

## **Planning and Highways Committee**

### **Minutes of the meeting held on Thursday, 20 January 2022**

**Present:** Councillor Curley (Chair)

**Councillors:** Shaukat Ali, Andrews, Y Dar, Davies, Flanagan, Kamal, J Lovecy, Lyons, Riasat, Richards and Stogia

**Apologies:** Councillor Baker-Smith and Kirkpatrick

**Also present:** Councillors: Hilal, Hitchens and Johns

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

A copy of the late representations received had been circulated in advance of the meeting regarding applications 131314/FO/2021 and 132069/FO/2021.

#### **Decision**

To receive and note the late representations.

#### **PH/20/2. Minutes**

#### **Decision**

To approve the minutes of the meeting held on 16 December 2021 as a correct record.

#### **PH/20/3. 131895/JO/2021 - Coleshill Street Manchester M40 8HH - Miles Platting & Newton Heath Ward**

Permission was sought to remove condition no.44 attached to planning permission reference 125596/FO/2019 (approved subject to conditions and a section 106 agreement on 10 November 2020), which related to affordable housing.

The approved scheme for 410 new homes, was accompanied by an Affordable Housing Statement, which outlined that the viability of the scheme had been considered in line with best practice and as such a Viability Assessment was submitted for consideration. There are complex ground conditions on the site, which impact on viability, and it was demonstrated that the development could not support affordable housing. Through the involvement of a Registered Provider, however, 114 affordable dwellings are to be provided on the site through grant funding from Homes England.

Since the granting of the planning permission, Homes England has confirmed that the houses would not qualify for funding if they are subject to a planning condition. In this instance the affordable homes would be delivered and secured via the Development Agreement with the City Council and provisions in the leases (fulfilled

by virtue of the City Council's landownership interest), rather than by way of condition no.44.

The application site covers an area of approximately 6.4 hectares and includes the former Manox site (chemical dye factory). It is bounded by the Rochdale Canal (and associated tow path), grassed brownfield land and commercial /industrial uses to the north. To the south is Iron Street; this area to the south is largely residential and includes a play area. There are further residential properties to the west and across Varley Street is Victoria Mill (Grade II \* listed building) which has been converted to residential use. To the east across Alan Turing Way there are commercial /industrial uses.

The Planning officer had no further information or additional comments to make.

Councillor Hitchen addressed the Committee and requested that consideration of the application be deferred to allow the Committee to see a copy of the development agreement to ensure that affordable dwellings will be included in the application.

A member of the committee commented that the executive summary made reference to the removal of condition 44 and there was concern that by removing the condition there should be an undertaking within the development agreement to ensure the inclusion of affordable housing.

Councillor Andrews proposed that the application be deferred until the next meeting of the Committee to allow members to see the development agreement and be satisfied that a robust agreement is in place to ensure the 144 affordable dwellings will be included within the development.

The planning officer reported that he had spoken to both the applicant and colleagues in Corporate Property and they have advised that the development agreement does include the requirement for the provision of 114 affordable dwellings.

The Director of Planning advised that Committee that the development agreement contained commercially sensitive information and therefore checks would be made to ensure only non-sensitive extracts were presented to members of the Committee to confirm the inclusion of 114 affordable dwellings.

Councillor Flanagan seconded the proposal to defer consideration of the application until the next meeting of the Committee.

## **Decision**

The Committee agreed to defer consideration of the application until the next meeting to allow members to be satisfied that the inclusion of 114 affordable dwellings is clearly stated within the development agreement for the proposed development.

(Councillor Richards declared a personal interest in the application having had an involvement previously as an Executive member and left the room during the consideration of the application).

**PH/20/4. 131708/FO/2021 - 87 Rochdale Road Manchester M4 4JD - Piccadilly Ward**

This application sought the erection of a part 11, part 13 storey building to form residential apartments (Use Class C3a) together with the erection of two blocks of 3 storey duplexes (Use Class C3a) to form 237 residential homes in total with associated commercial floor (Use Class E) (132 sqm), basement car parking, landscaping and public realm, and associated engineering and infrastructure works following demolition of existing buildings and structures.

The Planning officer had no further information or additional comments to make.

No objectors to the application attended the meeting or addressed the Committee on the application.

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

Councillor Lyons addressed the committee as ward councillor. Reference was made to the lack of affordable homes and he commented that this would a good location for development. It was noted that the planning report contained some errors regarding the inclusion of affordable housing. Councillor Lyons made reference discussions held with the developer and the people who may be attracted to living there and it was concerning that there is a lack of soft play areas within the public realm element of the development for families with young children. The suggestion was made that a condition be added to the application for the inclusion of soft play areas to be included as part of the development. (Councillor Lyons then left the meeting room and took no part in the consideration or vote on the application.)

The planning officer confirmed that the development does not include affordable housing. A clawback mechanism would review this. A condition could be included for assessment and evaluation of a soft play area.

Councillor Flanagan proposed that an additional condition for the inclusion of soft plays areas and that final designs be agreed by the Director of Planning in consultation with the Chair of the Planning and Highways Committee. The councillor made the point that no reference is made in the application to the development of family homes but no reference is made to provision for families with children.

Councillor Richards in seconded the proposal commented that the application falls in the Northern Gateway SRF area, where developer partners already offer 20% affordable homes. In addition, the inclusion of local infrastructure needed to be included to help support the building of a community in the area and meet the needs of all residents instead of a one-sided approach. It is important that a contribution is made to help meet the cost of providing the infrastructure, if affordable housing is not achievable.

The planning officer reported that discussions are ongoing with key partners on the Victoria North area for the ongoing transformation of the area over the next 10-15 years. The area will see significant change that will include important infrastructure facilities such as schools and GP surgeries.

The Committee agreed the application with the inclusion of an additional condition for a soft play area with the design to be subject to approval by the Director of Planning in consultation with the Chair of the Planning and Highways Committee and members of the committee.

### **Decision**

The Committee agreed the application as detailed in the report submitted and with the inclusion of an additional condition for the assessment and evaluation of providing a soft play area, with the design of it to be subject to approval by the Director of Planning in consultation with the Chair of the Planning and Highways Committee and local members.

(Councillor Lyons declared a personal interest in the application but addressed the Committee as a ward councillor before leaving the meeting and taking no part in the consideration or vote.)

### **PH/20/5. 131314/FO/2021 - Speakers House 39 Deansgate Manchester M3 2BA - Deansgate Ward**

This application sought the erection of a 17 storey building comprising office use (Use Class E(g)(i)) and flexible ground floor commercial units (Use Classes E(a), (b), (c) and sui generis 'drinking establishment'), new electricity substation, basement cycle parking and rooftop plant enclosure, together with access, servicing and associated works following demolition of the existing building.

The planning officer reported that late representations had been submitted from Councillor Johns (Deansgate ward Councillor) that referred to discussions held with the developer. The submission included a breakdown of the impact of the proposed development on the neighbouring residential property (No1 Deansgate), listed buildings and conservation area. The impact of the development on the townscape due to overdevelopment and concerns on the list of assumed benefits to the city to be provided by the development.

The planning officer stated that the responses to the concerns raised had been provided in the planning report.

The planning officer advised the Committee that the developer had provided a viability study of the scheme and alternative schemes for the site which had been independently assessed. The viability study had indicated that the scheme would not be viable in another or reduced form.

The Chair invited an objector to speak on the application. The Committee was advised that the planning application had been resubmitted with no changes. The development was not appropriate for the location due to its height and mass. The objectors were happy to engage with the developer to address concerns, although no agreement had been reached. The impact on the surrounding location, residential area, heritage area and assets are significant and the development would result in the loss of the low/mid roof lines of buildings in St Ann's Square Conservation Area and would dominate the Royal Exchange clock tower. The building would result in the

loss of views of heritage asset buildings. The Council appears to be moving away from its policy on tall buildings in a conservation area. Residents of No1 Deansgate will be impacted negatively with loss of privacy, amenity loss of light and will leave local residents in a less attractive position.

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

Councillor Johns (ward councillor Deansgate ward) addressed the application. The Committee was advised that the discussion held with the developer was positive but did not address the concerns of residents of No1 Deansgate regarding maintaining privacy. The application submitted appeared to be identical to the previous one apart from the inclusion of fritted glass and the Committee was asked to refuse the application for the reasons that have been presented today and at previous meetings. A clear and compelling case has been presented through the Committees consideration of the application for the reasons that it impacts negatively on the residents adjacent to the development and the important heritage assets and important buildings and features within the area.

The Planning Officer reported that the impacts would not be significant in a city centre context. The separation between the buildings is similar to distances agreed previously by the committee on other tall buildings and are not unusual. An assessment showed that wind condition would be improve. Historic England has indicated a 'less than substantial harm' to the buildings in St Ann's Square and the level of public benefit appeared to outweigh the level of harm to the area. The building is currently vacant and refurbishment is not viable.

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

A member asked if the application is a new application or an amendment of the previous application. The planning officer reported that the application was a new application involving a new consultation process and includes changes based on the Committees previous comments.

A member referred to the loss of privacy for residents of No1 Deansgate and considered that to be significant due to the design and importance of the building which has an open aspect to the proposal. The impact on the local heritage assets would be detrimental to those buildings adjacent and stated they were minded to the refuse the application. The Council did not have a tall building policy and suggested that more detail is needed within the strategic framework for the city centre to help and inform developers on this kind of development.

The planning officer reported that No1 Deansgate is similar to existing buildings in the city centre that are constructed from steel and glass and is therefore not significantly different. The decisions made by the Committee must be considered in the context of current policy, guidance and legislation.

A member of the Committee referred to the potential income from the proposed development and the existing business rates received from the empty building to compare the benefits of a new building. The statement that the council would receive an level of business rates from the building is incorrect and the public benefit does

not outweigh the damage to the heritage assets and conservation area and the application should be refused.

The Planning officer reported that the assessed benefits provided to the public were significant and included the jobs provided, the impact on the economy and the replacement of a derelict building to improve the area.

A member referred to the impact on residential and the investment made by residents in choosing the city centre to make their lives and staying for a number of years. Reference was made to the cost paid for the existing building and how this could influence the economic viability of the proposal. Reference was made to the design of No1 Deansgate and the choice of not including the need for window coverings. The proposal would result in the loss of privacy and would be intrusive due to the close proximity. Some of the city centre residential blocks have an enclosed balcony which are used as a living area, such as No1 Deansgate. No1 Deansgate is unusual in its style and design and the damage caused should be considered in the balance of the building proposed.

The planning officer stated that No1 Deansgate has an enclosed glass balcony. The planning report provides a viability assessment and the cost of the land value is tested against other comparable sites. This had been validated. The city centre requires more grade A office space.

A member questioned the validity of the height in this location and whether it complied with current council policy and whether the building should be located within a heritage or conservation area.

The planning officer stated that the proposal had been tested in the context of current policy. The tall buildings policy suggests that tall buildings may be more appropriate outside of a conservation area however, the merits of an application must be considered on the appropriateness of a location.

A member suggested that more information is required to provide greater clarity on the siting of tall buildings within the city centre and in particular, conservation areas. This would help developers when assessing the viability of a location and related land costs.

The Director of Planning stated that core strategy was developed using the English Heritage/CABE guidance on tall buildings. The review of the core strategy would need to consider if there is an alternative or more appropriate approach. The current planning application must therefore be considered under the existing guidance.

Councillor Andrews moved the recommendation to approve the application.  
Councillor Stogia seconded the proposal.

## **Decision**

The Committee approved the application including the conditions, as detailed in the report submitted.

**PH/20/6. 132069/FO/2021 - Former Police Station Car Parking Area Davenfield Grove Manchester M20 6UA - Didsbury West Ward**

This application sought the temporary change of use of car parking area to form a builders compound (installation of welfare unit, WCs, car parking spaces and storage area) for a period of 12 months to be used in connection with the redevelopment of the former Didsbury Police Station.

This application related to a rectangular plot of land located at the southern end of Davenfield Grove. To the south of the site lies a terrace of dwellings, namely nos. 12 to 26 Whitechapel Street, while to the north there are further residential properties, namely no. 2 Davenfield Grove and nos. 10 to 16 Davenfield Road. To the east there is a car park and servicing area associated with several commercial properties on Wilmslow Road. To the west there are a number of terraced dwellings on Crossway.

Objections had been received from six local residents and Councillor Hilal. Objections have been raised in respect of the impact on residential amenity, resulting from noise and general disturbance; the impact in visual amenity; insufficient parking; and the impact on pedestrian and highway safety due to the comings and goings of contractors' vehicles and delivery wagons.

The planning officer referred to the late representation received from Councillor Hilal (ward councillor) that included photographs of rubble at the site. It was confirmed that the rubble will be removed today. The Committee was advised that if the recommendation is agreed it would be appropriate to amend condition 5 of the application, to state that no activity take within compound the place outside of the hours stated.

The architect attended the meeting but did not address the committee.

Councillor Hilal (ward councillor Didsbury West) addressed the Committee. The committee was informed that following her visit to the site issues had been raised by residents living next to the compound regarding disturbance due to generator noise and work taking place early in the morning, late evening and weekends. The use of the car park as a compound has been recommended by officers, however the residents believe the site management rules are not being followed by the contractors. The pavement has been damaged and residents are being inconvenienced by vehicle movement, engine noise, storage of building materials and breaking down of items on the road. The cottages adjacent to the compound are small and sited directly on the pavement. The Committee was asked to ensure that any future rule beaches of the site management rules are enforced by the compliance team.

The planning officer reported that if the application is agreed, officers will consult with the site management to ensure that the construction management conditions are followed to control the use of the generator, hours of use and the other issues raised. The planning compliance team will work with the site management to address the concerns if necessary.

A member stated that contractors could unload their vehicles within the compound and then park their vehicles away from the compound and reduce the congestion on the road. The Councillor proposed that an additional condition be added to the application requiring that all materials are unloaded within the compound area.

The planning officer confirmed that an additional condition could be added for a site management plan to require loading and unloading of materials takes place within the compound.

A member asked officers if other measures could be included to help relieve the difficulties of using the small access road on Davenfield Grove to the site in view of the disturbance and inconvenience being caused to local residents.

The planning officers reported that the proposed addition condition for the use of the compound for loading and unloading materials would provide the best solution to the concerns expressed and would allow enforcement action to be taken in the event of breaches to the conditions.

Councillor Flanagan moved approval of the recommendation with the inclusion of an additional condition to require the loading and unloading of materials take place within the compound.

Councillor Richards seconded the proposal.

### **Decision**

The Committee approved the application including the conditions, as detailed in the report submitted, with the inclusion of an additional condition to require that contractors load and unload materials only within the compound.