

## **Planning and Highways Committee**

### **Minutes of the meeting held on 28 June 2018**

**Present:** Councillor Ellison (Chair).

**Councillors:** Nasrin Ali, Shaukat Ali, Clay, Curley, Y. Dar, Kamal, Kirkpatrick, Lovecy, Lyons, Madeleine Monaghan, Strong, Watson, White and Wilson.

Also present: Councillors Davies, Hughes, Karney, Kilpatrick, Reid and A Simcock

#### **PH/18/52 Minutes**

##### **Decision**

To approve the minutes of the meeting held on 31 May 2018 as a correct record.

#### **PH/18/53 118206/FO/2017 - Tesco Stores Ltd land at Tesco Car Park, Parrs Wood Lane, Manchester, M20 5NP**

The application had been for the erection of a two storey restaurant/hot food takeaway (Class A5/Class A3 use) with basement, car parking (including electric charging bays), landscaping including new pedestrian access and associated works. The chair reported that the application had now been withdrawn.

##### **Decision**

To note the application had been withdrawn.

#### **PH/18/54 118398/FO/2017 & 118399/LO/2017 - 79 Mosley Street, Manchester, M2 3LQ**

The planning application was for the creation of 1 x basement unit for A1 (retail), A3 (restaurants/cafes), A4 (drinking establishments), B1 (offices) and 1 x ground floor unit for A1 (retail), A3 (restaurants/cafes), A4 (drinking establishments) with offices (Class B1) above (floors 1 to 5) following refurbishment of building to include internal demolition works, excavation works to create a level basement, construction of replacement floors and associated internal structure, mansard roof extension, roof-top plant, refurbishment of the facade and windows and exposure / reinstatement of original shop frontage (77a Mosley Street) and associated works. The associated application for Listed Building Consent was for internal and external works associated with the creation the above.

The report of the Head of Planning set out the planning issues for the Committee to consider. The Committee noted the late representations that had been submitted to the meeting by the Head of Planning, Building Control and Licensing which reiterated the objection lodged by Historic England.

The meeting was addressed by a representative of Historic England who clarified the position of the organisation with regards to its view that the harm or loss caused by the development should be justified having regard to the requirements of the National Planning Policy Framework, in particular paragraph 133. Historic England considered that this has not yet been fulfilled. He stated that Historic England consider that the total removal of a significant floor layout and historically important historical features would cause substantial harm, noting that the applicant's heritage assessment had come to the same conclusion.

The Historic England view was that the consent should not be granted unless it was shown that: the nature of the heritage asset prevents all reasonable uses of the site; no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.

A representative of the applicant then addressed the Committee. He explained the rigour that had been applied to the development of proposals that would see the important and prominent building coming back into use whilst preserving as much as possible of its historic features. The outcome of that work had been a conclusion that only by the removal of the building's interior could a viable redevelopment scheme be implemented that would still preserve the exterior facades. To seek to also preserve some or all of the internal layout and features would prevent the scheme from going ahead and he reminded the Committee that a consultant who had been retained by Historic England had come to the same conclusion.

The Committee debated the matters raised by Historic England and the potential there was for some other development that would bring the building back into use whilst also preserving the historic internal features and plan-form of the building, an outcome that the Committee would welcome. The building had been unoccupied for over 10 years, changing ownership a number of times in that period, and its overall condition was deteriorating in an obvious way. Members considered whether a further marketing of the building should be asked for, noting that the applicant had said that, even if freely given away, the building's unusual internal constraints made its unaltered redevelopment unviable. Members were concerned that the building was likely to suffer considerable internal and external damage while awaiting a viable planning and redevelopment proposal to come forward that did not involve the removal of the building's interior, if there was no realistic prospect of such an application being made in the next few years.

Officers responded to the Committee, clarifying the significant work undertaken by the applicant to justify the intervention being proposed, and emphasising that the recommendation had not been made lightly. However, this application was considered to present the only opportunity to bring the building back into a viable use.

On balance it was felt that further marketing was only likely to cause more damage to the building and that the significant public benefit the development would bring about outweighed the substantial harm to the building's interior form. It was noted that the

interior was to be protected from demolition until a redevelopment contract was agreed and in place.

## **Decision**

The Committee was minded to approve planning application 118398/FO/2017 and listed building consent 118399/LO/2017 subject to the conditions set out in the report and the outcome of the Secretary of State being notified of the application.

### **PH/18/55      118338/FO/2017 - Wellington House 39 Piccadilly, Manchester, M1 1LQ**

The planning application was for a change of use of the ground and first floors to an amusement centre (sui generis), with external alterations, and associated works. Associated with the application was to be a legally binding undertaking by the applicant, and the landlord of the present of the amusement centre, for the present location to cease its use and for consent to operate an amusement centre at that location to end. The effect of that was that the application for planning represented a relocation of the existing amusement centre to a new location. It would not result in the creation of a new centre in the city centre.

The report of the Head of Planning set out the planning issues for the Committee to consider. The Committee noted the late representations that had been submitted to the meeting by the Head of Planning, Building Control and Licensing. Those explained further responses from consultees and a request by the applicant for some flexibility over when the 20 hour opening period was to start and end each day. Those representations also put forward a small change in the proposed conditions for the granting of consent.

A representative of the applicant addressed the Committee and explained the legal obligations that were to be used to ensure that the current amusement centre could not reopen under a different leisure operator once vacated by the applicant. No objectors spoke against the proposal.

Members were generally supportive of the application on the basis that it was the relocation of the existing business and that the operation of the centre would not be substantially altered. Members were somewhat concerned about the proposed change to the start and end times for the 20 hour opening period, with the new location being closer to residential properties than the current site. They asked the Head of Planning to discuss the continuation of the 3AM closure time as that was the time preferred by a number of members of the Committee. The members also made reference to the security arrangements, anti-money laundering provisions and cash handling at the new location, as well as the measures that would be taken to deter anti-social behaviour in the immediate vicinity of the premises. It was agreed that the Head of Planning should consider if a condition should be included in the consent to set out the need to have these various issues agreed before use of the new premises commenced.

## **Decision**

The Committee was minded to approve subject to a S106 agreement unilateral undertaking to surrender and extinguish the use of unit at 16 and 17A City Tower as an amusement centre in the event that planning permission for an amusement centre at Wellington House is granted and implemented. Also subject to the conditions as set out in the report and the modification set out in the late representations, with authority delegated to the Head of Planning, Building Control and Licensing, in consultation with the Chair of the Committee, to further amend condition 4 (hours of operation) and to consider the addition of a further condition on the security arrangements and measures to discourage anti-social behaviour at the new premises.

**PH/18/56     119265/FO/2018 - 55 Portland Street, Manchester, M1 3HP**

(Councillor Lyons declared a prejudicial interest in this item of business and withdrew from the meeting whilst the decision was being made)

The application sought consent for the construction of a building of ground floor (including mezzanines) plus 16 upper storeys comprising a new hotel (Use Class C1), with ancillary uses at ground floor (bar, restaurant and public area, business suite), together with associated landscaping, servicing, cycle parking, and other associated works.

A report by the Head of Planning, Building Control and Licensing explained that in December 2017 the Executive had endorsed a draft Strategic Regeneration Framework (SRF) to help guide the regeneration of the Portland Street area, subject to public consultation. That SRF set out the context and opportunity for the future development of an area bounded by Portland Street, Chorlton Street, Bloom Street and Abingdon Street. It comprises four city blocks, including the application site. The SRF aims to create an integrated commercially-led, mixed-use district that consists of high quality new and extended existing buildings. On 27 June 2018 the Executive had considered the responses to the consultation and endorsed a revised version of the SRF, making it a material consideration for this application. The report stated that the proposal was wholly consistent with the SRF.

The report of the Head of Planning set out the planning issues for the Committee to consider. The Committee noted the late representations that had been submitted to the meeting by the Head of Planning, Building Control and Licensing. Those explained that one of the objections referred to in the original report had now been withdrawn. It also amended the wording of Condition 2 in the report.

The Committee was addressed by a local resident who spoke to object to the application. He said that he did not consider the building to be the world-class architecture that the prominent site in the city centre warranted, and objected that proposed the building would not have an 'Outstanding' BREEAM rating. He requested that the Committee defer any decision until such time as the final version of the Portland Street Strategic Regeneration Framework had been published, as the document had only been adopted by the Council the previous day.

Councillor Lyons addressed the Committee before withdrawing from the meeting. He welcomed the consultation that had taken place in relation to this matter and urged the Committee to approve the application. He then withdrew while the Committee considered a decision.

Officers responded to the comments raised about the quality of the building.

The Committee generally supported the application and also welcomed the consultation that had taken place between the developer and the Friends of Manchester's Gay Village. Members asked for consideration to be given to a revision of Condition 11 (public realm works) of the proposed consent to secure the planting of more trees on the site, as part of the development.

### **Decision**

To approve the application subject to the conditions as set out in the report, with Condition (2) as modified in the late representations submitted, and with authority delegated to the Head of Planning, Building Control and Licensing to further modify Condition 11 so as to seek to secure the planting of more trees on the site as part of the development.

### **PH/18/57 119380/FO/2018 - 1-5 New Wakefield Street, Manchester, M1 5NP**

The application sought consent for the erection of a 32 storey building to form 603 student apartments (Use Class Sui Generis) with associated ground and first floor commercial unit (use class A1, A2, A3, A4 and A5 and D1) (232 sqm) following demolition of existing buildings and other associated works

The report of the Head of Planning set out the planning issues for the Committee to consider. The Committee noted the late representations that had been submitted to the meeting by the Head of Planning, Building Control and Licensing. Those explained a submission by a ward councillor, Councillor Davies, expressing concerns about the possible impact the construction of this proposed building was going to have on the daily lives of local residents, and the potential for significant disruption to residents' vehicle journeys from their homes. The Head of Planning's response to those concerns was set out. The document also explained a technical amendment to proposed Condition 2 to clarify that a key document had now been received.

A representative of the applicant addressed the Committee explaining the applicant's desire to create a new landmark building at this site that would offer a variety of high quality accommodation options to students, focused around cluster accommodation between 4 and 10 beds.

Councillor Davies, a ward councillor for the Deansgate Ward, addressed the Committee. She reiterated her concerns for the disruption that the construction of the building would have on the lives of other local residents, the problems they will face with road closures and increased congestion on neighbouring roads. She set out two possible interpretations of proposed Condition 9 (construction management plan) and the need for a communications strategy with residents. In one the applicant would

have an on-going dialogue with residents whilst creating the construction management plan, in the second the applicant would only inform residents of the management plan after it had been finalised. She pressed the applicant and the Committee to adopt the first of these.

It was explained that the site could only be developed from New Wakefield Street and an undertaking was given to discuss Councillor's Davies concerns with the applicant to ensure that residents were engaged as much as possible in the process of developing the construction management plan.

The Committee discussed the application. The desire to have more tree planting included in the scheme was expressed, although the limited size of the plot for this development was noted. It was agreed that Condition 14 (public realm landscaping) could be re-examined to see if such provision could be included. The Committee also noted the contribution that the applicant had agreed to make towards the cost of environment and infrastructure works and why, as this was not a residential development, no provision for on-site affordable housing provision was included.

### **Decision**

The Committee was minded to approve the application subject to the signing of a legal agreement in relation to infrastructure improvements, and subject to the conditions set out in the report, the modification to Condition (2) as set out in the late representations, and with authority delegated to the Head of Planning, Building Control and Licensing to amend Condition 14 to make reference to more tree planting if at all possible within the constraints of the site.

### **PH/18/58      119806/FO/2018 - Land bounded by Chester Road, Mancunian Way and former Bridgewater Canal Offices, Manchester**

The application was for the erection of two tall buildings (51 storeys and 21 storeys) comprising 664no residential units (use class C3) and commercial space (A1, A3 or D1), provision of two levels of basement parking, alterations to surface level car park, landscaping, highway alterations, access and associated works.

The report of the Head of Planning set out the planning issues for the Committee to consider. It explained that the 1.6 ha was within the Great Jackson Street Strategic Regeneration Framework Area. The Committee noted the late representations that had been submitted to the meeting by the Head of Planning, Building Control and Licensing. Those proposed the removal of Condition 8 in the report as being no longer required. They also explained that Conditions 3, 5, 6, 9, 10, 13, 15, 16, 17, 19, 21, 27, and 32 should be amended to take account of the phasing of different areas of the development. In addition the late representations set out information on the viability assessment that had been undertaken for this scheme and the proposals for the developer's financial contributions to the creation of public benefit and the potential to also recoup financial contributions to affordable housing as the phases of this and subsequent schemes progressed.

A representative of the applicant addressed the Committee explaining that the proposals for the development had been guided by the strategy and guidance set out in the Great Jackson Street Strategic Regeneration Framework (SRF). The Framework identified this site as an appropriate location for a tall building. He also referred to the way that the application proposals responded to the need set out in the Framework to develop adequate social infrastructure in this area. He described the mix of accommodation size and tenure that was to be provided in support of the city's housing need and growth objectives. Steps were also being taken to create a medical centre as part of the scheme, and the applicant's commitment to help develop a new primary school was made clear.

Councillor Davies, a ward councillor for the Deansgate Ward, addressed the Committee. She questioned the seemingly different ways that the developer's commitment to provide a financial contribution to affordable housing were expressed in the original report, and also in the late representation submitted to the meeting. She encouraged the Committee to explore those differences.

The Committee discussed and examined the proposed financial contributions to the creation of public benefits, including the medical centre and primary school, and evaluated those against the potential for a further contribution to affordable housing to arise at later stages of the implementation of this and other development scheme for the SRF area. The Committee noted the needs that the SRF articulated for the creation of social infrastructure in the city centre and the contribution this development would make towards that, and expressed a strong desire for the Council to ensure that whatever future potential there was for further financial contributions towards affordable housing were secured as this and other schemes for the SRF area were brought forward and developed.

## **Decision**

To be minded to approve the application subject to the conditions set out in the report, the removal of Condition 8 in the report, and with authority delegated to the Head of Planning, Building Control and Licensing to amend other conditions as necessary to ensure that the conditions take account of the phasing of different areas of the development.

### **PH/18/59      118625/FO/2017 - Land bounded By Dinton Street, Cornbrook Road, Chester Road and Trentham Street, Manchester, M15 4FX**

This was an Outline Application for development comprising: Erection of a part 14, part 15 storey building to form 280 residential apartments (C3a) together with ground floor commercial unit (373 sqm) (Use Classes A1, A2 or A3) with associated access, car parking, landscaping, public realm and other associated works following demolition of existing buildings; and also an Outline Planning Application (with all matters reserved) for the erection of part 11, part 15 building to form a 154 bed hotel and 88 bed apart-hotel building (Use Class C1) together with a single storey retail building (140 sqm) (Use Classes A1, A2, A3, A4 or A5).

The site forms part of the Cornbrook Hub Strategic Regeneration Framework (SRF) (2014) which is a joint document between Manchester City Council and Trafford Metropolitan Borough Council. The framework is indicative and aimed to identify the opportunity presented by the Cornbrook Hub gateway site to help guide future development and also aimed to high density commercially led, mixed use developments that would create a new gateway into the city centre from the west.

The report of the Head of Planning set out the planning issues for the Committee to consider. The Committee noted the late representations that had been submitted to the meeting by the Head of Planning, Building Control and Licensing. Those proposed an amendment to Condition 46 in the report to remove the words “(excluding convenience retail)” and also set out information on viability assessment of the proposals and the financial contribution that the developer was offering to make for public benefits including public realm works and off-site affordable housing.

The Committee was reminded of the importance of place-making in this area given the previous uses were an unattractive mix of scrapyards and similar uses.

The report explained that the proposal would involve improvements to a small section highway on Cornbrook Road which falls within the administrative boundary of Trafford MBC. Trafford MBC had authorised and delegated power to Manchester City Council, under section 101 of the Local Government Act 1972, to discharge Trafford MBC's functions as Local Planning Authority and determine this planning permission for the area of land within Trafford MBC administrative boundary.

That delegation was subject to the condition that if planning obligations under section 106 of the Planning Act are to be imposed, which relate to this 118625/FO/2018 planning application or other within the Delegation planning applications and which affect land within the Trafford Council's administrative area, Trafford MBC must be formally consulted to review and approve in writing these obligations before they are agreed by Manchester City Council.

A representative of the applicant addressed the Committee explaining that this application represented the first phase of delivering the Cornbrook Hub SRF. He explained the key features of the proposals for the mixture of developments and the significant contributions to place-making in the SRF area, and the economic and regeneration benefits that would arise if the scheme were to go ahead. The applicant would also fund and deliver improvement to the vicinity of the nearby Metrolink Station to make the station easier and safer to access and more attractive. No objectors spoke against the proposal.

Members discussed the application and expressed some concern about the potential for more congestion and car parking demand in residential roads in the surrounding neighbourhood, given the limited parking provision being included in these proposals. They did however note the ready access to public transport from the Cornbrook Hub area. Members also expressed regret that a larger financial contribution to affordable housing could not be made, and that there was no provision for on-site affordable housing being proposed. Given the size of the scheme it had been hoped that some on-site provision could have been included, or a school or medical facilities.



## Decision

The Committee was minded to approve the application subject to the conditions set out in the report and as amended in the late representations, with authority delegated to the Head of Planning, Building Control and Licensing to issue the decision notice, and also subject to the Council's acceptance of the delegation of functions from Trafford MBC as described in the report, and to the completion of a planning obligation to secure a contribution to off-site affordable housing provision.

### **PH/18/60 118831/FO/2018 - Former Boddingtons Brewery Site, Dutton Street, Manchester, M3 1LE**

The application sought consent for the erection of two buildings (a part 17, part 12 storey building and a part 26, part 23 storey building) to form 556 residential units (Use Class C3a) together with the creation of 3490 sqm of commercial floor space (Use Classes A1, A2, A3, B1 and D1) with associated landscaping, access and other associated works.

The report of the Head of Planning set out the planning issues for the Committee to consider. The Committee noted the late representations that had been submitted to the meeting by the Head of Planning, Building Control and Licensing. Those proposed an amendment to Condition 37 to correct an error in the original report. The late representations also set out information on the viability assessment for the scheme and the financial contribution the developer was proposing to make towards public realm improvements and a new pedestrian road-crossing.

The report also explained that the application is within the area of the Former Boddingtons Brewery Site Strategic Regeneration Framework (SRF) (2015) which sought to guide future investment a mix of commercial and residential uses. The application site formed the eastern part of the area identified within the SRF. It was also stressed that given the somewhat isolated nature of the site there was a need for significant investment in place-making and public realm works to create a new and attractive residential and mixed-use neighbourhood.

A representative of the applicant addressed the Committee reiterating the objectives of the SRF which identified the application site as the location of the first phase of the redevelopment of the area. He said that a key component of the application was the mixture of rented properties and those offered for sale, and the mix of apartments and town houses as well as a major outdoor space to act as the focal point of the scheme. No objectors spoke against the proposal.

Members discussed the application referring to the materials selected and the waste management arrangements, the demand for local schools places that might arise from this level of residential development, the improvement to cycle-ways in the area, and the way that the loss of the present area of surface car parking was to be mitigated. Members also expressed regret that there was not scope for a more significant financial contribution to affordable housing within the viability assessment of the scheme, nor any on-site affordable housing being offered as part of the

application, expressing a view that this would have been a good site for such to be included.

## **Decision**

The Committee was minded to approve the application subject to the signing of a section 106 agreement in relation to a pedestrian crossing across New Bridge Street and a financial contribution to off-site affordable housing and subject to the conditions as set out in the report and as amended in the late representations.

### **PH/18/61 119149/FO/2018 - Land at Abbey Hey Lane, Manchester**

(Councillor Kamal declared a prejudicial interest in this item of business and withdrew from the meeting whilst the decision was being made. Councillor Shaukat Ali left the meeting at the start of consideration of this item and so took no part in this decision. Councillor Nasrin Ali also left the meeting part way through consideration of this item and so neither took no part in this decision or subsequent business).

The application sought consent for the erection of a part three, part four storey extra care facility (comprising 106 apartments and ancillary cafe/restaurant and hair and beauty uses) with associated car parking, landscaping and boundary treatment.

The report of the Head of Planning set out the planning issues for the Committee to consider. The Committee noted the late representations that had been submitted to the meeting by the Head of Planning, Building Control and Licensing. Those set out the views of the Highways Services which recommended traffic calming should be installed on Abbey Hey Lane (such as speed cushions incorporated with a 20mph zone) but that the provision of a new controlled pedestrian crossing was not necessary. The representations explained that the traffic calming requirements were addressed by Condition 10 of the report (off site highways works). It was also noted that some members of the Committee had undertaken a site visit for this application earlier in the day.

The Committee was addressed by a local resident who objected on the grounds of loss of local amenity, overly-high development density, highways dangers and the lack of proper consultation between the developer and the local residents.

The representative of the applicant then addressed to the Committee describing the background to this application and the strategic context for the proposed development and the need for more Extra Care retirement housing in the city and the wider Gorton area. The development was therefore a strategically important development for the Council.

The Committee was addressed in turn by the three ward Councillors for the Gorton and Abbey Hey Ward, Councillors Reid, Hughes and Kamal. Having addressed the meeting Councillor Kamal then withdrew from the meeting. The ward councillors recognised and accepted the strategic importance of this proposal and welcomed the proposed creation of more Extra Care homes in the city. However, they also described the consultation that had been undertaken with the local residents and the

ward councillors as inadequate. They pressed the Committee to look at the traffic issues arising from this application and they expressed the view that a controlled pedestrian crossing was needed to make this highway safe for local residents and school children to cross.

Members discussed the matters that had been raised in the officer's report, the late representations and by the speakers at the meeting. The members welcomed the creation of more Extra Care housing that this application would bring about. It was clear that a controlled pedestrian crossing would be welcomed by local people as part of this scheme, and it was also noted that the advice of the Highways Service was that such a crossing was not required, and that traffic calming measures should be introduced.

### **Decision**

To approve the application subject to the conditions and reasons as set out in the report.

### **PH/18/62 Confirmation of The Manchester City Council (Land at former Old House at Home Public House, Burton Road, Old Moat) Tree Preservation Order 2018**

(Councillor White declared a prejudicial interest in this item of business and withdrew from the meeting whilst the decision was being made. Councillors Lyons, Monaghan and Strong left the meeting at the start of consideration of this item and so took no part in this decision).

A report from the Head of Planning, Building Control and Licensing explained that an objection had been lodged to the proposed Tree Preservation Order (TPO) on land at the former Old House at Home, Burton Road, Manchester M20 1HB (Ref: JK 19/01/18 TPO). Tree Preservation Order (TPO) had been served at the above address on two Lime trees adjacent to the junction of Burton Road and Darlington Road. An assessment by the City Arborist had concluded that that there were, at this location, two mature Lime trees in good health, of high visual amenity value making a valuable contribution to the character of the area. As such the two trees were worthy of protection by means of a TPO.

An objection to the Order had been made and the report set out the grounds of that objection. Each of the grounds was examined in turn and the issues it raised were assessed and responded to. The conclusion of that was that the Order had been properly made in the interests of securing the contribution these trees make to the public amenity value in the area. The concerns of the landowner had been fully considered and balanced against the contribution these two Lime trees make to the local environment. Whilst it was acknowledged that the reason for objecting to the TPO, in particular concerns about the potential that the TPO might constrain other redevelopment ambitions for the site, it was not felt that the objections and concerns outweigh the significant contribution these trees of high amenity value make to the area.

Councillor White, prior to withdrawing from the meeting, addressed the Committee to articulate his support for the confirmation of the Order and to endorse the valuable contribution the two trees make to the character of the area. He then withdrew whilst the Committee considered a decision on this Order.

Having considered the officer's report the Committee agreed to confirm the Order.

### **Decision**

To confirm the Tree Preservation Order at the former Old House at Home public house, Burton Road, Manchester M20 1HB, under Section 199 of the Town and Country Planning Act 1990, and that the Order should cover the trees as plotted on the plan attached to the report.