



Planning and Highways Committee

Date: Thursday, 29 August 2024

Time: 2.00 pm

Venue: Council Chamber, Level 2, Town Hall Extension

This is a supplementary agenda containing additional information about the business of the meeting that was not available when the agenda was published

Access to the Council Chamber

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Membership of the Planning and Highways Committee

Councillors

Lyons (Chair), Shaukat Ali, Bell, Chohan, Collins, Curley, Davies, Gartside, Hassan, Hewitson, Hughes, Kamal, Kilpatrick, Lovecy and Riasat

Supplementary Agenda

- 1a. **Supplementary Information on Applications Being Considered**
The report of the Director of Planning, Building Control and Licencing is now enclosed.

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Further Information

For help, advice and information about this meeting please contact the Committee Officer:

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This supplementary agenda was issued on **Wednesday, 28 August 2024** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 2, Town Hall Extension (Library Walk Elevation), Manchester M60 2LA

MANCHESTER CITY COUNCIL

PLANNING AND HIGHWAYS

**APPENDIX TO AGENDA
(LATE REPRESENTATIONS)**

**on planning applications to be considered by
the Planning and Highways Committee**

at its meeting on 29 August 2024

This document contains a summary of any objections or other relevant representations received since the preparation of the published agenda. Where possible, it will also contain the Director of Planning, Building Control & Licensing's own brief comment.

**APPENDIX TO AGENDA
(LATE REPRESENTATIONS)**

Planning and Highways Committee 29 August 2024

Item No. 5

Application Number 137226/FO/2023

Ward Deansgate Ward

Description and Address

Full planning permission for the demolition of existing structures and the phased construction of four residential buildings (two at 47 storeys and two at 51 storeys) to provide 1,746 homes (Use Class C3), flexible commercial, leisure, food and drink uses (all Use Class E) and / or drinking establishment (Sui Generis), basement car parking, cycle parking, landscaping and public realm, servicing and access arrangements, highways alterations and associated works.

Part Of Plot C And Plot E, Great Jackson Street, Manchester M15 4NP

1. Public Opinion

Two further comments have been received as follows:

- There is already a building called 'Lighthouse on Joiner Street which is not far away. The building should be called something different.
- The tall buildings already loom over St Georges. 5 more would increase the feeling of enclosure, reducing even more the amount of sky that can be seen. These buildings would exacerbate the wind. They would diminish the quality of life for those who live in their vicinity.

2. Director of Planning – further observations

Some drafting in the report requires amending/updating as follows:

- i) On page 20 The heritage statement addendum should be substituted with environmental Statement vol 1: Environmental Statement vol 2: Non-Technical Summary; and Visual Impact Assessment Addendum
- ii) On page 29 under policy CC9 the reference to negligible adverse should be replaced with 'at the lowest end' and similarly on page 64, the references in para 3 to (negligible) should be replaced with (lower end)
- iii) Having given considerable importance and weight to the desirability of preserving the setting of listed buildings, the public benefits outweigh the less than substantial harm to the significance and setting of heritage assets and national policy and JP-P2 are complied with

- iv) On page 82, in relation to vehicle movements it is concluded that there are no unacceptable impacts on highway safety and the residual cumulative impacts on the road network would not be severe so there are no highway related grounds for refusal (para 115 NPPF).
- v) The amount of public realm is 4665 sqm

It has been agreed with the applicant that a financial contribution of £37,180 would be made via a s106 contribution to improve and enhance the management of ecology and biodiversity within the vicinity of the site to mitigate the biodiversity and ecology impacts of the proposal. This would be in line with the considerations and policy context set out in the report, including para 180 (a) of the NPPF, regarding biodiversity net gains. This financial contribution via section 106 would meet the relevant tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

The report includes a significant amount of information on policy; Policy H8 of the Core Strategy informs that new development will contribute to the city-wide target of 20% affordable housing. 20% is a starting point and the policy goes on to advise that there may be exemptions to this. This includes viability. In this instance the financial appraisal has demonstrated why a contribution is not possible and the scheme remain viable.

Policy EN2 sets out the criteria for assessing tall buildings, the last point is viability and deliverability.

Having regard to the development plan as a whole and all other material considerations, including the existing and the draft NPPF, the proposal is considered to be acceptable.

For clarity, for the reasons set out in the report and as summarised in the conclusion, officers are satisfied, applying section 38(6) of the Planning and Compulsory Purchase Act 2004, that the proposals are in accordance with the development plan when taken as a whole and that the material considerations indicate that permission should be granted.

The recommendation remains **Minded to Approve**.

**APPENDIX TO AGENDA
(LATE REPRESENTATIONS)**

Planning and Highways Committee 29 August 2024

Item No. 6

Application Number 137227/FO/2023

Ward Deansgate Ward

Description and Address

Full planning permission for the demolition of existing structures and the erection of one residential building to a height of 71 storeys comprising 642 homes (Use Class C3) with food and drink uses (Use Class E) and / or drinking establishment (Sui Generis); and one office building (Use Class E); with basement car parking, cycle parking, landscaping and public realm, servicing and access arrangements, highways alterations and associated work

Plot D Great Jackson Street, Manchester M15 4NP

1. Public Opinion

Two further comments have been received as follows:

- There is already a building called 'Lighthouse on Joiner Street which is not far away. The building should be called something different.
- The tall buildings already loom over St Georges. 5 more would increase the feeling of enclosure, reducing even more the amount of sky that can be seen. These buildings would exacerbate the wind. They would diminish the quality of life for those who live in their vicinity.

2. Director of Planning – further observations

Some drafting in the report requires amending/updating as follow:

- i) On page 170 The heritage statement addendum should be substituted with environmental Statement vol 1: Environmental Statement vol 2: Non-Technical Summary; and Visual Impact Assessment Addendum
- ii) On page 178 under policy CC9 the reference to negligible adverse should be replaced with 'at the lowest end' and similarly on page 213 the references in the penultimate para to (negligible) should be replaced with (lower end)
- iii) Having given considerable importance and weight to the desirability of preserving the setting of listed buildings, the public benefits outweigh the less than substantial harm to the significance and setting of heritage assets and national policy and JP-P2 are complied with

- iv) On page 230, in relation to vehicle movements it is concluded that there are no unacceptable impacts on highway safety and the residual cumulative impacts on the road network would not be severe so there are no highway related grounds for refusal (para 115 NPPF).
- v) The reference to the Equality Act 2010 was not included in the report and is addressed below.

It has been agreed with the applicant that a financial contribution of £8,360 would be made via a s106 contribution to improve and enhance the management of ecology and biodiversity within the vicinity of the site to mitigate the biodiversity and ecology impacts of the proposal. This would be in line with the considerations and policy context set out in the report, including para 180 (a) of the NPPF, regarding biodiversity net gains. This financial contribution via section 106 would meet the relevant tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

The report includes a significant amount of information on policy; Policy H8 of the Core Strategy informs that new development will contribute to the city-wide target of 20% affordable housing. 20% is a starting point and the policy goes on to advise that there may be exemptions to this. This includes viability. In this instance the financial appraisal has demonstrated why a contribution is not possible and the scheme remain viable.

Policy EN2 sets out the criteria for assessing tall buildings, the last point is viability and deliverability.

Having regard to the development plan as a whole and all other material considerations, including the existing and the draft NPPF, the proposal is considered to be acceptable.

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

For clarity, for the reasons set out in the report and as summarised in the conclusion, officers are satisfied, applying section 38(6) of the Planning and Compulsory Purchase Act 2004, that the proposals are in accordance with the development plan when taken as a whole and that the material considerations indicate that permission should be granted.

The recommendation remains **Minded to Approve**.

**APPENDIX TO AGENDA
(LATE REPRESENTATIONS)**

Planning and Highways Committee 29 August 2024

Item No. 7

Application Number 137794/FO/2023 &
137795/LO/2023

Ward Piccadilly Ward

Description and Address

Erection of a 34-storey building (land at no. 14-16 Piccadilly) and conversion of adjacent building (no.12 Piccadilly) (basement to fourth floor) to create an aparthotel, including a ground floor cafe (Use Class E (b)), first floor exhibition hall (Use Class F1) and a rooftop bar and restaurant (Use Class E (b)), and associated works.

Listed Building Consent for the external and internal alteration and refurbishment of no 12. Piccadilly to form aparthotel in association with the erection of a 34-storey building (land at no. 14-16 Piccadilly), including ground floor cafe (Use Class E (b)), first floor exhibition hall (Use Class F1) and a rooftop bar and restaurant (Use Class E (b)), and associated works.

12 And 14 - 16 Piccadilly, Manchester, M1 3AN

1. Director of Planning – Further observations

Against the Energy Performance targets in the Development Plan (Places for Everyone) the proposal would be a 7% improvement on Part L 2021 for the new build and 93% improvement for the listed building. 52% of the onsite energy requirements in the new build and 45% of onsite energy requirements of the listed building would be provided on site.

**APPENDIX TO AGENDA
(LATE REPRESENTATIONS)**

Planning and Highways Committee 29 August 2024

Item No. 9

Application Number 139693/FO/2024

Ward Gorton & Abbey
Hey Ward

Description and Address

Change of use of the existing vacant clinic to form 6 no. residential apartments (1 x one bedroom, 3 x two bedroom and 2 x three-bedroom apartments) together with external elevational alterations, car and cycle parking and landscaping

Abbey Hey Clinic, Constable Street, Manchester M18 8GD

1. Local residents

The Abbey Hey Residents Association have made the following additional comments:

When permission in principle was sought and approved for 6 residential dwellings in August 2022 (134827/PIP/2020), the applicants, at that time, stated that the “building does not make a positive contribution in terms of design or appearance.”, and the current applicants bought the site with that permission in principle in place. The owner has chosen to seek to convert the block rather than demolish and build modern houses which is more appropriate and needed in the area. The applicant should be required to demonstrate that there is no demand for 6 family houses as approved.

The provision of 6 houses would be much sought after, in this area, and the current application does not change this view as the building is out of character with the area. It is flat roofed, a mix of one and two-storey and not purely of brick construction as much of it is panels. It is an unusual shape and design and is not suitable for housing and a dated building, vacated by the NHS, is unlikely to provide long term sustainable living for families wishing to stay in the area. The NPPF states that sustainable development should be achieved but, in this instance, this is a conversion of a dated building which has passed its useful life and minimal work is being proposed to create development for long term use. Also, the minimal amount of work proposed would not provide any local jobs.

The proposed changes do not create a building which is in character with the area. It is a dated building now and was constructed to be used 5 days a week as a clinic and not for living accommodation. Minor alterations do not alter the fact that is unattractive.

The current site owner originally chose to apply for an HMO which was refused. The HMO was operated illegally for months with people living in substandard accommodation and with many health and safety issues being ignored.

The proposed internal accommodation does not appear to be of a high standard. It is the minimal conversion of an existing building to maximize the number of units provided and flats do not provide families with safe secure gardens and private open space. A modern group of houses would be more in line with Council policy.

There are a number of existing apartments locally, including the nearby Abbey Court and new developments at Gorton Mill and Lees Street/Constable Street providing high quality design and facilities. The proposed conversion does not meet that level of provision.

The scheme indicates 6 apartments and 21 bed spaces, but the number of residents would be difficult to control, and the flats could be used as an HMO and applying a restrictive condition would not prevent the property becoming a hostel/HMO.

Local residents feel that they are ignored when decisions are made and if this substandard design is allowed to be converted into accommodation this will re-affirm their view that the area is getting the worst possible option, an outdated building that has never looked in place in the area being converted to inferior housing.

2. Ward Members and Local MP

All 3 Ward Members have indicated that they are really concerned that this application is being recommended for approval, and they have made the following additional comments:

The owner of the property had 21 people living there illegally for months and did not respond to the Council's Compliance Officers, when served notice to evict the tenants. The police and fire service also gave notice that the building did not comply with health and safety legislation and again the owner (who is still the owner applying for the planning permission for 6 apartments) did nothing to respond.

It is surprising that a building, that was purpose built as a health clinic in the 1950s, only needs minimal changes to accommodate 6 apartments. Consequently, it is the opinion of the Ward members, and that of the Abbey Hey Residents' Association, that the owner intends to disguise the property as an HMO, 21 people living in it, under the premise of it being 6 apartments.

There is insufficient car parking for the development with only 6 spaces for 21 people and it is felt that there will be a risk to pedestrians and cyclists due to inadequate road and pavement infrastructure in the immediate vicinity of the site.

The proposal is considered to represent an overdevelopment of the site that will adversely impact local residents, due to a more intensive use of the site, compared to the previous clinic use, upstairs bedrooms overlooking nearby properties. removing privacy for those residents. They also anticipate significant noise from 21 residents living in the accommodation, which they already know is true, due to complaints they received, on a daily basis, of noise coming from the clinic both day and night and disturbing local residents, when the premises were being used as a hostel. There will also be noise, dust and disruption during construction works.

The scale and massing, of the building, is out of character with the surrounding area, where surrounding streets are predominantly two storey terraced housing. This was a purpose-built health clinic, which was never meant to be a residential property. Its design and appearance do not fit the local architectural style and character of the area. It is their view that significant remodelling is needed, both internally and externally, to make the property suitable for residential accommodation and of a style that is appropriate for this location, but this is not being proposed.

There is inadequate infrastructure, that will put a strain on drainage and sewerage systems. There have been two significant road subsidence in the last few years where Constable Street and Walmer Street have collapsed, and houses have fallen into the ground, and the Council have referenced the following text, from the Committee report, which is from an informative that the Council's Flood Risk Management Unit has asked to be attached to any planning permission granted:

MCC records highlight that the underground Corn Brook Tributary Gorton is located within close proximity to the site (approximately 45 m to the South of the site), while our records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all culverted assets.

The Ward Members are concerned that 21 people living in the clinic will put extra strain on the already failing sewerage systems.

For these reasons, the 3 ward members therefore request that the Committee refuse this application.

Andrew Gwynne MP has also indicated that he shares the same opinion, on this application, as the Ward Members, and supports this objection in its entirety.

3. Director of Planning – Further comments and observations

It is considered that the majority of these comments cover issues that are addressed within the main report.

It is the case that there was a previous permission in principle, for 6 houses on the site, but this has not been pursued and, if the building is not converted to apartments, it cannot be assumed that any future proposals would be received for the provision of family housing on the site. This should not therefore be a factor, in the assessment of the current application, which should be determined on its own planning merits.

In relation to the suspicion, that the whole premises, or one or more apartments, would be used as an HMO, this is an application to convert the property into 6 apartments, and not an HMO use, and it has been assessed accordingly. Should planning permission be granted, for 6 apartments, this would be the authorised use of the building. A condition is proposed which precludes any of the apartments being used as an HMO, and action could be taken against any unauthorised use of the premises, including use as an HMO or hostel.

In relation to matters such as car parking, potential noise disturbance and drainage, the application has been assessed by relevant officers, as indicated in the consultations section of the report and there are no objections to the proposal, from these officers, subject to the conditions and informatives listed in the report.

National Legislation allows many buildings to be converted, to residential uses, in order to avoid derelict empty buildings and to promote sustainable development and housing supply. This includes buildings used as shops, offices, warehousing and medical services, amongst others. Specifically, it allows changes of use from a use falling within Class E (commercial, business and service) of the Town and Country Planning (Use Classes) Order to a use falling within Class C3 (dwellinghouses), subject to obtaining prior approval. A clinic falls within Class E and such premises would normally benefit from this permitted development right. However, this is not possible, in this case, because there has been an intervening unauthorised use, as a hostel. Nevertheless, this process, and the ability of similar buildings to be converted to residential purposes, under this allowance, is a material consideration that must be taken into account in the determination of this application.

The recommendation of the Director of Planning remains **APPROVE** subject to the conditions outlined in the printed report.