

Planning and Highways Committee

Minutes of the meeting held on Thursday, 21 January 2021

This Planning and Highways meeting was a meeting conducted via Zoom, in accordance with the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Present: Councillor Curley (Chair)

Councillors: Nasrin Ali, Shaukat Ali, Andrews, Y Dar, Davies, Flanagan, Kamal, Leech, J Lovecy, Lyons, Madeleine Monaghan, Riasat, Watson and White

Apologies: Councillor Hitchen

Also present:

Councillors Jeavons (ward Councillor) and Wheeler (ward Councillor)

PH/20/1. Supplementary Information on Applications Being Considered

A copy of the late representations that were received in respect of applications (128189/FO/2020 and 121252/FO/2018), since the agenda was issued.

Decision

To receive and note the late representations.

PH/20/2. Minutes

Decision

To approve the minutes of the meeting held on 17 December 2020 as a correct record.

PH/20/3. 128189/FO/2020 - 39 Daisy Bank Road, Manchester, M14 5GP - Rusholme Ward

This application relates to a change of use to a residential care home providing accommodation for up to 6 people (Class C2). The application relates to a relatively large vacant 2-storey, semi-detached dwelling house with an existing two storey side and rear extension. The application property is unoccupied but has a current licence for use as an 8 person house in multiple occupation (HMO); a use that appears to have first commenced in 1997. The proposed development would relate to the care of up to 6 adults with mental health needs or learning difficulties requiring 24-hour support over short and longer-term periods.

The Planning Officer provided an update including drawing Members attention to the late representation report. The update referred to the submission of a staff travel plan that has been assessed by Highways officers. Further details are required in

relation to implementation and future monitoring however, the submission gives assurance that the details of the recommended staff travel plan condition are capable of being delivered as part of the development. The Committee was informed that if the application is agreed there would be an amendment made to Condition 3 regarding the Permitted Management Plan on the number of residents who could be cared for at the residence.

The applicant or agent did not address the Committee on the proposal.

There was no objector present at the meeting.

The Chair invited members of the Committee to ask questions and comment of the application.

A member noted that objections had been submitted by local residents on the possible loss of amenity but considered that the proposed application will provide much needed residential care provision and welcomed the application.

Councillor Lovecy moved the recommendation to approve the application, subject to an amendment to Condition 3 to amend the Permitted Management Plan to limit the number of residents who can be cared for at the residence at one time. Councillor Watson seconded the proposal.

Decision

The Committee approved the application subject to the Conditions detailed in the report submitted and subject to the amendment of Condition 3 to amend the Permitted Management Plan to limit the number of residents who can be cared for at the residence at one time.

PH/20/4. 121252/FO/2018 - Great Marlborough Street Car Park, Great Marlborough Street, Manchester, M1 5NJ - Deansgate Ward

This application is for the partial reconfiguration of existing Multi-Storey Car Park (MSCP), including temporary access off Great Marlborough Street, construction of 5 storey external ramps, closure of vehicular access to top level; and construction of new facade; and partial demolition of the surplus part of existing MSCP and erection of a part 55, part 11 storey, part 4 storey mixed-use building comprising 853 Purpose Built Student Accommodation units (sui generis), ancillary amenity space and support facilities, and 786sqm (GIA) SME incubator workspace (Use Class B1), including public realm improvements and other associated work.

The Planning Officer provided an update including drawing Members attention to the late representation report. The update referred to further comments received from the Macintosh Village Residents Company and the responses to the comments from the Director of Planning as follows:

- The objection to the third notification was on behalf of 425 individual objectors;
- Members should receive a copy of their legal advice, and a more professional

- and accurate record of the impact for the developer, given residents would be successful in injunction (the possibility must be understood by Members);
- A 6-year construction plan has been communicated to residents. The 3 years within the report was a fictional plan and is misleading
 - The price point was issued in the consultation documents stating £275 per week so it needs to be in the document and link to profitability and a more transparent S106. The committee report suggests the applicant is borrowing £150 million but is yet to land on a business model or price point?
 - A legal offer was made during the second consultation of a direct payment to Macintosh Village Residents after sharing street crime CCTV footage and the acknowledgement that anti-social behaviour will increase pro rata with the increase from student caste V1 before they sold it;
 - The statement regarding the track record of the applicant is biased. They no longer own student castle and a balanced report would inform members know of their track record of selling every 3 years;
 - There are deliverability challenges and highways have said no access nor use of Hulme Street for cranes. The applicant says they will not use a tower crane as HSE would not allow residents to use the car park. So where is the crane shown on the construction plan during residents' consultation 2 and 3 going to go?
 - A miscalculation with the UNITE scheme regarding access for the crane and site was made and the whole road was closed for the duration. You cannot close Great Marlborough Street for the duration nor use or access Hulme Street so where is the evidence of deliverability?
 - The report does not reference the previous planning refusals in the area for over dominance of a tall building not on a podium;
 - The report does not reference the Manchester Residential Design Guide;
 - The report does not reference Part L of the Building Regulations that does not allow the use of an energy tariff to pass sustainability.

Responses for the Director of Planning:

Whilst the proposal would create 853 units, the size of the units means that some could be shared and up to 934 students could live there. The applicant intends to offer room to single occupants with the larger studios reserved for those with disabilities. However, for the purposes of considering the impact of the development, the planning submission, including the Environmental Statement, has considered the maximum capacity of the building. The report notes that room sizes are larger than other nearby student accommodation. 97% of the studios exceed 18 sqm.

The response of the Macintosh Village Residents Company (third notification) was supported by 425 individual objectors. The third notification was subject to a 30-day consultation, and publicised in the form of a press notice, due to information being received under the EIA Regulations. In addition, this information was the subject of a 21 days re-notification was undertaken with local residents.

The construction period is expected to be 5 years with the build lasting 3 and half years and the remainder for fit out.

The constrained nature of the site and the need to ensure that the MSCP remains operational throughout, creates construction and highway management challenges together with disruption to the surrounding residential area from noise, dust and traffic. The specific logistical requirements are still being considered with Highway Services and indicative details are provided in the report. The final location of the tower crane(s) has yet to be agreed, but Hulme Street would not be used for its erection or dismantling. A tower crane strategy would be required and condition 11 should be amended to make this more explicit.

Access to the MSCP would be managed when the crane is erected/dismantled in the interest of safety and access would be restricted/supervised during this time. The users of the car park would be given prior notification of any restrictions. In any instance where access is required without prior notice, or in the event of an emergency, the car park areas would be made safe in order to facilitate the request for access at the earliest opportunity. It is envisaged that this will be for short periods of time only during the lifting operations.

Once the crane has been erected, general construction exclusions zones would only apply to specific construction areas of the MSCP which include the roof of the car park. As detailed within the report, the car park would remain in use with appropriate protection measures in place to ensure segregation from the construction site. Use of the lifts and main stair core would remain accessible. Any changes to access routes will be communicated in advance and clearly sign posted.

The applicant's contractor has developed management measures to minimise localise impacts on residents and the local highway network. This includes air quality monitoring measures and Just In Time (JIT) delivery systems which ensures that waggons do not idle on the surrounding road network.

The construction impacts of this development can be managed and mitigated so that amenity or highway impacts would not warrant refusal. Condition 11 would ensure that construction impacts are mitigated and agreed to maintain the operational effectiveness of the highway network and pedestrian safety and minimise impact on residential amenity.

Officers are in receipt of a legal opinion obtained by Macintosh Village Residents Company with regards to the impact of the redevelopment of the site on the leaseholders car parking spaces within the MSCP. It notes that the Residents Company oppose the redevelopment of the car park and that the purpose of the legal opinion is to determine whether the redevelopment of the car park is allowed within the confines of the leases and whether the redevelopment would result in an actionable interference with the rights of leaseholders.

The legal opinion states that the redevelopment of the car park, insofar as it would reduce the number of spaces available, is not permissible by the lease in or of itself and that the development of the car park (both during the 6 year construction phase and upon the completion) would likely result in actional interference with the rights of tenants with the benefit of the right of way and the right to park. The legal opinion concludes that the tenants with the benefits of the rights would be able to seek restrain such interference by injunction.

Members are advised that there are private third-party property rights relating to the right to park in the MSCP. Such rights are protected and enforced through other legislation and are not material planning considerations.

It is noted that Macintosh Village Residents Company disagree with this position and state that the presence of such rights effect the deliverability of the scheme which they believe is material to the planning decision.

Increasing the supply of purpose-built student accommodation would help to relieve pressure on existing homes in the city centre which drives up rents and are Council Tax exempt. There are also known issues, particularly at Manchester Metropolitan University, who is unable to offer all first-year students' accommodation in purpose built student accommodation.

The scheme on New Wakefield Street was promptly delivered upon the grant of planning permission and is now ready for occupation.

The applicant has a track record of delivering student accommodation schemes. It is not material to the determination of this planning application whether the applicant chooses to then sell their interest in a site and all obligations are attached to the land and not the applicant.

This planning application has to be determined on its merits. The scale, height appearance is considered in detail in the report particularly the impacts on the wider townscape and heritage. The images within the report, including cumulative impacts (shown in wire lines) comprehensively considers the local and wider impact on the City scape and concludes, that in most cases, the impacts are beneficial or commensurate with other nearby developments.

Where harm does arise, particularly to the setting of the conservation area and nearby listed buildings, this harm is suitability mitigated by the significant public benefits which would arise from a project of this nature. The proposal therefore accords with paragraphs 193, 194 and 196 of the NPPF and section 72 of the of the Planning (Listed Building and Conservation Areas) Act 1990.

Localised impacts on the wind environment and impacts on daylight, sunlight and loss of privacy are also considered likely and the effects are outlined in some detail in the report. Such impacts are not unusual in a city centre context and would therefore not warrant refusal of this planning application.

The report does reference the Residential Quality Guide a summary of which is included in the policy section of the report.

The correspondence relating to a legal offer etc is not part of this planning application and is not a relevant planning consideration. Designing out crime is a key planning consideration and the application has been reviewed by Design for Security at GMP with recommendations in the Crime Impact Statement. The recommendations in their report have each been included in the design including increased CCTV.

The development exceeds relevant planning policies and those outlined within Part L of the Building Regulations without a specific energy tariff. Commitment to a zerocarbon energy tariff is one additional means, beyond Part L, that forms part of the low carbon strategy.

The objector's representative addressed the Committee and outlined the reasons for the objections submitted.

The applicant's agent addressed the Committee on the proposal.

Councillor Jeavons (ward Councillor) addressed the Committee to object to the application due to the potential impact on the surrounding area and the Mackintosh Village and requested the Committee undertake a site visit. The Committee was informed that the development would negatively impact the residential community and unbalance the area through influx of such a large number of students.

The Planning Officer reported that the points raised had been extensively covered in the planning report.

The Chair invited members of the Committee to ask questions and comment of the application.

A member raised five points in respect of the application and welcomed the proposal for a site visit. The points raised were:

- Is the development deliverable if it is open to legal challenge.
- The cumulative negative impact of the area with the increase in students living in the development.
- The lack of affordable accommodation within the development.
- The details on the infrastructure improvements and the importance of agreeing them before the application could be approved.
- The unacceptable visual appearance of the development.

Members of the Committee supported the request for a site visit

Councillor White moved the proposal for the Committee to undertake a site for the reasons of the size/massing of the proposed building and its potential impact on the surrounding area. Councillor Flanagan seconded the proposal.

Decision

To agree to defer consideration of the planning application to allow a site visit to be carried out by the members of the Committee.

(Councillor Nasrin Ali did not take part in the vote on the decision due to technical issues.)

PH/20/5. 126328/FO/2020 - Speakers House, 39 Deansgate, Manchester, M3 2BA - Deansgate Ward

This application relates to an application for the erection of a 17 storey building comprising office use (Use Class B1a) and flexible ground floor commercial units (Use Classes A1 shop, A2 financial and professional services, A3 restaurant/cafe and A4 drinking establishment), new electricity sub-station, basement cycle parking and rooftop plant enclosure, together with access, servicing and associated works following demolition of the existing building.

The Planning Officer provided an update on the application. The Committee was advised that two reasons for minded to refusal had been included in the planning report. The Committee was informed that officers did not consider the first reason regarding a loss of amenity to be sufficient to refuse the application. The second reason referred to points raised by Historic England relating to the impact of the building on town houses located nearby but did consider the impact to result in less than substantial harm. The view taken by planning officers is that the benefit of the development to the area will outweigh negative impact.

The objector's representative addressed the Committee and recapped on the reasons for objection.

- The Height and mass and the development;
- Loss of amenity to local residents (loss of privacy and light, overlooking);
- Impact on heritage assets;
- Over development of the site.

The applicant's agent addressed the Committee on the proposal.

Councillor Jeavons (ward Councillor) addressed the Committee to object to the application. The committee was advised that the application does not work for the local area or that area of the city centre in terms of height and mass. The impact on local heritage assets is considerable and unacceptable in a city centre concept.

The Chair invited members of the Committee to ask questions and comment of the application.

The Planning Officer referred to the detailed responses within the planning report to the objections received and the application of planning policies and guidance. Reference was also made to the impact of the scheme which is not considered to be a substantial harm on the surrounding area.

Councillor Lyons moved the proposal for the Committee to refuse the application. Councillor Leech seconded the proposal.

Members of the committee considered that the issues relating to the negative and substantial impact of the proposal had not changed with the loss of amenity and impact on heritage assets and considered that the negative impact of the development would not outweigh the potential public benefits and agreed that the application be refused for the following reasons:

1. The proposed development would be unacceptable due to the resultant loss of amenity for the residents of No. 1 Deansgate and therefore contrary to

guidance within the National Planning Policy Framework and inconsistent with policies SP1 and DM1 of the Core Strategy.

2. The proposed development would represent overdevelopment of the site and would be unacceptable due to the negative impact on the heritage assets of St. Ann's Church, the Royal Exchange and the St. Ann's Square Conservation Area. Furthermore, the negative impact of the development on surrounding heritage assets would not be outweighed by the public benefits of the proposal. The proposed development would therefore be contrary to guidance within the National Planning Policy Framework and inconsistent with policies SP1, EN3, CC9 and DM1 of the Core Strategy and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

Decision

The Committee refused the application for the following reasons:

1. The proposed development would be unacceptable due to the resultant loss of amenity for the residents of No. 1 Deansgate and therefore contrary to guidance within the National Planning Policy Framework and inconsistent with policies SP1 and DM1 of the Core Strategy.

2. The proposed development would represent overdevelopment of the site and would be unacceptable due to the negative impact on the heritage assets of St. Ann's Church, the Royal Exchange and the St. Ann's Square Conservation Area. Furthermore, the negative impact of the development on surrounding heritage assets would not be outweighed by the public benefits of the proposal. The proposed development would therefore be contrary to guidance within the National Planning Policy Framework and inconsistent with policies SP1, EN3, CC9 and DM1 of the Core Strategy and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

PH/20/6. 128002/FO/2020 - One City Road, 1 City Road East Manchester, M15 4PN - Deansgate Ward

This application relates to a full Planning Application for demolition of existing structures on site, erection of one 11-storey plus basement office building (Use Class E) and one 14-storey plus basement office building with ground floor commercial unit (Use Class E), landscaping, highways works, and associated works. The application includes 519 cycle parking spaces and on-street parking bays would be re-arranged to include two on-street parking bays for disabled people and a car club space.

The Committee undertook a site visit prior to the meeting.

The Planning Officer did not any further comments of the planning application submitted.

The objector's representative addressed the Committee and referred to the reasons for objection relating to:

- Amendment to the proximity of the development to City South residents;
- Loss of privacy
- Shadowing on City South;
- Loss of natural light;
- Noise concerns.
- Access to City South on Shawcross Street;
- Putting back the development date to 2024;
- Impact on selling of properties at City South development;
- Increase in pollution;
- Construction work impacts;
- Environmental pollution, litter during construction;
- Car parking for the office space;
- Increase in traffic;
- Loss of trees and green space
- Loss of visual amenity.

The applicant's agent addressed the Committee on the proposal.

Councillor Jeavons (ward Councillor) addressed the Committee to object to the application. Reference was made to the loss of amenity to the residents of City South as detailed in the planning report.

The Planning Officer reported that it was important that development continues in this area of the city centre to provide homes and places of work and a balance was needed to address resident's tensions with new developments in order to move forward. Officers considered that the design of the development provided an acceptable balance.

The Chair invited members of the Committee to ask questions and comment of the application.

A member referred to the reference 'bounce back' and made the point that many office workers are working from home and this may continue resulting in another office block becoming unnecessary. Reference was also made to the permeability of the site to pedestrians and the appearance of the access which looked like an entrance to the proposed building.

The Planning Officer reported that there is a belief by developers that there is a requirement for Grade A office accommodation within the city centre and this development would help meet that requirement. The new accessible walkway proposed would be similar to the walkway currently used as a public access between the Town Hall Extension and the Central Library on Library Walk between St Peter's Square and Mount Street.

Members referred to the assessments made to determine acceptable levels of natural light for new buildings and the issue of noise for the properties with no alternative rooms to move to. The point was made that it is important to assess the

impact of new developments on people in their homes. Reference was made to the construction management plan and the importance of the involvement and consultation with residents in process when producing the plan.

The Planning Officer reported that consultation with residents and contractors is at the forefront of any development and consultation on the construction management plan would be raised with the developer. Officers would also look at providing a new format for the presentation of information relating to the impact new development on light levels for residents.

Councillor Andrews moved the proposal for the Committee to approve the application. Councillor Shaukat Ali seconded the proposal.

Decision

The Committee approved the application subject to the Conditions detailed in the report submitted.

(Councillor Flanagan left the meeting took no part in the vote on the application or the remainder of the meeting.)

**PH/20/7. 127881/FO/2020 & 127882/LO/2020 - 109 -127 Market Street,
Manchester, M60 1TA - Piccadilly Ward**

This application relates to development comprising erection of four storey roof-top extension (for use within Class E (Commercial, Business and Service Uses); for use of floors 1-7 for use within Class E (Commercial, Business and Service Uses) and change of use of the basement and ground floor to permit Use Class E (Commercial, Business and Service Uses) and Drinking Establishments and Hot Food Takeaway (Sui Generis) use, external works associated with the formation of new ground floor entrances, sub-division of the ground floor into 9 units; works to windows including replacements, creation of winter gardens on the 6th floor; creation of external roof top amenity spaces; installation of new rooftop plant; the provision of secure cycle parking (255 spaces) in sub-basement and other associated works.

There is also an application for Listed Building Consent: Internal and external alterations to include: the erection of four storey roof-top extension; partial demolition of the floor structure to create the atrium; installation of a lightwell; external alterations to form new entrances on the ground floor; sub-division of the ground floor into smaller units the refurbishment; works to windows including replacements; demolition of a staircase; partial demolition of kitchen and plant structure on Floor 7; creation of winter gardens on the 6th floor; creation of external roof top amenity spaces; installation of new rooftop plant; refurbishment of the interiors and other associated works.

The Planning Officer provided an update the application and reported that following discussions with the application regarding concerns raised by local residents on the issue of privacy and overlooking. Agreement had been reached that a dense frit would be added to the bottom level of each window to head height to increase privacy of the residential properties adjacent.

The applicant's agent addressed the Committee on the application.

Councillor Wheeler (ward Councillor) addressed the Committee to comment on the proposal. Reference was made to the extension planned on the top of the current building. Reference was also made on the loss of light to local properties adjacent to the building and impact this may have on the health and wellbeing of residents affected. Reference was made to the planning report that access to light in adjacent buildings it is unrealistic and asked if this could be addressed.

The Planning Officer reported that the planning report provided detailed responses to the points raised.

The Chair invited members of the Committee to ask questions and comment of the application.

A member referred to the roof top and extension and why the structure is hidden from view and designed in an out of touch manner and the lack of light for residents.

The Planning Officer reported that the building is iconic within the city centre and had come to the end of its useful life in its current use. The applicant has looked at potential uses and has produced a sustainable use for the building that protects its historical integrity and an office building is considered the best future use. The roof top extension was added and is the smallest financially, commercially viable structure and design for the building. This has been assessed independently on its impact and is considered acceptable.

Councillor Shaukat Ali moved the proposal for the Committee to approve the application. Councillor Riasat seconded the proposal.

Decisions

1. The Committee approved the planning application 127881/FO/2020, subject to the Conditions detailed in the report submitted.
2. The Committee approved the application for List Building Consent 127882/LO/2020as detailed in the report submitted.

(Councillors Y Dar, Monaghan and Nasrin Ali left the meeting and did not take part in the vote on the application.)

PH/20/8. 128045/VO/2020 - Manchester Cathedral, Victoria Street. Manchester, M3 1SX - Deansgate Ward

This is for a City Council Development - Public realm works to create a new public amenity space (Phases 1A, 1B and 1C) comprising the creation of a memorial feature to the Manchester Arena Attack, new entrance square in front of Manchester Cathedral (with potential use as events space), areas of new paving, amenity planting, raised lawns, tree planting, street furniture and lighting.

The proposals would create a public amenity space in 3 phases including the creation of a memorial feature to the Manchester Arena Attack (Phase 1A), new entrance square in front of Manchester Cathedral, paving, amenity planting, raised lawns, tree planting, street furniture and lighting.

The applicant's agent addressed the Committee on the proposal.

There was no objector present at the meeting.

The Chair invited members of the Committee to ask questions and comment of the application.

A member asked officers if the area proposed would be classed as a public park and how many trees would be included in the design, what alternative arrangements would be made for cyclists to avoid using the area for access. Also, did the GMP Safety by Design team have any concerns on the design of the area.

The Planning Officer reported that the area is for the creation of a public realm, and there will be sixty-four trees included in the design. Alternative access arrangements for cyclists routes would be considered because the space would be for pedestrian access only and cyclists would be required to dismount. The GMP concerns had been addressed and the final design would require a Safety by Design accreditation before it could be proceeded with.

A member asked if the area would be fully accessible for people with mobility issues.

The Committee was informed that the area would be full accessible to the public and further negotiations would continue to with access groups to address concerns and ensure full accessibility.

Councillor Lyons moved the proposal for the Committee to approve the application. Councillor Andrews seconded the proposal.

Decision

The Committee approved the planning application, subject to the Conditions detailed in the report submitted.