considered to be only of low / some significance to overall to the value of the conservation area as a heritage asset. Principally any impact would be visual one on the setting of the Smithfield Conservation Area from specific views. It is not considered therefore that the level of harm is 'substantial'.

It is necessary to have special regard to the desirability of preserving the setting of the above Heritage Assets. However, as any harm is considered to be 'less than substantial', paragraph 134 of the NPPF requires that the impact of the development *should* be evaluated against the mitigation that would be provided from the wider public benefits of the proposals including securing its optimum viable use which can include heritage benefits.

The scheme would enhance the character of the conservation area and would result in heritage benefits, notwithstanding the level of harm that would result from the almost complete demolition of 2 Union Street. The public benefits of the proposals are clearly set out elsewhere in this report but would include the comprehensive delivery of a high quality development on a entry point into the heart of the Northern Quarter, providing 38 apartments, new sources of employment both during construction and post completion and improved connectivity, permeability and placemaking.

Instances of harm resulting from this development are all considered to be low and would not affect the character or appearance of the Smithfield Conservation area as a whole. The site is currently a negative element on the setting of the conservation area and wider townscape.

Given all of the above it could be argued that the urban form and pedestrian environment would be enhanced by the development and it is considered that the considerable and extensive public and heritage benefits that would be delivered would outweigh the 'less than substantial harm' that would be caused to the character of the conservation area.

It is considered, therefore, that, notwithstanding the considerable weight that must be given to preserving the setting of the conservation area as required by virtue of S72 of the Listed Buildings Act, any harm caused by the proposed development would be less than substantial and would be outweighed by the public benefits of the scheme and meet the requirements set out in paragraphs 132 and 134 of the NPPF. In addition for the reasons set out above it is considered that the proposed development has been designed with regard to the sustaining and enhancing the significance adjacent heritage assets and would make a positive contribution to local character and distinctiveness and therefore meets with the requirements of paragraph 131 of the NPPF.

### Architectural Quality

The key factors to evaluate are the buildings scale, form, massing, proportion and silhouette, materials and its relationship to other structures.

The Core Strategy policy on tall buildings seeks to ensure that they complement the City's existing buildings and make a positive contribution to the creation of a unique, attractive and distinctive City. It identifies sites within and immediately adjacent to the City Centre as being suitable for tall buildings.

The scale, massing and proportion of the proposals have been discussed above. The design aims to create a contemporary interpretation of the typical tripartite subdivision seen in many traditional buildings nearby.

The Northern Quarter and The Smithfield Conservation Area contain a large number of red brick buildings, and the proposals seek to respond to this look and feel. Some contemporary developments within the Northern Quarter are in contrast to historic facades, and incorporate contemporary materials, such as zinc and cladding panels. This proposal seeks to establish a less pronounced contrast in this respect, using red brick as a base material, with other contemporary materials, to relate to some of the older buildings.

The design would reflect the historic street-pattern and would sit well within the streetscape. Though the proposal is contemporary, the proportions of the bays, the windows, and the spacing of the structural grid do reflect the historic urban grain.

The palette of materials is reminiscent of the industrial heritage associated with the Northern Quarter. However, the modern, durable features proposed such as corten steel cladding, balustrades and window surrounds would ensure that the development is not pastiche and is clearly a modern addition.

The frontage to 2 Union Street would be sensitivity repaired and restored using reclaimed brick from the areas of the building which are to be demolished. Sash style

windows would be repaired or replaced and a window arch would be reinstated at first floor. The vinyl paint to stonework would be removed and the stonework surrounding the entrance cleaned and restored.

A condition requiring samples of materials and details of jointing and fixing details and a strategy for quality control would be attached to any permission granted. It is considered therefore, that the proposals would result in high quality building that would be appropriate to its context.

### Contribution to Improving Permeability, Public Spaces and Facilities and Provision of a Well Designed Environment

The Northern Quarter is a vibrant part of the City Centre, popular with both tourists, residents and users of the City Centre for its appeal as a place to live, work or spend leisure time and for its distinctive architectural character. Currently the width of the footway on the Red Lion Street perimeter is narrow and there is significant scope for improvements to this which the proposals would deliver. Red Lion Street is an important route for many pedestrians entering the Northern Quarter.

The improvements to the pedestrian experience at street level would be of considerable in terms of improving the accessibility of the site and the legibility of the wider public realm within the Northern Quarter.

Redevelopment would open the site up for the first time in 50 years, reconnecting it with the surrounding streetscape. The development would provide passive security interacting with Union Street, Red Lion Street and Church Street. It would therefore, contribute to the safe use of the streetscapes, as well as its vitality, social engagement in order to create an enhanced sense of place.

### Credibility of the Design

Proposals of this nature are expensive to build so it is important to ensure that the design and architectural is maintained through the procurement, detailed design and construction process. The design team recognises the high profile nature of the proposal and the design response is appropriate for this strategically important site.

A significant amount of time has been spent developing the proposals and carefully costing the design throughout, with the aim of ensuring that the scheme submitted for the planning application will be the scheme that is constructed and delivered.

The proposal has been assembled by a team comprising an experienced collection of client and design team members, with a track-record of developing high-quality buildings, including residential apartments.

The development has been demonstrated to be both viable and deliverable. Detailed initial investigations, including the: ground conditions, structural integrity of the surviving building, and the archaeology of the site have been carried out which should help to insure against any un-foreseen costs.

The prominent location and the challenging nature of this site have frustrated previous development proposals. However, the design team recognises that a scheme of architectural quality is required to meet the range of development challenges. This is recognised as a basic requirement of the City Council, which is particularly pertinent when proposing to redevelop such a site in the City Centre.

As a result the design development has been extensive, with a range of ambitious schemes having been tested before defining a preferred option. Thus resources have been committed in developing the proposals (as well as carefully costing the design throughout) in order to ensure that the scheme submitted for Planning approval is ready for delivery, as the applicant is keen to start on site as soon as possible.

### Relationship to Public Transport Infrastructure

The highly accessible location would encourage the use of more sustainable forms of transport. It is within 400m of bus and tram stops at Shudehill and Piccadilly Gardens bus stations and route 1 of the free Manchester City Centre Metroshuttle bus service runs nearby.

Piccadilly Rail Station and Victoria rail station are within easy walking distance. Such good connections would reduce the reliance on the private car. The proximity to jobs and services within the city centre mean that many residents would make these journeys on foot.

The opportunity to provide on-site parking is constrained by the characteristics of the site and by the need to ensure that new development maximises the vibrancy of the area by creating active uses at ground floor level and maximises passive surveillance of the surrounding public realm. Surface car parking would greatly reduce the 'active' contribution which the development would currently make to surrounding streets.

Should residents of the development require a parking space, there are sufficient opportunities to lease spaces from local public MCC / NCP controlled car parks. A Transport Statement outlines the zero-car parking approach, but reviews local parking opportunities for any resident wishing to own a car. The Travel Plan notes that the City Car Club is available and has offered an established car sharing service since 2006. The service offers a 'pay by the hour' car club rental scheme, giving city centre residents a more convenient and cost effective alternative to longer-term car ownership. The closest bay to the application site is at Tib Street.

The Transport Statement concludes that the proposal would not adversely affect the operation of the highway or transport network and meets the criteria set out in national and local policy for sustainable development and that overall impact of the development on the local transport network is likely to be minimal.

### Sustainability

Tall buildings should attain high standards of sustainability because of their high profile and local impact. The application is supported by an Energy Statement and Environmental Standards Statement (ESS) which set out how the proposal accords with this objective. It provides a detailed assessment of the physical, social,



economic and other environmental effects of the proposal and considers it in relation to sustainability objectives. The ESS sets out the measures that could be incorporated across the lifecycle of the development to ensure high levels of performance and long-term viability and ensure compliance with planning policy.

Policy DM1 requires that Code Level 4 of the Code for Sustainable Homes rating criteria is achieved, but the Code was revoked in March 2015. However, it is important to understand how a development performs in respect of waste efficiency and energy standards.

Energy use would be minimised through good design in accordance with the Energy Hierarchy, improving the efficiency of the fabric and using passive servicing methods before the application of energy reducing and then low carbon technologies.

Good practice sustainability measures have been incorporated in the design and are summarised as follows:

Minimising the impacts of climate change is a key element of the proposed design. The proposed energy strategy will incorporate an enhanced 'fabric led' material specification plus Combined Heat and Power for residential elements and Air Source Heat Pumps for retail elements, along with high quality design and construction standards to improve the energy efficiency of the buildings.

The residential apartments are specified to achieve a 21.9% emission rate reduction over Building Regulations, Part L (2013). Which exceeds the requirements of adopted Core Strategy Policy EN6 and would achieve the equivalent of a Code 4 Breeam rating.

The non-domestic elements of the scheme are specified to achieve a 20.6% emission reduction over Part L 2013. This also exceeds the requirements of adopted Core Strategy Policy.

The dwellings have been proven to perform well above the mandatory energy performance criteria of 19% emission rate reduction over Part L1A (2013) as required by Code for Sustainable Homes Level 4.

These proposals will deliver a scheme that is inherently efficient and cost effective during occupation and that accords with the adopted Core Strategy Policy EN 4, EN6 and the Supplementary Planning Document (SPD) criteria. The principles of the energy hierarchy have been applied and with the combination of energy saving measures results in a potential total CO2 emissions reduction over the current Building Regulation target (2013).

#### Effects on the Local Environment/ Amenity

Sunlight and overshadowing, air quality, noise and vibration, construction, operations and TV reception, privacy and overlooking.

#### **Daylight, Sunlight and Overshadowing**

The nature of high density developments in City Centre locations does mean that amenity issues, such as daylight, sunlight and the proximity of buildings to one another have to be dealt with in an a manner that is appropriate to their context.

An assessment of daylight, sunlight and overshadowing has been undertaken, using specialist computer software in order to measure the amount of daylight and sunlight that is available to windows in a number of neighbouring buildings. The assessment made reference to the BRE Guide to Good Practice – Site Layout Planning for Daylight and Sunlight Second Edition BRE Guide (2011).

Although not mandatory, this is generally accepted as the industry standard and is used by local planning authorities as a guide in terms of considering these impacts. The guidance is advisory, does not have ‘set’ targets and is only intended to be a guide to be interpreted flexibly. There is a need to take account of locational circumstances, such as a site being within a town or city centre where higher density development is expected and obstruction of natural light to existing buildings is sometimes inevitable.

The neighbouring residential properties at Clydesdale House (27 Turner St), 25 Church Street, 56 High Street, 58 High Street, 4 - 6 Union Street, 3 - 7 Union Street, and 8 - 12 Union Street (backing onto Edgehill Street) have been identified as being subject to potential daylight and sunlight impacts arising from the proposals.

### **Daylight Impacts**

In terms of this, there are also 2 aspects to consider. Firstly, how much Daylight can be received at the face of a window. This test is often referred to as the Vertical Sky Component (or VSC ). This is a measure of the percentage of the sky visible from the centre of a window.

Naturally, the less sky that can be seen from a window, the less daylight available to the room served by the window. Thus, the lower the VSC, the less well-lit the room will be. In order to achieve the daylight recommendations in the BRE, a window should retain a VSC of at least 27%.

In addition to simply testing how much daylight can reach the outside face of a room’s window, the Guide also allows for an assessment of how the light is then cast into the room, in effect, it allows a visualisation of the parts of the room where there will be direct sky view and the parts that will not have direct sky view. This is known as ‘Daylight Distribution

Daylight may be adversely affected if after the development, the area in a room which can receive direct skylight is reduced to less than 0.8 times its former value. Where the layouts of neighbouring properties are not known, as is largely the case here, then this test is not undertaken. This analysis has been carried out for 4-6 Union Street where the layouts are known and because unlike 25 Church Street some of the windows do not pass the alternative ‘mirror image’ target which is explained below.

If the direct skylight to a room is reduced to less than 0.8 x its former value, this would be noticeable to the occupants. A reduction of VSC to a window more than 20% does not necessarily mean that the room served would be left inadequately lit; it means that there is a greater chance that the reduction in daylight would be more apparent to the occupier.

It should be noted however that the achievement of at least 27% can be wholly unrealistic in a high density city centre context as this measure is based upon a suburban type environment i.e. equivalent to the light available over two storey houses across a suburban street. It is noted that VSC level diminishes rapidly as building heights increase relative to distance of separation and within city centre locations the corresponding ratio for building heights relative to distances of separation is frequently much greater than this. Therefore the adoption of the 'standard target values' is not the norm in a city centre. If the guidance were to be applied rigidly in city centres, very little development would be able to be built.

The BRE Guide recognises that different targets may be appropriate depending on factors such as location. It acknowledges that if a building stands close to a common boundary, a higher degree of obstruction may be unavoidable. This is common in urban locations in particular.

25 Church Street and 4-6 Union Street currently receive more than their fair share of daylight from over the application site which is cleared. It is therefore necessary to determine what the reasonable expectation of residents should be in relation to daylight levels. The BRE Guide therefore permits the setting of 'alternative' target values in city centre locations such as this. The methodology for setting new targets is set out in Appendix F of the Guide and suggests that *alternative VSC targets* are derived by calculating the level of light that the window would achieve if obstructed by a *hypothetical 'mirror-image'* of the existing neighbouring building, an equal distance away from the boundary.

Assumptions:

- 25 Church Street – windows to the lower levels serve non domestic areas and have not been assessed.
- 4-6 Union Street- Windows serving non-habitable stairs and landings have been disregarded.
- City Councils assessment of impact is based on the actual impacts of the current scheme not how this performs against the previously submitted scheme.

In terms of 8-12 Union Street, 56 High Street, 58 High Street and 27 Turner Street 100% of all windows that were within the test zone pass the VSC test.

At 3-7 Union Street 97% pass the VSC test and the 3 windows that would fail would only be slightly over the 20% target (23% and 24% reductions from starting values).

At 25 Church Street against the conventional 27% VSC and 0.8 criteria, 41 of the 102 windows tested would pass (40%).

For 25 Church Street, using a hypothetical 'mirror image' scenario and the alternate VSC figures and 0.8 reduction criteria, all 102 of the 102 windows would pass.

4 - 6 Union Street has 4 windows that are built into its east wall directly abutting the boundary, along with numerous other windows serving a lightwell between two 'wings'. 8 windows out of 28 (29%) in this property pass the VSC standard target value tests. Of the 20 of the 28 windows (71%) do not meet the standard VSC target values (that is, they do not achieve a VSC of 27%, and/or experience a loss of more than 20%). Out of these 20 windows, only 3 passed the 27% VSC before the proposed development.

Using the alternate VSC figures for a hypothetical 'mirror image' scenario for 4-6 Union Street, 19 of the 28 windows would pass, and 9 would fail, this being equivalent to a 68% pass rate.

Whilst judgements about impacts on the acceptability of the proposals are based on the current scheme it is noted that this is an improvement from the submitted February scheme results, whereby 5 passed the VSC test and for the 'mirror image' only 7 of the 28 windows.

There are 8 flats in 4-6 Union Street which have windows that face the proposed development. These 8 flats have 10 rooms served by windows that face the development. Flat C, which has 2 basement rooms (one bedroom and one lounge/kitchen) and 1 ground floor bedroom, will be the most affected by loss of daylight. This is to be expected but it is not unusual for basement and ground floor rooms to be less well-lit than rooms above. The BRE Guide recognises that daylight is less important in bedrooms than other habitable rooms.

Whilst there is undoubtedly going to be some impact upon the occupiers of the Flat C, the remaining rooms serving the remaining flats, whilst suffering some losses, would still enjoy a level of daylight within their respective rooms, which it is considered would be commensurate with the levels that would be expected living in a densely developed city centre environment.

It should be noted that the effects and losses of the proposed development upon light to neighbours are exacerbated in the results because the test model correctly assesses the adjacent development site as it is now, that is a cleared site. The windows to the flats in 4 to 6 Union Street have enjoyed an extraordinary amount of light over recent years simply because the development site has remained derelict. The primary impact of the proposed development would be on the lower two flats (out of 8) at basement and ground floor levels served by three rooms. Two of these three rooms (serving Flat C) are bedrooms.

In terms of the affected windows it should be noted that many of the windows already have very poor VSC levels to begin with (for example in Flat C, 2 of the affected windows are blocked by the north wing of that building and some windows in the basement consist of glazed bricks) and that the results of many of the tests have improved as a result of the changes to the proposed development compared with the original submission, in particular the reduction of adjacent building height and the introduction of the courtyard between the 2 buildings

## Sunlight Impacts

For Sunlight Impact assessment the BRE Guide sets the following criteria:

The BRE sunlight tests should be applied to all main living rooms and conservatories which have a window which faces within 90 degrees of due south. The guide states that kitchens and bedrooms are less important, although care should be taken not to block too much sunlight. The BRE guide states that sunlight availability may be adversely affected if the centre of the window

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March;
- Receives less than 0.8 times its former sunlight hours during either period;and
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

As with daylight in a situation where sunlight to a window is reduced by over 20%, it does not automatically mean that sunlight to that room will be insufficient it just means that the loss may be more noticeable to the occupier of that room.

Again, the BRE guide acknowledges that if an existing building stands close to the common boundary a higher degree of obstruction may be unavoidable, especially in urban locations. The Guide goes on to explain that where existing neighbouring buildings sit close to the boundary, as is the case with 25 Church Street and 4-6 Union Street, alternative Sunlight hour targets may be applied. The methodology for setting a new alternative targets Annual Probable Sunlight Hour (APSH) targets is derived by calculating the level of light that the windows would achieve if obstructed by a hypothetical 'mirror-image' of the existing neighbouring building, an equal distance away from the boundary again as set out in Appendix F of the Guide.

For a City Centre site capable of accommodating high density developments that are required to achieve the City's residential growth targets, the application site is currently under developed. As such, buildings that overlook the site have benefitted from conditions that are relatively unusual in a City Centre context. Therefore the existing baseline situation against which the sunlight, daylight and overshadowing impacts of any proposed development on this site would be measured are not considered to be representative of the usual baseline situation that would be encountered within an urban environment and any development of a similar scale to the existing buildings in the vicinity of the site would provide for more extreme impacts.

Overall the impacts can be summarised as follows:

In terms of 8-12 Union Street, 56 and 58 High Street and 27 Turner Street 100% of all windows that were within the test zone pass the total and Winter Annual Probable Sunlight Hours (APSH) test. At 3-7 Union Street 64 out of 78 (82%) would pass and it can be concluded that the property would not be adversely affected by the proposed development.

At 25 Church Street 63 out of the 94 windows (67%) pass the BRE sunlight tests. For a 'mirror image' scenario all 94 windows would pass, representing a 100% pass rate.

At 4 - 6 Union Street, 13 windows (serving 9 rooms) have been tested for sunlight availability. Using 'standard' target values, only 1 window passes these targets and 12 fail. Using 'mirror image' target values, 8 of the 13 windows (62%) windows would pass the sunlight tests.

In the context of the above it should be noted that the affected properties have numerous windows overlooking a cleared site. This cleared plot, in the centre of Manchester, does not reflect how the site was previously utilised, nor, a typical plot in keeping with this part of Manchester.

### **Overshadowing**

There are no open amenity spaces in the vicinity of the Development site that justify the need for a permanent shadowing and sunlight hour's appraisal

The impacts on the levels of daylight and sunlight enjoyed by some of the residents of 25 Church Street and 4-6 Union Street are of some significance particularly in the case of a number of apartments within 4-6 Union Street. However, this is to some extent inevitable if the site is to be redeveloped to a scale appropriate to the sites location within the City Centre, in the context of the need the need for development to respond appropriately to its adjacent and to ensure that any consent is granted for a development that is viable and deliverable.



The following matters are however important in the consideration of this matter:

- Buildings that overlook the site have benefitted from conditions that are relatively unusual in a City Centre context;
- It is generally acknowledged that when buying/renting properties in the heart of a city centre, that there will be less natural daylight and sunlight in homes than could be expected in the suburbs;
- When purchasing or renting a property in any urban location, sited close to a derelict plot of land, the likelihood is that, at some point in time, redevelopment will occur. This is increased in a city centre like Manchester where there is a shortage of city centre housing in both the owner occupier market and the private rented sector;
- The existing light levels afforded some rooms are already poor;
- The most affected rooms (4-6 Union Street) are mainly non habitable rooms;
- The application site is within the City Centre and is designated for high density use;
- Reductions to the scale of the development could make it unviable.

It is considered that that the above impacts have been tested and perform reasonably against the BRE guidelines

Overall Impact on amenity of residents of 4-6 Union Street and 25 Church Street including privacy and overlooking

A key consideration is whether the proposed scheme would maintain a satisfactory level of amenity for neighbouring residents. The properties currently benefit from being adjacent to a site which has been vacant for over 45 years. Historically the warehouse buildings which stood on the application site were of an equivalent scale to the remaining buildings on the block today and these were built up immediately against the rear gables of 4-6 Union Street.

The applicants and their design team have sought to develop a scheme which seeks to minimise impacts on affected properties and the scheme has been modified as detailed elsewhere in this report.



The following points should be noted:



- With the exception of the 11th floor all windows facing onto 25-27 Church Street and 4-6 Union Street have now been removed from the proposals;
- Some of the courtyard walls would be finished in white render to reflect the natural light being provided by the new courtyard. The courtyard is provided purely for the benefit of residents at Nos 4-6 Union Street, and access to the courtyard would only be for their enjoyment, as well as for the maintenance of the facades and windows which look onto it by Riverside Housing.
- The development acknowledges the habitable room openings in the rear elevation of 4- 6 Union Street and the presence of a narrow niche adjacent to this, containing secondary windows. The design incorporates an new internal courtyard in this location.
- In considering the potential impacts to 4-6 Union Street, the urban context and historic form of the area must be acknowledged. The development site and surrounding buildings form part of a Georgian / Victorian era grid iron street layout, which would have once been predominated by industrial buildings. Whilst the BRE standards provide a useful starting point in terms of assessment, the city centre location and history associated with the Site should be considered here. The dense character of the Northern Quarter and City Centre generally means that most new residential development would not meet the BRE standards.
- Distances between the built elements of the proposals and 25 Church are on the whole much larger than is characteristic of that between other buildings within the immediate area (min 5.4m (ground and 1<sup>st</sup> floor- max 20.8m 9<sup>th</sup> floor) for examples the distance between windows at 25 Church Street is only 6m.
- The proposed development in the retained 2 Union Street Elevation would bring built development within 5.4 metres of the lower three floors of 25 Church Street, the ground floor of which is understood to be in commercial use. Working within the constraints of retaining this building and providing a positive use for the site means that the window positions at first and second floor are very much fixed and offer the only opportunity for habitable openings for residential accommodation. The floor plate has been set back at above first floor to minimise direct views of neighbouring windows. Direct views from the upper level of accommodation behind the retained facade will not be possible due to the height difference of floor levels.
- The site is in a city centre location where similar separation distances are prevalent including on other properties on Union Street. In the new apartment building above the retained 2 Union street frontage, west facing openings are generously set back 9.2 m and the fourth floor terrace incorporates an 1800mm high privacy grill / screen to minimise any loss of privacy for residents in 25 Church Street. The option to introduce such design features to the historic frontage below is clearly not possible due to the harm that it would cause to the appearance of the building and the lack of other viable opportunities to create openings in this existing historic building.

- It is noted that Manchester have an identified housing need to respond to, with the city centre identified as the most appropriate location for new development. The outright protection of views from the windows within 4-6 Union Street would be unduly prejudicial to the proper development of the application site. The proposal would result in the efficient re-use of a long standing brownfield site which has a negative impact on the surrounding townscape. It is considered on balance, given the design changes that have been made to seek to reduce any impact on the affected residents of that building, that the public benefits of the proposals outweigh the impacts created by the presence of windows permitted under a previous development.



Wind

The effect that buildings have on the wind environment at pedestrian level and the likely wind conditions resulting from new developments have an impact on pedestrian comfort and the safe use of the public realm. While it is not always practical to design out all the risks associated with the wind environment, it is possible to provide local mitigation to minimise risk or discomfort where required.

A desk study has been carried out provide a qualitative review of the pedestrian level wind microclimate of the proposed Red Lion Street development, in Manchester, UK. The study has given consideration to likely wind effects relevant to key pedestrian areas in and around the proposed development informed from detailed boundary layer wind tunnel studies for similarly massed schemes in the urban environment, in conjunction with analysis of long-term wind statistics applicable to the site terrain analysis of the immediate surroundings and structural information using the industry standard Lawson criteria for pedestrian comfort and safety.

The study concludes that with the introduction of the proposed development, wind conditions within the site and the surrounding area are expected to be considered acceptable, in terms of pedestrian comfort and safety, for existing and planned uses. The recreational areas on the roof on the west side of the development and the north side of the development are relatively shielded from the prevailing winds. Therefore, wind conditions are expected to be suitable for outdoor recreation. The proposed development is not expected to have an adverse impact upon the surrounding area

### Air Quality

Activity on site during the construction phase may cause dust and particulate matter to be emitted into the atmosphere but any adverse impact is likely to be temporary, short term and of minor adverse significance. This aspect can be mitigated through appropriate construction environmental management techniques such that the effects are not significant. A condition would be attached to any consent granted requiring a scheme for the wheels of contractors' vehicles leaving the site to be cleaned and the access roads leading to the site swept daily to limit the impact of amount of dust and debris from the site on adjacent occupiers.

The site is located within an Air Quality Management Area (AQMA), which covers the whole of Manchester City Centre, and is declared for potential exceedences of the annual nitrogen dioxide (NO<sub>2</sub>) air quality objective. The principal source of air quality effects would be from increased vehicle movements associated with the residential building. However, the proposal is located in the City Centre and as such has good public transport access by tram, bus and rail, providing access to alternative modes of transport for trips to the site by car.

### Noise and vibration

Whilst the principle of the proposal is considered to be acceptable the impact that adjacent noise sources might have on occupiers does need to be considered. The application is supported by a Noise Report which concludes that with appropriate acoustic design and mitigation, the internal noise levels can be set at an acceptable level.

The level of noise and any necessary mitigation measures required for any externally mounted plant and ventilation associated with the building should be a condition of any consent granted.

Access for deliveries and service vehicles would be restricted to daytime hours to mitigate any potential impact on the adjacent residential accommodation.

It is acknowledged that disruption could arise as a result of the construction phase of work. The applicant, their contractors will work with the local authority and local communities to seek to minimise disruption.

The contractors would be required to engage directly with local residents. The enabling works package has followed this process. The provision of a Construction Management Plan should be a condition of any consent granted. This would provide details of mitigation methods to reduce the impact on surrounding residents

### TV and Radio reception

The TV and Radio Reception survey has highlighted a potential impact zone for terrestrial television reception shown. This has not indicated a potential impact zone for satellite television reception, as the majority of buildings directly to the north are greater in height than the proposed development. However, a domestic satellite dish located on the corner of Edgehill Street would be blocked by the proposed development as would a an existing IRS system antenna feeding a multiple of flats, on an adjacent building at 4 Union Street, and these could potentially be affected by the proposed development. Subsequently mitigation will therefore be required.

The potential impact zone for terrestrial television reception covers an area to the southeast of the proposed development. The majority of the potential impact zone covers the Church Street Car Park and as such they do not envisage any issues. However, the extremity of the potential impact zone covers a small area of Tib Street, where there are existing properties and mitigation maybe required.

If tower cranes are used on site these could cause interference on a greater scale than the completed development. This interference would be for the duration of time that the tower cranes are present.

Mitigation measures which are capable of being a condition of any consent granted are recommended in the Report in order to rectifying reception issues.

### Conclusions in relation to CABE and English Heritage Guidance

In assessing the development in the context of the CABE and English Heritage criteria it is considered that whilst the level of impacts would bring sunlight hours below the BRE recommended thresholds for some windows it is common in a densely developed city centre locations for impacts to exceed guidance. Such impacts also need to be considered in the context of the wider benefits of the proposals which are discussed in more detail elsewhere on this report

On balance, it is considered that the applicant has demonstrated that the proposals would meet the requirements of the guidance as well as the policy on Tall Buildings within the Core Strategy and as such the proposal would provide a tall building of a quality acceptable to this site such that the development would be consistent with sections 1, 2, 4, 6, 7 and 8 of the National Planning Policy Framework policies SP1, DM1, T1, EN1, EN2, EN4 EN6, EN9, EN11, EN16, CC4, CC6, CC9\_and CC10 of the Core Strategy and saved UDP policies DC26.1 and DC26.2.

**Parking, Servicing and Access, Green Travel Plan / Cycling** -A new loading bay / drop off point would be provided on Red Lion Street for use by both residents and commercial units and for refuse collection from the building. No objections have been raised by the Head of Highway Services in relation to any adverse impacts from the development on existing highway and junction capacity.

A Framework Travel Plan document has been submitted which aims to reduce unnecessary car journeys and increase the number of people who walk, cycle and use public transport. This recognises the need to encourage those accessing the development and visitors to travel by sustainable transport modes and the applicant has indicated their commitment to the development and implementation of a Travel Plan that would promote car sharing, cycling, walking, and public transport and thereby reduce the demand for on-site parking spaces. Any approved Travel Plan would be expected to be fully implemented at all times when the development is in use.

In view of the above the proposals are consistent with section 4 and 10 of the National Planning Policy Framework, and Core Strategy Policies SP1, DM1 and T2.

**Crime and Disorder** - It is considered that the increased footfall within the area from the additional residential population and the improvements to lighting would improve security and surveillance in the area. Greater Manchester Police have been involved in pre-application discussions and have provided a crime impact assessment. It is expected to achieve Secured by Design accreditation and a condition requiring that the development seeks to achieve that accreditation is recommended.

Subject to compliance with this and in view of the above the proposals are consistent with Core Strategy Policy DM1.

**Archaeological issues** - On the basis of the Desk Study it is considered that the appropriate mitigation is acceptable. Prior to development commencing an archaeological evaluation through trial trenching would be undertaken to establish the presence, character, extent and relative significance of any archaeological remains. Should this locate well preserved archaeology, the areas of interest would be opened out and recorded through further controlled archaeological excavation. This work can be secured by a condition that would be attached to any consent granted.

In view of the above the proposals would be consistent with section 12 of the National Planning Policy Framework, Policy DC20 contained in the UDP and policy CC9 of the emerging Core Strategy

**Biodiversity/Wildlife Issues** - The proposed development would have no direct adverse effect on any statutory or non-statutory designated sites.

No evidence of bat activity could be located at Red Lion Street. The building could only be surveyed externally and did not support external features which bats could use. The building was too dangerous to survey fully internally, but no roof voids exist, and rainwater is accessing all internal areas due to large holes in the roofs. The property is currently derelict and has suffered from fire damage. The property has

extremely low potential to support bats. The Greater Manchester Ecology Unit have accepted the methodology and survey findings.

The site does support birds which are likely to nest within the building (Feral Pigeons - no other species of bird was located). All birds are protected at the nest under The Wildlife & Countryside Act 1981 (as amended). It is recommended that demolition takes place between September and February to avoid the bird nesting season. If this is impractical, a nesting bird check may be required per area of the building and the all-clear given to demolish if no active nests are found.

The submitted Ecology Report concludes that demolition can proceed without the need for further survey work (e.g. activity surveys) or bat mitigation due to the limited potential of the buildings to support bats. However, if the work is delayed by longer than two years from the date of this survey, a further bat survey will be required to update the findings.

The Report does notes that bat absence is very difficult to prove definitively due to their mobility and size, and single or small numbers of bats are able to roost in extremely small spaces, such as in gaps within brickwork. Demolition would therefore need be undertaken with care due to the surrounding residential and commercial buildings and If during development works a bat (or an accumulation of bat droppings) is discovered at any time, work should temporarily cease whilst an experienced bat ecologist is contacted for guidance and assistance.

The proposed 'green' roof would create opportunities to enhance and create new biodiversity on-site by providing habitat for insects and birds.

In view of the above the proposals are considered to be consistent with policy EN15 of the Core Strategy.

**Waste and Recycling** - Common refuse and recycling facilities would be provided within 2 dedicated bin stores. This would include 7 refuse bins and 8 recycling containers for pulpable materials, mixed recycling and food waste.

The stores have been sized to reflect the number of units serviced by each core. Waste collections would take place from Red Lion Street and bins would be moved via the bin store exits to this location by the building managers for collection. All bins are fully accessible to residents at all times. Bins for each type of waste would be clearly marked.

In view of the above it is considered that on balance the level of provision for potential disabled residents of both the apartments and townhouses is consistent with Core Strategy policy DM1.

**Flood Risk and Sustainable Urban Drainage Strategy** - The application sites lie within Flood zone 1 and is deemed to be classified as a low risk site for flooding from rivers and sea and ground water.

The site also lies within the Core Critical Drainage Area within Manchester City Council's Strategic Flood Risk Assessment which requires a 50% reduction in

surface water run-off as part of any brownfield development. The Government has strengthened planning policy on the provision of sustainable drainage systems (SuDS) for major planning applications which was being introduced from in April 2015. As per the guidance issued by the Department of Communities and Local Government (DCLG), all major planning applications being determined from 6 April 2015, must consider sustainable drainage systems.

The applicant has prepared a SUDS Statement which details how adequate surface water management would be dealt with at the site in order to control the risk of both on- and off-site flooding associated with the development to be minimised and/or managed.

The report outlines that the current site is entirely hard-paved, and as such the impermeable area will not be increased by the proposed development. Run-off generated by the proposals will be derived from roofs only. The report has considered the various methods of managing surface water run-off effectively. The use of infiltration drainage has been discounted due to the risk of undermining foundations, discharge to a watercourse is also not viable due to the distances involved to the nearest watercourse.

Surface water run-off is likely to runoff to the public sewer system at present. In light of the above constraints it is recommended that surface water runoff from the development continues to be discharged into sewers.

The report also notes that the use of green roofs would aid water attenuation and the rate and volume of run off from the Site as a result of the proposed development will be reduced in comparison to the existing. The subsequent risk of off-site flood risk is also therefore reduced.

The final drainage design for the Site will be informed by site investigations and consultation with the statutory undertaker to confirm the appropriateness of discharging into the public sewer.

The Environment Agency have no objections but have recommended conditions in relation to ensuring the risks to adjacent ground and controlled waters.

Conditions could be imposed on this planning application which require provision of details on the surface water drainage and requiring agreement of details of a maintenance and management of the system to be submitted for approval. The initial SUDS report however demonstrates that surface water run-off from the Site can be drained effectively in accordance with the principles of Core strategy Policy EN14 Flood Risk and consistent with section 10 of the National Planning Policy Framework.

**Contaminated Land Issues** - A phase 1 Desk Study & Phase 2 Geo- environmental Report have been provided which assesses geo-environmental information based on desktop / published sources, a site walkover survey and a review of intrusive investigation and remediation reports. Issues of Ground Contamination and any necessary mitigation have been dealt with in the application relating to the remedial

works on the site as detailed above and on this basis the proposal is considered to be consistent with policy EN18 of the Core Strategy.

**Disabled access** - The proposed development has been designed in accordance with Part M of Building Regulations, and with inclusivity in mind. The design also adheres as much as is reasonably practicable to the London Housing Design Guide. The LHDG takes into account the requirement in London for new developments to meet the Lifetime Homes standards. The Lifetime Homes standards set out a number of criteria which enable a development to be conveniently modified for all sorts of access requirements, such as being suitable for a wheelchair user. All of the 36 apartments will easily be able to be fitted out, or converted at a later stage to be DDA compliant. The 2 no. duplex units to Union Street would feature an ambulant stair, to access first floor level, and a level threshold to the building.

The principle threshold to the residential accommodation off Red Lion Street would provide level access to the building. From the entrance lobby and 2 lifts would serve all floors. Therefore the whole building, including access out onto the 5<sup>th</sup> and 7<sup>th</sup> floor external roof terraces would be accessible by a wheelchair user. Level thresholds would also be provided to the balconies which serve the apartments. Level thresholds would also be provided to each commercial unit.

In view of the above with respect to disabled access the proposals would be consistent with Core Strategy Policy DM1.

**Response to Places Matters Comments** - The majority of the comments raised have been addressed above or within design revisions since the presentation of the original scheme in addition the following is noted:

The retention of 2 Union Street has been investigated in some depth, and due to poor condition and viability it could not be retained in full. Street level residential accommodation has been created behind the retained facade which would be fully refurbished.

The buildings immediately adjacent vary in scale, ranging from 3 storeys to 20. The most relevant benchmark for scale is the neighbouring building at 25 Church Street which is 10 storeys high and 33.35m tall.

The central core can be located in the current position, owing to the shape of the plan. The design of this core has been adapted so that the circulation is treated as highly glazed and light-weight.

**Response to Panels comments** - The majority of the comments raised have been addressed above but in addition the following is noted:

The retention of 2 Union Street, a surviving Georgian building, is not viable. The retention of the façade delivers some planning and heritage benefits and is preferable to the demolition of the façade.

**Response to objectors comments-** - The majority of the comments raised have been addressed above but in addition the following is noted:



A management strategy would be in place to ensure the on-going maintenance to the rear of 4-6 Union Street post development. The omitted "lightwell" has been replaced by a much larger courtyard which is to be dedicated for the use and enjoyment of the tenants of 4-6 Union Street. The courtyard and open walkways allow hoses / ladders pass through to extinguish a fire in the rooms to the rear of 4-6 Union Street

A number of residents have expressed concern about the quantum of development. The scale and height of the building is larger than its immediate neighbours but this of itself does not mean that it is unacceptable. The impact on residential amenity and on adjacent buildings including heritage assets would be acceptable.

It is likely that more high density schemes will be brought forward in the City Centre in order to deliver the City Councils housing targets over the next 20 years. High density development within the City Centre is supported by policies within the Core Strategy.

The site originally accommodated a collection of buildings of substantial scale and has been marked for redevelopment for some 40 years.

The new development would obscure the channelled view of 25 Church Street looking west from Dale Street and the background view from Turner Street. However, neither of these are protected views, or definitively express the character of the conservation area and 25 Church Street is not a listed building. The views of 25 Church Street are not demonstrably impacted from any other perspective and the character of this city centre site will clearly be enhanced by the removal of a vacant and derelict site which compromises the wider character of the streetscape.

Current views in the Northern Quarter are artificially opened by virtue of vacant sites on Red Lion Street and Tib Street. The character of this city centre site has historically been both diverse and densely packed. The proposal would represent the significant change within the fabric and density of buildings within the Smithfield Conservation Area.

A Noise Assessment identifies that the new habitable rooms would have sealed double glazing units with a suitable ventilator which would negate the need to open windows. Should an occupier be disruptive, action would be undertaken by the building management company in the first instance.

Cafes and restaurants are one of the key economic drivers of the Northern Quarter. A single small café/restaurant would not undermine the environmental quality of the Northern Quarter. Nor if appropriately conditioned could it have the potential to have a significant detrimental impact on the quality of living conditions of existing residents of the area.

In relation to concerns about complaints from new residents about noise levels from premises within 27-29 Church Street, it is noted that the operation of the licensed premises in the basement of 27/29 Church Street was approved subject to compliance with acoustic operating requirements including an output restriction on the amplification equipment to be operated within the basement. If the licensed premises in the basement of 27/29 Church Street is on occasion creating noise and

vibration which reverberates through other buildings as suggested, then it would be a matter for the MCC to investigate any such complaint and if a breach were identified, undertake any appropriate enforcement proceedings against the operator.

In terms of non compliance with Core Strategy Policy DM1, whilst the submitted Sunlight and Daylight Report by Smith Marston Report and the BRE assessment provides a useful starting point in terms of assessing potential daylight and sunlight impacts, the dense character of the Northern Quarter and City Centre generally means that most new residential development would not meet the BRE standards. It is also acknowledged that Manchester have an identified housing need to respond to, with the city centre identified as the most appropriate location for new development. In instances such as this when dealing with dense, city centre sites it is necessary in applying DM1 to take a balanced view which considers potential impacts on sunlight/daylight with the benefits that the redevelopment of a site which has been vacant for over 45 years will bring.

Comments about the highly variable extent and level of sunlight or even ambient light within Manchester and its dependence on numerous factors such as time of year, time of day, cloud cover, weather conditions etc are noted by the Assessment by Smith Marston uses the BRE "Site Layout Planning for Daylight and Sunlight – 2nd Edition" which requires assessments to be carried out at the 21st March, basing all figures on the spring equinox.

An exact mirror image of 25 Church Street has not been used for the sunlight/daylight assessment but Appendix F of the BRE document known as "Site Layout Planning for Daylight and Sunlight – 2nd Edition" states that " The proposed building need not be an exact replica of the neighbours property; the principle is that alternative target figures are derived by assessing a mirror image of the neighbours property. The results of this assessment then become the new target values for both Vertical Sky Component and Sunlight Hours. The guide is not mandatory, nor are the target figures contained within. They are for guidance.

The original daylight and Sunlight Study showed a pass rate for 25 Church Street of 46% for VSC and 69% Sunlight. This has in this new application for VSC at 40% and Sunlight 67%. This is as a result of changes to the scheme that have attempted to balance the various impacts. It is inevitable that development has an impact in a city centre, particularly in circumstances like this where people have had uninterrupted views across vacant sites. The revised Daylight and Sunlight Study assesses the developers proposals for the site properly in accordance with relevant guidance.

The adoption of 'standard target values' in a city centre is not the norm as they relate to suburban areas. If the standard targets were to be applied rigidly in city centres, no development would be able to be built to cater for the business and housing needs associated with a city centre. It is for this reason that the BRE Guide recognises this by permitting the setting of 'alternative' target values, for use in city centres.

Solitia Bar would lose sunlight for part of the day. The area would not be affected by sunlight availability in the morning and through the afternoon. It is possible that some loss of sunlight may occur later in the day, but, this is to be expected in a built up city

centre like Manchester. The proposed development scheme would not undermine the operation of the outdoor area, assuming it became a permanent feature

There would be some short-term footway and highway closures during construction but post completion the highways benefit will be significant, notably the new loading bay and the widening of the footway from approximately 0.8 metres to 1.8 metres. These features would improve highway safety over the existing position.

In relation to comments about ownership of the fire escape, proof of ownership has been established by the applicants lawyer and architect. The adjacent neighbour has failed to provide any evidence to the contrary.

The impact of the scheme on property values is not a planning issue and it is not the purpose of the planning system to protect the private interests of one person against the activities of another.

Issues in relation to rights of light and issues about loss of views are not planning issues or relevant to the consideration of this planning application.

Enforcing traffic regulation orders is beyond the control of the applicant.

It is not the applicant's responsibility to maintain existing drains in the area. On this basis any blockages should be reported to the relevant statutory undertaker

## **CONCLUSION**

The proposals would be consistent with a number of the GM Strategy's key growth priorities by delivering appropriate housing to meet the demands of a growing economy and population, adjacent to the city centre. It would therefore help to promote sustainable economic growth.

The proposal would deliver a high quality building and regenerate a previously developed vacant site. The design is appropriately based on an evaluation of the particular characteristics of the site's context and would respond well to this with the tallest element being located as a placemaking element on Church Street where the principle of taller buildings has previously been established through previous approvals. The site is considered to be capable of accommodating a building of the scale and massing proposed whilst avoiding any substantial harm to the character of the Smithfield Conservation Area. The street-frontages along Union Street and particularly Church Street and Red Lion Street would be re-vitalised and retain street-edge enclosure, while also complementing the vertical rhythms, established scale and visual texture of the individual streets. The development would enhance the city's wider historic landscape by creating a positive outward facing expression on each of the sites street-frontages. The scheme would add activity and vitality to the area and would reintegrate the site into its urban context, reinforcing the character of the streetscape

The adjacent residential accommodation has enjoyed largely uninterrupted views across the application site for some-time and given this it is inevitable that the development of this site would have an impact on amenity and affect sunlight,

daylight, overshadowing and privacy. It is considered that that these impacts have been tested and perform reasonably against the BRE guidelines.

Within the context of the above that the overall impact of the proposed development including the impact on heritage assets and on amenity would not be such as to outweigh the clear public and regeneration benefits including heritage benefits that would result from the development of this site.

It is considered, therefore, that, notwithstanding the considerable weight that must be given to preserving the setting of the listed buildings and conservation areas as required by virtue of S66 and S72 of the Listed Buildings Act, the harm caused would be less than substantial and would be outweighed by the public benefits of the scheme and meet the requirements set out in paragraphs 132 and 134 of the NPPF

**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 the right to a fair hearing and to this end the Committee 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 Head 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 approval of the application is proportionate to the wider benefits of approval 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 pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. This has included on going discussions about the form and design of the developments and pre application advice about the information required to be submitted to support the application.

### **Conditions to be attached to the decision**

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 demolition hereby permitted shall not be undertaken before a contract for the carrying out of the building works for the redevelopment of the site has been made, and evidence of that contract has been supplied to the City Council as local planning authority.

Reason - In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following demolition of the existing building pursuant to saved policy DC18 of the Unitary Development Plan for the City of Manchester, policies SP1, EN3 and DM1 of the Core Strategy and the National Planning Policy Framework.

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

(a) Dwg 001 Rev C (Submitted 23rd August 2016);

(b) Dwg E-100 (Submitted 23rd August 2016);

(c) DwgP-101 Rev J (21st October 2016), P-110 Rev C (Submitted 23rd August 2016), P-111 Rev H (Submitted 21st October 2016), P-112 Rev F (Submitted 21st October 2016), P-113 Rev F (Submitted 21st October 2016), P-114 Rev F (Submitted 21st October 2016), P-115 Rev F (Submitted 21st October 2016), P-116 Rev E (Submitted 21st October 2016), P-117 Rev E (Submitted 21st October 2016), P-118 Rev E (Submitted 21st October 2016), P-119 Rev D (Submitted 21st October 2016), P-120 Rev D (Submitted 21st October 2016), P-121 Rev D (Submitted 21st October 2016) and P-122 (Submitted 23rd August 2016);

(d) Apartment Types, P-151 Rev B (Submitted 21st October 2016) and Apartment Types, P-152 Rev B (Submitted 21st October 2016)

(e) Dwgs P-205 Rev G (Submitted 23rd August 2016), P-221 Rev F (Submitted 21st October 2016), P-222 Rev F (Submitted 21st October 2016), P-223 Rev G (Submitted 21st October 2016), P-224 Rev F (Submitted 21st October 2016) and P-225 Rev C (Submitted 21st October 2016);

(f) Dwgs A-a, P-301 Rev B (Submitted 23rd August 2016), B-b, P-302 Rev B (Submitted 23rd August 2016) and C-c, P-303 (Submitted 23rd August 2016);

(g) Dwgs 8914 P-401 Rev B, Typical Bay Detail Type 1 (Submitted 21st October 2016), 8914 P-402 Rev B, Typical Bay Detail Types 2, 3 & 4 (Submitted 21st October 2016), 8914 P-403 Rev B, Typical Bay Detail Types 5 & 6 (Submitted 21st October 2016), 8914 P-404 Rev B, Typical Bay Detail Types 7 & 8 (Submitted 21st October 2016), 8914 P-405 Rev B, Typical Bay Detail Type 9 (Submitted 21st October 2016), 8914 P-406 Rev B, Typical GF Bay Detail Type 1 (Submitted 21st October 2016), 8914 P-407 Rev B and Typical GF Bay Detail Type 2 (Submitted 21st October 2016);

(h) Dwg 8914 17/10/2016 GIA for Compliance with National Described Space Standards (NDSS) (Submitted 21st October 2016);

(i) Dwgs Footway Design/Refuse Vehicle Swept Path Assessment 1793-01/ATR101 Rev C (Submitted 23rd August 2016), Footway Design Rigid Vehicle Swept Path Analysis 1793-01/ATR102) Rev C (Submitted 23rd August 2016) and Loading Bay/Footway Design 1793-01/SK101, Rev B (Submitted 23rd August 2016):

(j)Waste Management Proforma and Waste Management Strategy Plan P102 Rev B (21st October 2016);

(k) Recommendations in Crime Impact Assessment Version C : 25th July 2016  
REFERENCE: 2015/1105/CIS/01; and

(l) Recommendations of Bat Survey, by Rachel Hacking Ecology (Submitted 23rd August 2016)

Reason - To ensure that the development is carried out in accordance with the approved plans and pursuant to Core Strategy SP 1, CC3, H1, H8, CC5 , CC6 , CC7, CC9 , CC10, T1, T2 , EN1, EN2 , EN3 , EN6 , EN 8, EN9, EN11, EN14, EN15, EN 16 , EN17, EN18, EN19, DM 1 and PA1 saved Unitary Development Plan polices DC19.1 , DC20 and DC26.1.

4) Notwithstanding the details submitted with the application, prior to the commencement of development, a schedule of materials, preliminary samples and a programme for the issue of samples and specifications of all materials to be used within the external elevations shall be submitted for approval in writing by the City Council, as Local Planning Authority. Samples and specifications of all materials to be used on all external elevations of the development along with jointing and fixing details, details of the drips to be used to prevent staining and a strategy for quality control management shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above.

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 Core Strategy.

5) Notwithstanding the details as set out in condition 2 above no development shall commence unless and until final details (including where appropriate specification and method statement) of the following have been submitted to and approved in writing by the City Council as Local Planning Authority

(a) Final details of works to the retained facade to 2 Union Street including the reinstated windows; and

(b) Details including method statement of cleaning of external elevation

Reason - In the interests of visual amenity and careful attention to building work is required to protect the character and appearance of the retained facade building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy

and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

6) The development hereby approved shall not commence unless and until a Construction Management Plan, including details of the following:

- \*Hours of site opening / operation
- \* A Site Waste Management Plan,
- \* Air Quality Plan;
- \*A plan layout showing areas of public highway agreed with the Highway Authority for use in association with the development during construction;
- \*The parking of vehicles of site operatives and visitors;
- \*Loading and unloading of plant and materials;
- \*Storage of plant and materials used in constructing the development;
- \*Construction methods to be used, including the use of cranes;
- \*The erection and maintenance of security hoarding;
- \*Measures to control the emission of dust and dirt during construction and;
- \*A scheme for recycling/disposing of waste resulting from demolition and construction works;
- \*Details of and position of any proposed cranes to be used on the site and any lighting;
- \*A detailed programme of the works and risk assessments;
- \*Temporary traffic management measures to address any necessary bus re-routing and bus stop closures.
- \*Details on the timing of construction of scaffolding,
- \*A Human Impact Management Plan including Noise and Vibration and Dust Emission,
- \*Details of how access to adjacent premises would be managed to ensure clear and safe routes into Buildings are maintained at all times.
- \*Management of flood risk and pollution;
- \*Proposal of surface water management during construction period; and

has been submitted to and approved in writing by the City Council as local planning authority. The approved CMP shall be adhered to throughout the construction period and the development shall thereafter be fully implemented in accordance with these details.

Reason: To ensure that the appearance of the development is acceptable and in the interests of the amenity of the area, pursuant to policies DM1, EN14 EN15, EN16, EN17 and EN18 of the Core Strategy and Guide to Development 2 (SPG)

7) The wheels of contractors vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site.

Reason - In the interest of pedestrian and highway safety, as specified in policies SP1 and DM1 of Core Strategy.

8) The details of an emergency telephone contactor number for shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with policies SP1 and DM1 of the Core Strategy

9) Before the development hereby approved commences, 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.

(a) The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the 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.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and 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 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.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to Section 11 of the National Planning Policy Framework and policy EN18 of the Core Strategy.



10) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework

11) Prior to commencement of development a scheme for dealing with the discharge of surface water and which demonstrates that the site will be drained on a separate system, with only foul drainage connected into the foul sewer, shall be submitted to and approved in writing by the City Council as Local Planning Authority.

Reason - Pursuant to National Planning Policy Framework policies (PPS 1 (22) and PPS 25 (F8))

12) No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Manchester Planning Authority. The WSI shall cover the following:

1. A phased programme and methodology of investigation and recording to include:
  - archaeological evaluation trenching
  - dependent on the above, targeted excavation and recording
2. A programme for post investigation assessment to include:
  - analysis of the site investigation records and finds
  - production of a final report on the significance of the archaeological and historical interest represented.
3. Dissemination of the results commensurate with their significance.
4. Provision for archive deposition of the report and records of the site investigation.
5. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: In accordance with NPPF Section 12, Paragraph 141 - To record and advance understanding of heritage assets impacted on by the development and to make information about the archaeological heritage interest publicly accessible. GMAAS will continue to monitor the implementation of the archaeological programme set out in the agreed WSI on behalf of Manchester Planning Authority

13) No development shall take place until surface water drainage works have been implemented in accordance with SuDS National Standards and details that have been submitted to and approved in writing by the local planning authority.

In order to avoid/discharge the above drainage condition the following additional information has to be provided:

- o Surface water drainage
- o Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within Conurbation Core Critical Drainage Area;
- o Runoff volume in the 1 in 100 year, 6 hours rainfall shall be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event, but never to exceed the runoff volume from the development site prior to redevelopment;
- o Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event in any part of a building;
- o Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements);
- o Hydraulic calculation of the proposed drainage system;
- o Long and cross sections for the proposed drainage system and finished floor levels;
- o Construction details of flow control and SuDS elements.
- o Proposal of surface water management during construction period.

Reason - The application site is located within a critical drainage area and in line with the requirements in relation to sustainable urban drainage systems, further consideration should be given to the control of surface water at the site in order to minimise localised flood risk pursuant policies EN14 and DM1 of the Core Strategy for Manchester.

14) No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- o Verification report providing photographic evidence of construction as per design drawings;
- o As built construction drawings if different from design construction drawings;
- o 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.

Reason - To prevent the increased risk of flooding and to ensure the future maintenance of the surface water drainage system, pursuant to policy EN8 of the Manchester Core Strategy.

15) Prior to development commencing a local labour agreement, relating to the construction phase of development, shall be submitted to and agreed in writing with the City Council as local planning authority. The approved scheme shall be in place prior to the commencement of the development, and shall be kept in place thereafter.

Reason - To safeguard local employment opportunities, pursuant to policies EC1 of the Core Strategy for Manchester.

16) Notwithstanding the Residential Management Strategy, prepared by Urban Bubble dated 24-10-16 prior to the first use of the development hereby approved, a detailed management plan including:

\*Details of the strategy for the letting of the residential accommodation

\*Details of how 24 hour management of the site in particular in relation to servicing and refuse (storage and removal) and noise management of communal areas shall be submitted to and agreed in writing by the City Council as Local Planning Authority.

\*full details of a maintenance strategy for the areas of public realm adjacent to the site including surfaces, planting and litter collection and details of where maintenance vehicles would park shall be submitted to and agreed in writing by the City Council as Local Planning Authority.

\*details of how 24 hour management of the site in particular in relation to servicing and refuse (storage and removal) and noise management of communal

The approved management plan shall be implemented from the first occupation of the residential element and be retained in place for as long as the development remains in use.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

17) The development hereby approved shall include a building lighting scheme for the period between dusk and dawn. Full details of such a scheme, including how the impact on occupiers of nearby properties will be mitigated, shall be submitted to and approved in writing by the City Council as local planning authority before the development is completed. The approved scheme shall be implemented in full before the development is first occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development, pursuant to policy E3.3 of the Unitary Development Plan for the City of Manchester DM1 of the Core Strategy

18) The development hereby approved shall be carried out in accordance with the Travel Plan Framework prepared by Axis dated 07-16. In this condition a travel plan means a document that includes the following:

- i) the measures proposed to be taken to reduce dependency on the private car by residents and those [attending or] employed 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 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 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.

Reason - To assist promoting the use of sustainable forms of travel , pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD (2007).

19) Before the development commences a scheme for acoustically insulating and mechanically ventilating the residential accommodation against noise from adjacent roads shall be submitted to and approved in writing by the City Council as local planning authority.

The approved noise insulation scheme shall be completed before any of the dwelling units are occupied. Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed in the residential accommodation shall be submitted and agreed in writing by the City Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

20) Prior to occupation of the development a scheme for the acoustic insulation of any externally mounted ancillary equipment associated with:

- (a) the residential development; and
- (b) any of the commercial uses;

to ensure that it achieves a background noise level of 5dB below the existing background (La90) in each octave band at the nearest noise sensitive location 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 equipment. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

21) The development hereby approved shall be carried out in accordance with the Environmental Standards Statements dated July 2016 and Code for Sustainable Homes Pre-Assessment Report dated August 2016 both prepared by Element Sustainability. A post construction review certificate/statement shall be submitted for approval, within a timeframe that has been previously agreed in writing by the City Council as local planning authority.

Reason - In order to minimise the environmental impact of the development, pursuant to policies SP1, DM1, EN4 and EN8 of Manchester's Core Strategy, and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

22) No part of the development shall be occupied unless and until details of a parking management strategy for residents has been submitted to and approved in writing by the City Council as Local Planning Authority. All works approved in discharge of this condition shall be fully completed before the residential element of the development hereby approved is first occupied.

Reason - The development does not provide sufficient car parking facilities and in order to provide alternative arrangements (e.g. parking leases with car parking companies; car sharing; or car pool arrangement) for the needs of future residents whom may need to use a motorcar and Policies DM1 and T1.

23) The apartments hereby approved shall be used only as private dwellings (which description shall not include serviced apartments/apart hotels or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1995, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as serviced apartments/apart hotels do not commence without prior approval pursuant to Core Strategy policies SP1 and DM1 and to ensure the permanent retention of the accommodation for normal residential purposes.

24) Notwithstanding the TV reception survey, by Taylor dated 15th December 2015 within one month of the practical completion of the development and at any other time during the construction of the development if requested in writing by the City Council as local planning authority in response to identified television signal reception problems within the potential impact area a study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception - In the interest of residential amenity, as specified in Core Strategy Policies DM1 and SP1

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

07:30 to 20:00 Monday to Saturday  
10:00 to 18:00 Sundays and Bank Holidays

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

26) If during works to convert the building to the use hereby permitted any sign of the presence of bats if found, then all such works shall cease until a survey of the site has been undertaken by a suitably qualified ecologist and the results have been submitted to and approved by the Council in writing as local planning authority. Any recommendations for the protection of bats in the submitted document shall be implemented in full and maintained at all time when the building is in use as hereby permitted.

Reason - for the protection of bats and in order to comply with the Habitats Directive and pursuant to Core Strategy Policy EN15

27) No externally mounted telecommunications equipment shall be mounted on any part of the buildings hereby approved, including the roofs.

Reason - In the interest of visual amenity pursuant to Core Strategy Policies Dm1 and SP1.

28) The development hereby approved shall include for full disabled access to be provided to the main residential entrances to the floors above.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions Core Strategy policy DM1

29) No infiltration of surface water drainage into the ground on land affected by contamination is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - To prevent pollution of controlled waters from potential contamination on site. Infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

30) The commercial units can be occupied as A1, A2, A3 (Unit C only) and B1 use only).

Reason - In accordance with the application form and to safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Core Strategy policies DM1 and saved Unitary Development Plan policies DC26.1 and DC26.5

31) Before any Class A3 use hereby approved commences, 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 approved noise insulation scheme shall be completed before the unit is first occupied. Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed in the residential accommodation shall be submitted and agreed in writing by the City Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

32) Final details of the method of extraction of any fumes, vapours and odours from any A3 use within Unit C shall be submitted to and approved in writing by the City Council as local planning authority prior to occupation of that unit The details of the approved scheme shall be implemented prior to occupancy and shall remain in situ whilst the use or development is in operation.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy

33) Prior to occupation of any of the commercial units details of a signage strategy shall be submitted to and approved in writing by the City Council as Local Planning Authority.

Reason - In the interests of visual amenity to enable careful attention to signage details and the level of visual clutter associated with any external seating is required to protect the character and appearance of this building in accordance with policies SP1 and DM1 of the Core Strategy

34) Prior to the commencement of development a programme / strategy for working with the residents of 4-6 Union Street to design the courtyard space as shown in dwg number 8914 P-111 Rev H shall be submitted and approved in writing by the City Council as Local Planning Authority. Final details of the scheme shall then be submitted to and agreed in writing by the City Council as Local Planning Authority and the approved scheme fully implemented prior to occupation of any of the approved residential accommodation.

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 residents of 4-6 Union Street in accordance with Core Strategy Policies SP1 and DM1.

## **Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 113713/FO/2016 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

### **The following residents, businesses and other third parties in the area were consulted/notified on the application:**

Lucy Powell MP  
Highway Services  
Environmental Health  
Corporate Property  
MCC Flood Risk Management  
City Centre Regeneration  
Travel Change Team  
Housing Strategy Division  
Greater Manchester Police  
United Utilities Water PLC  
Historic England (North West)  
Environment Agency  
Transport For Greater Manchester  
Greater Manchester Archaeological Advisory Service  
Greater Manchester Ecology Unit

A map showing the neighbours notified of the application is attached at the end of the report.

### **Representations were received from the following third parties:**

Lucy Powell MP  
Flat 604, 25 Church Street, Manchester, M4 1PE  
Flat 603, 25 Church Street, Manchester, M4 1PE  
Apt 35 pall mall, 18 church street, Manchester, M4 1PN  
Flat 403, 25 Church Street, Manchester, M4 1PE  
Flat 503, 25 Church Street, Manchester, M4 1PE  
Apartment 9, 18 Church Street, Manchester, M4 1PN  
Flat 11, 4/6 Union St, Manchester, M4 1PT  
apt 35 pall mall house, 18 church street, manchester, m4 1pn  
Flat 30, 23 Church Street, Manchester, M4 1PY  
Apt 34 pall mall house, Church street, Manchester, M4 1PN  
Flat 803, 25 Church Street, Manchester, M4 1PE  
Apartment 703, 25 Church Street, Manchester, M4 1PE  
Flat 7, 4-6 Union Street, Manchester, M4 1PT  
Flat 802,, 25 Church Street, Manchester, M4 1PE  
Apartment 806, 25 Church Street, Manchester, M4 1PE  
Suite 11, Ensign House, Admirals Way, London, E14 9XQ  
Apartment 53, Pall Mall House, 18 Church Street, Manchester, M4 1PN  
Apartment 403, 25 Church Street, Manchester, M4 1PE



Apartment 53, 18 Church Street, Manchester, M4 1PN  
18 Church Street, Manchester, Manchester, M4 1PN  
25 Church Street, Manchester, M4 1PE  
412 Beaumont Building, 22 Mirabel Street, Manchester, M31DY  
27/29 Church Street, Manchester, M4 1PE  
Flat 502,, 25 Church Street, Manchester, M4 1PE

**Relevant Contact Officer** : Angela Leckie  
**Telephone number** : 0161 234 4651  
**Email** : a.leckie@manchester.gov.uk



 Application site boundary  Neighbour notification  
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