



Planning and Highways Committee

Date: Thursday, 15 December 2022

Time: 2.00 pm

Venue: Council Chamber, Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

Access to the Council Chamber

Public access to the Council Chamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension.. **There is no public access from the Lloyd Street entrances of the Extension.**

Filming and broadcast of the meeting

Meetings of the Planning and Highways Committee are 'webcast'. These meetings are filmed and broadcast live on the Internet. If you attend this meeting you should be aware that you might be filmed and included in that transmission.

Membership of the Planning and Highways Committee

Councillors

Curley (Chair), Shaukat Ali, Andrews, Baker-Smith, Y Dar, Davies, Flanagan, Hewitson, Kamal, Leech, J Lovecy, Lyons, Riasat and Stogia

Agenda

- 1. Urgent Business**
To consider any items which the Chair has agreed to have submitted as urgent.
- 1a. Supplementary Information on Applications Being Considered**
The report of the Director of Planning, Building Control and Licencing will follow.
- 2. Appeals**
To consider any appeals from the public against refusal to allow inspection of background documents and/or the inclusion of items in the confidential part of the agenda.
- 3. Interests**
To allow Members an opportunity to [a] declare any personal, prejudicial or disclosable pecuniary interests they might have in any items which appear on this agenda; and [b] record any items from which they are precluded from voting as a result of Council Tax/Council rent arrears; [c] the existence and nature of party whipping arrangements in respect of any item to be considered at this meeting. Members with a personal interest should declare that at the start of the item under consideration. If Members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.
- 4. Minutes**
To approve as a correct record the minutes of the meeting held on 17 November 2022. 5 - 8
- 5. 135281/FO/2022 - 32 Montcliffe Crescent, Manchester, M16 8GR - Whalley Range Ward**
The report of the Director of Planning, Building Control and Licensing is enclosed. 9 - 26
- 6. 134603/FO/2022 - Pellowe House, Francis Road, Manchester, M20 9XP - Withington Ward**
The report of the Director of Planning, Building Control and Licensing is enclosed. 27 - 72
- 7. 134971/FO/2022 - 67 Deansgate, Manchester, M3 2BW - Deansgate Ward**
The report of the Director of Planning, Building Control and Licensing is enclosed. 73 - 88

Meeting Procedure

The meeting (and any site visits arising from the meeting) will be conducted in accordance with the relevant provisions of the Council's Constitution, including Part 6 - Section B "Planning Protocol for Members". A copy of the Constitution is available from the Council's website at <https://democracy.manchester.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13279>

At the beginning of the meeting the Chair will state if there any applications which the Chair is proposing should not be considered. This may be in response to a request by the applicant for the application to be deferred, or from officers wishing to have further discussions, or requests for a site visit. The Committee will decide whether to agree to the deferral. If deferred, an application will not be considered any further.

The Chair will explain to members of the public how the meeting will be conducted, as follows:

1. The Planning Officer will advise the meeting of any late representations that have been received since the report was written.
2. The officer will state at this stage if the recommendation of the Head of Planning in the printed report has changed.
3. ONE objector will be allowed to speak for up to 4 minutes. If a number of objectors wish to make representations on the same item, the Chair will invite them to nominate a spokesperson.
4. The Applicant, Agent or their representative will be allowed to speak for up to 4 minutes.
5. Members of the Council not on the Planning and Highways Committee will be able to speak.
6. Members of the Planning and Highways Committee will be able to question the planning officer and respond to issues that have been raised. The representative of the Highways Services or the City Solicitor as appropriate may also respond to comments made.

Only members of the Planning and Highways Committee may ask questions relevant to the application of the officers. All other interested parties make statements only. The Committee having heard all the contributions will determine the application. The Committee's decision will in most cases be taken under delegated powers and will therefore be a final decision.

If the Committee decides it is minded to refuse an application, they must request the Head of Planning to consider its reasons for refusal and report back to the next meeting as to whether there were relevant planning considerations that could reasonably sustain a decision to be minded to refuse.

Information about the Committee

The Council has delegated to the Planning and Highways Committee authority to determine planning applications, however, in exceptional circumstances the Committee may decide not to exercise its delegation in relation to a specific application but to make recommendations to the full Council.

It is the Council's policy to consult people as fully as possible before making decisions that affect them. Members of the public do not have a right to speak at meetings but the Committee will usually allow applicants and objectors to address them for up to four minutes. If you have a special interest in an item on the agenda and want to speak, tell the Committee Officer, who will pass on your request to the Chair. Groups of people will usually be asked to nominate a spokesperson.

The Council is concerned to ensure that its meetings are as open as possible and confidential business is kept to the strict minimum. When confidential items are involved these are considered at the end of the meeting at which point members of the public are asked to leave.

Late representations will be summarised and provided in a Supplementary Information Report. Such material must be received before **noon on the Tuesday** before the meeting. Material received after this time will not be reported to the Committee, this includes new issues not previously raised during the formal consultation period. Only matters deemed to be of a highly significant legal or technical nature after consultation with the City Solicitor will be considered.

Material must not be distributed to Planning Committee Councillors by members of the public (including public speakers) or by other Councillors during the meeting. The distribution of such material should be in advance of the meeting through the Planning Service as noted above.

Joanne Roney OBE
Chief Executive
Level 3, Town Hall Extension,
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Manchester, M60 2LA

Further Information

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

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This agenda was issued on **Wednesday, 7 December 2022** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Lloyd Street Elevation), Manchester M60 2LA

Planning and Highways Committee

Minutes of the meeting held on Thursday, 17 November 2022

Present: Councillor Curley (Chair)

Councillors: Shaukat Ali, Andrews, Baker-Smith, Y Dar, Davies, Hewitson, Kamal, Leech, J Lovecy, Riasat and Stogia

Apologies: Councillor Flanagan, Lyons and Richards

PH/20/62. Supplementary Information on Applications Being Considered

A copy of the late representations received had been circulated in advance of the meeting regarding application 133513/FO/2022.

Decision

To receive and note the late representations.

PH/20/63. Minutes

Decision

To approve the minutes of the meeting held on 20 October 2022 as a correct record.

PH/20/64. 133513/FO/2022 - 43 Liverpool Road, Manchester, M3 4NQ - Deansgate Ward

The Committee considered the report of the Director of Planning, Building Control and Licensing for an application to create an external seating area including a timber canopy with a retractable roof cover. The structure would be fixed to the ground floor slabs and would be 3 metres in height. The size of the outdoor area would measure 11.8 metres by 11.4 metres.

The area would be able to accommodate 11 tables for up to 58 people. Planters would be placed along the boundary with the nearest residential properties along with timber barriers and railings.

The planning officer reported that a management plan and drawing for the proposed seating area had been submitted by the applicant. The plan had been assessed by Environmental Health and they have confirmed that, if the application was allowed, the plan is considered to be acceptable.

The applicant's agent addressed the Committee and explained that the seating area is proposed as a permanent feature in connection with the White Lion PH on

Liverpool Road. The applicant is keen to develop the design and appearance of the outdoor area. The PH currently has a temporary outdoor seating arrangement, and this has been in place since 1998. The proposal submitted will be smaller than the current seating arrangement and will be an improvement to the poor-quality furniture used previously. The consideration of the initial proposal for a steel pergola was changed to a timber material and the size of the area was reduced following consultation with planning officers. The consultation and acceptance of the amended design by planning officers is not mentioned in the planning report. No objections have been raised by Environmental Health, GMP or the Archaeological Advisory Service. The management plan submitted sets out the time of use for the area and arrangements for dispersal and use of CCTV. During the consultation process no reference was made that the PH would be considered as a non-designated heritage asset and this first came to light when the committee report was released. The report does not give reasons why the PH is considered as a non-designated heritage asset. Specialist guidance has been sought that questions the council's judgement on the heritage significance of the PH and seating area. The applicant has offered to accept a five-year temporary approval of the proposal and has given an undertaking to work with the Castlefield Forum in the future to help deliver the Castlefield Masterplan. The report does not mention this offer. The applicant refutes the reasons for the recommended refusal of the application to the suggestion of significant harm to the heritage assets in the area. The area is smaller than the existing space, the pergola is an open structure, and the planters are set a lower level and do not restrict views. The applicant believes the proposed structure and the benefits it will bring to the site and wider setting would outweigh the negative impacts outlined in the report. The alternative to the proposal would be the use of cheap plastic furniture that is stacked when not in use.

The planning officer noted that the use of the area for eating, and drinking has been in place since 1998. The current management arrangements in place require the furniture to be removed from the area in the evening and this is the same arrangement with other premises in other areas of the city centre. The types of external furniture available can be attractive and is used in other premises. It is considered that the size and permanent nature of the proposal will impact on all the heritage assets in the conservation area and listed buildings. The White Lion PH, although it has been altered externally, is a vintage building and is considered as a non-designated heritage asset. The test of the impact of the proposal has been evaluated and the committee report provides the reasons why the benefits of the proposal to the conservation area, do not outweigh the harm to heritage assets, listed buildings and other non-designated assets.

Councillor Leech asked officers is it their view that the application for this permanent structure is not acceptable or did this view apply to any proposal for a permanent structure.

The planning officer stated that in considering any application it was unlikely a permanent structure would be supported in that location to preserve the feeling of openness around the Roman Gardens area. The paved area outside the White Lion PH contributes to the site as part of improvements made during the 1980-1990s period. The site has important views of the Roman road line into the Roman fort. A

permanent structure would obstruct the views and that would not be in the interests of the Conservation Area.

Councillor Baker-Smith asked officers to explain the purpose of holding negotiations with the applicant to amend the proposal, if the intention was not to agree to the application.

The planning officer stated that the evaluation process of the scheme involves the receiving of views of consultees. Officers had considered the application and had indicated that they did not support the original proposal. The applicant had submitted an amended proposal and following evaluation officers do not consider the proposal to be acceptable.

Councillor Davies supported the officer recommendation and noted that any planning application for the area will receive scrutiny. Reference was made to the alignment of the proposal to the existing PH roofline. The management proposals submitted need to be considered and it was suggested that a premises licence variation may be required, and additional conditions added. The point was made that Liverpool Road attracts many visitors and contains a combination of heritage assets and modernity with a mixture of residential and business premises. It is important that this continued, and that area is managed and controlled to maintain its attractiveness.

Councillor Andrews moved a recommendation of Refusal for the application for the reasons set out within the report and referred to the officer's view that there was no clear and convincing justification for the proposal.

Councillor Riasat seconded the proposal.

Decision

The Committee refused the application for the reason detailed in the report submitted (see below):

Reason for refusal:

1)The creation of an external structure associated with the reconfiguration of the outside seating area at land adjacent to the White Lion Public House by virtue of the siting, scale, appearance and materiality would form an excessively large, dominant and incongruous within setting off the public house, the Castlefield conservation area and adjacent listed buildings. This would have an unduly harmful impact on the character and visual amenity of the local area and result in less than substantial harm to the historic environment. There would not be the required public benefits to outweigh this harm. The proposal is therefore contrary to the provisions of policies SP1, EN1, EN3, CC9, CC10 and DM1 of the Manchester Core Strategy (2012), saved policies DC18 and DC19 of the Unitary Development Plan for the City of Manchester (1995) and NPPF.

(Councillor Kamal did not take part in the consideration or vote on the application.)

PH/20/65. 134052/FO/2022 - Land Bounded by Varley Street, Sandal Street, Bradford Road and Stracey Street, Manchester - Miles Platting and Newton Heath Ward

The Committee considered the report of the Director of Planning, Building Control and Licensing for an application to erect 28 two and three storey residential dwellings comprising of 2-, 3-, and 4-bedroom houses. Parking, and landscaping would be provided.

The proposal site was previously occupied by Sandal Court and terraced housing and was cleared under Compulsory Purchase Order powers several years ago. The site is bounded by Varley Street, Sandal Street, Bradford Road and Stracey Street. Two letters of support have been received, along with 27 letters of objection and one letter submitted individually by 48 members of Miles Platting Community and Age Friendly Network. (MPCAN). The main concerns raised include impact on residential amenity, loss of green space, loss of trees and layout of development.

The planning application was a full detailed application for the works to be undertaken as part of the Private Finance Initiative (PFI) contract, this development site is on land bounded by Varley Street, Bradford Road, Sandal Street and Stracey Street and is identified as Cell 7.5b. The development of Area 7.5b offers the opportunity at the eastern area of the estate to provide for a choice of family homes for outright market sale, with space for private gardens and off-road parking. It forms part of a larger development area to the east of Varley Street, which was developed out approximately ten years ago. The accommodation proposed would be in the form of 28 two and three storey 2, 3 and 4 bed houses together with landscaping, parking, and boundary treatment.

The planning officer had no additional information to add.

There was no one to speak in favour of or against the application.

Councillor Andrews moved the officer recommendation to Approve the application, subject to the reasons stated and conditions detailed in the report submitted.

Councillor Dar seconded the proposal.

Decision

The Committee resolved to Approve the application for the reasons stated and subject to the conditions set out in the report submitted.

Application Number	Date of Appln	Committee Date	Ward
135281/FO/2022	26th Oct 2022		Whalley Range Ward

Proposal Retention of 3-bedroom single storey dwelling house (Class C3)

Location 32 Montcliffe Crescent, Manchester, M16 8GR

Applicant Shakil Ahmed, 32 Montcliffe Crescent, Manchester, M16 8GR,

Agent Mr Kenneth Okafor, Kenneth Okafor, 284A London Road, Sheffield, S2 4NA

Executive Summary

The proposal seeks the retention of 3-bedroom single storey dwelling house (Class C3) in the rear garden of a two storey dwellinghouse known as 32 Montcliffe Crescent in the Whalley Range Ward.

21 addresses were notified of the application 39 representations in support have been received together with support from Councillor Razaq. There has been 1 objection to the proposal.

Key Issues

Description of the Site

This application relates to the rear garden of a modern two storey detached house within the Whalley Range ward. The property has a single storey side extension and gardens to the front and rear. There is a drive at the front of the property and a garage in the rear garden which has been demolished and replaced with a single storey 3-bedroom dwellinghouse that is the subject of this application. The original dwellinghouse fronts a footpath linking Montcllffe Crescent to Stoneyfield Close. Montcliffe Crescent runs along the eastern side of the site where access is provided by a double metal gate to the single storey dwellinghouse in the rear garden.



Photograph 1 Single storey dwellinghouse as viewed from Montcliffe Crescent



Image 1 Aerial View to show relationship between the application site (edged in red) and neighbouring properties, no. 32 Montcliffe Crescent is outlined in blue. Source: www.google.com/earth

Applicants Proposal - The proposal seeks the retention of 3-bedroom single storey dwelling house (Class C3) in the rear garden of a two storey dwellinghouse known as 32 Montcliffe Crescent in the Whalley Range Ward.

The submission states that the property is currently in use as a 3 bedroom dwellinghouse and occupied by the daughter of the applicant and her family, who is unable to buy a property because of insufficient funds and wishes to live at this location due to her children attending a nearby school.

Consultations

Residents/Public Opinion - 21 addresses were notified of the application by letter, 39 representations in support have been received. There has been 1 objection to the proposal. A summary of the comments received are as follows:

- The majority of representations state support for the application.
- A number of residents state that the property doesn't have any impact on street as it is hidden away and having another property on the street would help the council.
- Some residents commented on the design of the property. In the likelihood the application is not accepted by the council then it will be necessary to house the occupiers.

The objection to the application raised concerns that due to the proximity of their property to the application site that any upward extension would have a negative impact on their family privacy.

Ward Councillors - Councillor Razaq supports the application as the house is for the applicant's sister who is disabled and is a single mother with three children who attend a local school.

Highway Services – No objection to the proposal and had the following comments to raise;

- The development is contained within the site perimeter and does not impact onto the adopted highway,
- No concerns with pedestrian access as it will remain as existing.
- The application form suggests that a one off-street car parking space will be provided. Whilst the principle of in-curtilage parking is acceptable, the applicant should verify the dimensions of the driveway, each driveway space should provide a minimum of 3.0m x 6.0m in line with MCCs standard minimum dimensions.
- A dropped crossing will be required to facilitate access onto the driveway.
- No concerns with waste management and storage

Environmental Health - No objections or comments

Greater Manchester Police - No concerns with the proposed retention of the dwelling.

Policy

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The adopted development plan consists of the Core Strategy (adopted 2012) and the saved policies of the Unitary Development Plan. Due consideration in the determination of the application will also need to be afforded to national policies in the National Planning Policy Framework (NPPF) which represents a significant material consideration.

Core Strategy Development Plan Document

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Relevant policies in the Core Strategy are detailed below:

Policy SP1 - sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including: o creating well designed places, o making a positive contribution to health, safety and well-being, o considering the needs of all members of the community, and o protecting and enhancing the built and natural environment. This is an overarching policy which sets the context for this application.

Policy H1, Housing – Proposals for new residential development should contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing population. The design and density of a scheme should contribute to the character of the local area and should include usable amenity space and be designed to give privacy to both residents and neighbours.

Policy H6, South Manchester – Sets out the housing policy for South Manchester, which will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

Policy EN1, Design Principles and Strategic Character Areas – Development in Manchester will be expected to have regard to the strategic character area in which

the development is located, in this case area no. 8, Southern Character Area. This policy states there is a notable presence of older development (1750-early 1900) at key junctions and along historic radial routes such as Oxford Road/Wilmslow Road, often but not exclusively associated with District Centres. The largely flat terrain has enabled the subsequent infilling of land between these routes with a more regular layout of predominantly residential development up to the 1960s. Much of this subsequent development was associated with the purpose built radial parkways, serving the City Centre. Princess Parkway now forms the principal road link between the City Centre and the Airport. The area contains pockets of formal open space including some significant historic parks.

- New development needs to retain the identity and focus of activity associated with the historic District Centres.
- Where appropriate development along the radial routes such as Princess Parkway should be commensurate in scale with the prominence of its location.

Policy T1 seeks to support proposals that deliver a sustainable, high quality, integrated transport system to encourage modal shift away from car travel to public transport, cycling and walking, to support the needs of residents and businesses and to prepare for carbon free modes of transport.

Policy T2 relates to Accessible areas of opportunity and need and that the Council will actively manage the pattern of development to ensure that new development is located to ensure good access to the City's main economic drivers, including the Regional Centre, the Oxford Road Universities and Hospitals and the Airport and to ensure good national and international connections; is easily accessible by walking, cycling and public transport; connecting residents to jobs, centres, health, leisure, open space and educational opportunities.

Policy DM1 of the Core Strategy states: All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- -Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.

- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply):-
 - (b) For new commercial developments to demonstrate best practice which will include the application of the BREEAM (Building Research Establishment Environmental Assessment Method) standards.

As set out within the issues section of this report below, the application proposals do not accord with policy DM1 of the Core Strategy.

Unitary Development Plan for the City of Manchester (1995)

DC7 – New Housing Development - This saved policy seek to ensure that the Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disabled people, including those who use wheelchairs, wherever this is practicable.

All new developments containing family homes will be expected to be designed so as to be safe areas within which children can play and, where appropriate, the Council will also expect play facilities to be provided.

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007)

In the City of Manchester, the relevant design tool is the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance. The Guide states the importance of creating a sense of place, high quality designs, and respecting the character and context of an area. The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance provides a

framework for all development in the City and requires that the design of new development incorporates a cohesive relationship with the street scene, aids natural surveillance through the demarcation of public and private spaces and the retention of strong building lines.

The proposed development is considered to have not been designed to reflect the sites context and relationships with the surrounding area to a provide strong built form and therefore does not accord with the general principles of the Guide to Development SPD. Relevant National Policy

Manchester Residential Quality Guidance (2016)

Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester and was approved by the Executive at its meeting on 14 December 2016 as a material consideration in the Council's decision making as a Local Planning Authority.

The purpose of the document is to outline the consideration, qualities and opportunities that will help to deliver high quality residential development as part of successful and sustainable neighbourhoods across Manchester.

Above all the guidance seeks to ensure that Manchester can become a City of high-quality residential neighbourhood and a place for everyone to live.

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

These nine components are as follows: Make it Manchester; Make it bring people together; Make it animate street and spaces; Make it easy to get around; Make it work with the landscape; Make it practical; Make it future proof; Make it a home; and Make it happen.

The document also contains Manchester's emerging space standards combine Nationally Described Space Standards and the London Housing Design Guide space standards. Developers will therefore be encouraged to deliver residential units that will be expected to exceed Manchester's emerging space standards, which combine Nationally Described Space Standards and the London Housing Design Guide space standards.

The National Planning Policy Framework (July 2021) sets out Government planning policies for England and how these are expected to apply. The NPPF seeks to achieve sustainable development and states that sustainable development has an economic, social and environmental role. The NPPF outlines a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan and where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date

development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The following specific elements of the NPPF are particularly relevant to the proposed development:

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

In particular NPPF states that in terms of design:

126. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

And,

130. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

134. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵², taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

135. Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Other Legislative requirements

Section 149 of the Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

Site History – Image 2 below shows the aerial view of the site over a 5-year period from 2016 with the previous garage to 2021 where the outbuilding had been constructed and the rear garden had been subdivided.

There has been a total of 7 planning applications at this address (table 1) of relevance to this application is a 2018 approval for a certificate of proposed lawful development which allowed a single storey outbuilding in the rear garden (reference: 119550/LP/2018) and a further planning application for a single storey outbuilding in rear garden following demolition of existing garage reference: 120363/FH/2018.

In relation to the above applications, it is the case that the two applications that were withdrawn were withdrawn following advice from the Planning Service that a separate dwelling could not be supported within the rear garden of 32 Montcliffe Crescent due to overdevelopment resulting in a cramped inappropriate development.



Image 2 Aerial Views of the application site (edged in red) and 32 Montcliffe Crescent (edged in blue)

Application Reference and Decision	Description of Development
120363/FH/2018 Application Approved - 09.08.2018	Erection of a single storey outbuilding in rear garden following demolition of existing garage.
119550/LP/2018 Application Approved - 24.05.2018	Application for a Certificate of Lawful Proposed Development for an out-building

116586/FO/2017 Application Withdrawn – 09.08.2017	Erection of a single storey building to form residential accommodation within rear garden following demolition of existing garage
115108/FO/2017 Application Withdrawn – 20.03.2017	Erection of a 2 storey 3 bedroom detached house following demolition of detached garage
087382/FH/2008/S1 Application Approved - 08.09.2008	Erection of a 2 metre high boundary wall with timber infill panels and access gates
085675/FH/2008/S1 Application Approved - 26.02.2008	Erection of a 2 storey rear extension and two single storey side extensions to form additional living accommodation
071879/FH/2004/S1 Application Refused - 22.06.2004	Erection of a 2 storey rear extension and single storey side extensions to form additional living accommodation

Table 1 Planning History

The Principle – The principle for an outbuilding together with the siting, scale and massing has been established by the previous planning permission reference 120363/FH/2018 (images 3 and 4). This permission together with planning permission 119550/LP/2018 approved a single storey outbuilding that was ancillary to the use of the main dwellinghouse. It must be noted that such a building does not form a separate dwellinghouse. An ancillary building is located within the garden of the main host building and to be considered ancillary to the main dwelling there should be some functional relationship with the primary dwellinghouse.

Whereas in this application the building provides all that is necessary for independent occupation (three separate bedrooms, open plan kitchen, living and dining space and a bathroom).

Indeed, this building is now in use as a three bedroom dwellinghouse separated from the primary dwellinghouse no.32 Montcliffe Crescent by a 2 metre high timber fence with its own waste storage area and car parking space shown on the submitted drawings.

It should be noted that there were two previous applications to erect a dwellinghouse in the rear garden of no.32 Montcliffe Crescent, both applications were withdrawn and in particular prior to the submission of the 2018 application for the outbuilding, the applicant was advised that a detached dwellinghouse would not be supported at this site. However, this advice has clearly been ignored and retrospective permission is sought to retain a detached dwellinghouse. The principle of a separate dwellinghouse being erected within the garden area of 32 Montcliffe Crescent is not considered to be acceptable.

Policy EN1 of the Core Strategy, saved policy DC6.2 are in line with Section 12 of the NPPF with regard to achieving well designed places and a high standard of amenity for existing and future residents.

However, there are detailed matters that also require consideration, and these are set out below.

Site Layout, Massing and Amenity- The application site is located within a residential estate that comprises mostly of two storey detached and semi-detached dwellinghouses as well as a number of bungalows. Each property is set within a sizeable plot comprising of both front and rear gardens each with off road car parking in the form of a driveway. Some properties have been extended as is the case with 32 Montcliffe Crescent and have detached outbuildings in the form of garages or outbuildings.

The dwellinghouse which is subject of this application is located in a position against the north and west boundaries of the previous garden area to no. 32 Montcliffe Crescent (images 3 and 4). This layout results in built form at a maximum height of 4.2 metres for 12.7 metres along the common boundary with the rear garden of no.30 Field Walk. As raised in the principle section the previous planning permission reference 120363/FH/2018 established that an outbuilding of this size is acceptable in this location.

In addition to the building the applicant has built a 2-metre-high timber fence to subdivide the site into two plots, the result is that the building is approximately only 3.25 metres away from the dividing fence and 5 metres to the rear of the extended house at 32 Montcliffe Crescent.

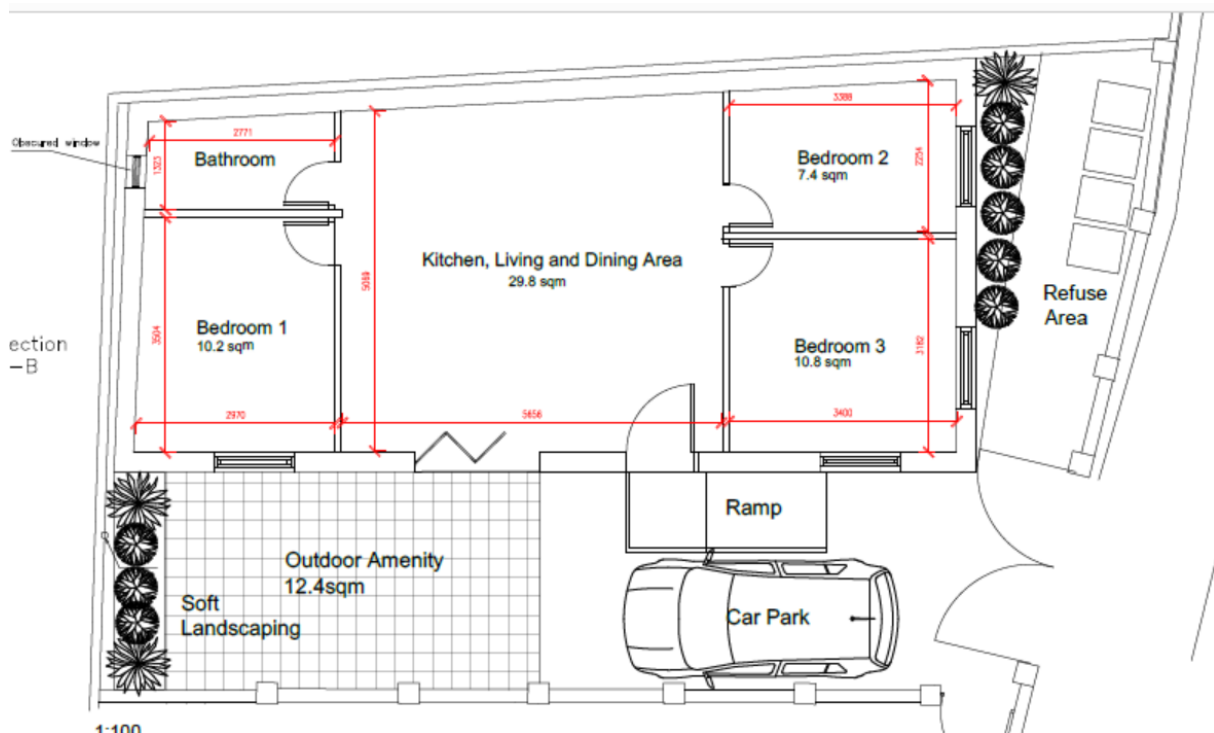


Image 3 Proposed Floor Plan

As shown in image 3, the entrance into the building is taken at the side of the property facing the rear of no.32 Montcliffe Crescent, a ramp provides access to the dwelling (photographs 2 and 3), the applicant is seeking to improve this access as part of the proposal. The site layout plan also shows that the car parking space to the property is located next to the ramp. Highway Services requires that each driveway space should provide a minimum of 3.0 metres by 6.0 metres in line with MCC standard minimum dimensions, in this case if the vehicles is parked as shown on the

drawings then it is likely that the passengers on the left hand side of vehicle would not be able to exit as result of the close proximity to the fence and the driver and drivers side passenger would have some difficulties due to the ramp. With limited opportunities within the site to provide off road parking that would require further loss of the limited outdoor amenity space it is likely that residents current and future would likely park on the local highway increasing the demand for on street car parking in the area.

The plot size together with the size of the outbuilding has resulted in both the new dwelling plus the existing dwelling at 32 Montcliffe Crescent retaining very small areas of private amenity space which is out of character with the pattern of development in the wider area. This also results in a poor setting for each property with a lack of landscaping and increased areas for car parking and bin storage required. The consequence is that the development would adversely impact the ability of the current and future residents of no.32 Montcliffe Crescent to enjoy their private amenity space as it has taken the majority of the rear garden space and also that of the occupiers and future occupiers of the single storey new dwellinghouse.

There is also an increase in noise and disturbance from both vehicles and persons coming and going. This would differ from the previous situation of single dwellinghouses where the main focus on activity being towards the main dwelling and not to the rear of the property where the new dwelling is located.

It is considered that this would result in unacceptable intensification and cramped overdevelopment of the site, with a negative impact on the amenity levels currently enjoyed by existing and future occupiers of immediately adjoining residents with a loss of privacy to the occupiers of both the new dwelling and the existing house.

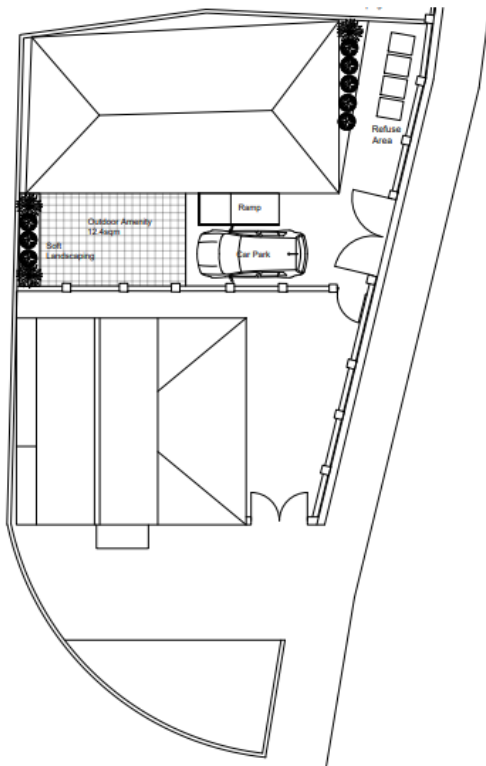


Image 4 Proposed Site Layout Plan



Photograph 2 Front Entrance, including existing ramp, amenity space, distances to rear of 32 Montcliffe Crescent and approximate car parking area demarcated in red.



Photograph 3 Comparison between proposed new ramp and existing ramp

Standard of Accommodation – Policy DM 1 of Manchester’s Local Development Framework: Core Strategy Development Plan Document (the Core Strategy) require that, amongst other things, all development should also have a more general regard to the adequacy and standard of internal accommodation. The floor plan indicates that this is a three bedroom property with a central communal space form kitchen, dinning and living space and a separate bathroom.

There are concerns with the standard of accommodation as the development fails to meet the guidelines established by the Manchester Residential Quality Guidance. At approximately 61 square metres, the property would not meet the standard for a 4-person, 3 bedroom property which would be a minimum of 74 square metres for a

single storey dwelling. It should be noted that there are other single storey bungalow type properties on the wider estate. In comparison the approximate size of each bungalow dwelling is 95.5 square metres, and they were built pre-dating current space standards.

There are concerns that the proposal results in unacceptable living conditions for both the existing occupiers and any future occupiers of the proposed dwellinghouse.

Design and Appearance -The proposal is a relatively simple, traditional design akin to a bungalow using brick, tiles and glazing. Although the actual design is appropriate the cramped appearance is considered to be inappropriate with a resulting very poor setting for the house as erected and also resulting in a poor visual relationship with the existing main house.

Waste – The layout plan shows that the site can accommodate refuse storage for the property and Environmental Health have raised no concerns. However, this together with the proposed car parking space results in an overdevelopment of this former rear garden area.

Enforcement Action

If planning permission is refused it may be necessary to also pursue enforcement action in order to remove the dwellinghouse or to return the building to an ancillary outbuilding (with appropriate alterations and removal of the fencing and hard surfacing). Appropriate timescales would need to be provided in order to support alternative living accommodation.

Conclusion

It is acknowledged that this is a sensitive matter as a family has already moved into the property, albeit without the benefit of planning permission. Advice had been provided prior to occupation that this type of development was not likely to be acceptable. Despite this, and past applications that have been withdrawn, the applicant proceeded with the unauthorised development. The concerns about the impact of the new dwelling have been set out, clearly this would be inappropriate, and no overriding reasons have been provided as to why this now an acceptable proposal. When taking into account the planning balance it is considered that the harm arising from the development would significantly and demonstrably outweigh the benefit of the provision of an additional residential dwelling.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved

policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the of the application is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation REFUSE

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant before and during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

- 1) The dwellinghouse constitutes overdevelopment of the site which is out of keeping with the character of the area due to the size of the plot, the layout of the site and the scale and massing of the building resulting in an unacceptable intensification and cramped overdevelopment, inadequate car parking, lack of amenity space and internal space standards being detrimental to the living conditions of the existing and future occupiers as well as having an unacceptable impact on the visual amenity of the area in general and the residential amenity of neighbouring occupiers due to loss of privacy, noise and disturbance. As such it is contrary to Policies SP1, EN1 and DM1 of the Core Strategy and advice given in the Guide to Development in Manchester, Manchester Residential Quality Guidance and National Guidance.
- 2) The dwellinghouse together with the sub-division of the site has resulted in loss of amenity and privacy to the current and future occupants of 32 Montcliffe Crescent. In particular 32 Montcliffe Crescent would have insufficient space within the curtilage of the site to provide adequate privacy amenity space. As such it is contrary to Policies SP1, EN1 and DM1 of the Core Strategy and advice given in the Guide to Development in Manchester, Manchester Residential Quality Guidance and National Guidance.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 135281/FO/2022 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

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

**Highway Services
Environmental Health
Greater Manchester Police**

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

Representations were received from the following third parties:

Highway Services
Environmental Health
Greater Manchester Police

Relevant Contact Officer : Robert Tyrer
Telephone number : 0161 234 4068
Email : robert.tyrer@manchester.gov.uk



Application Number	Date of Appln	Committee Date	Ward
134603/FO/2022	4th Aug 2022	15 th December 2022	Withington Ward

Proposal Erection of three storey building to provide 24 apartments following demolition of existing buildings including creation of a new vehicular access from Francis Road, parking provision, landscaping and associated works

Location Pellowe House, Francis Road, Manchester, M20 9XP

Applicant Southway Housing Trust (Manchester) Limited, C/o Agent,

Agent Amy Bronte Littlejohns, Maddox and Associates Ltd, Beehive Lofts, Beehive Mill, Jersey Street, Manchester, M4 6JG

Executive Summary

This proposal relates to the erection of a 3 storey building to form 24 no. residential apartments, and associated car and cycle parking, landscaping and associated works following the demolition of the existing building on the site.

The application site currently contains a former industrial building that previously contained a commercial laundry with areas of hardstanding to the front and rear used for vehicle parking associated with the use. The building on the application site is vacant.

The proposals were subject to notification by way of 159 letters to nearby addresses, site notice posted at the site and advertisement in the Manchester Evening News. Following an amendment to the proposal to reduce its height at its northern extent closest to the properties on Cotton Lane a further period of renotification was undertaken. In response to the notification process 48 comments were received, 47 of these were objecting to the proposals. Amongst the concerns raised are the level of car parking proposed as part of the development, the scale of the proposed building in the context of the local area, that the proposal would result in the loss of daylight and overshadowing, loss of privacy and overlooking of existing residential properties, and that the proposals represent an overdevelopment of the site.

Amongst other matters that are set out within the main body of the report it is considered that the principle of high-density residential development in this part of South Manchester does accord with the adopted planning policies in place in Manchester and that the proposals do provide an adequate level of on-site car parking to serve the development.

Other matters raised by objectors are also fully addressed.

Description of the site

The application site comprises a part two/part single storey industrial building constructed of brick with its main frontage to Francis Road and rear area of hardstanding given over to car parking and accessed via a narrow access road running from Cotton Lane. Immediately to the south of the site is a two-storey building 'Kingslea House' in use by the NHS which has accesses to the front and rear.



Application building is edged red

The western boundary of the site is marked by a mixture of brick wall and concrete post and panel fence beyond this is the rear alleyway with vegetation and trees on the boundary separating the site from the two storey terraced properties located on Henwood Road. The existing buildings' gable wall forms the northern boundary of the site with a rear alleyway to the rear gardens of numbers 24-28 Cotton Lane. The Francis Road frontage of the site is dominated by the existing building which extends along the full extent of the application site separated from the pavement by hard standing marked out as car parking.



Application site is edged red

Description of proposals

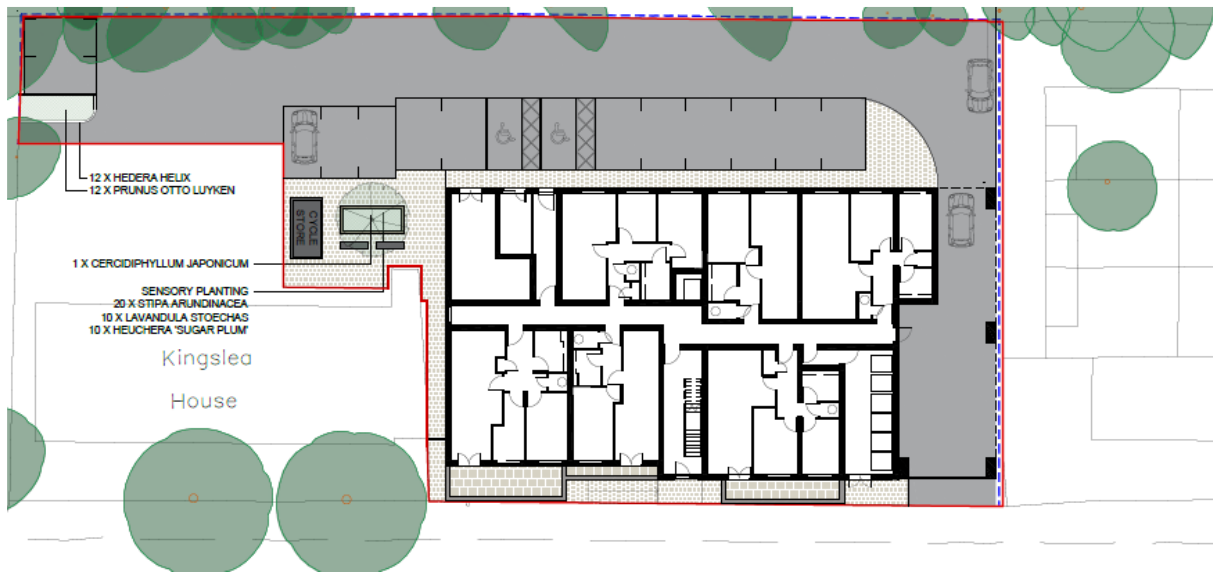
The application proposals seek planning permission for the erection of three storey building to provide 24 apartments following demolition of existing buildings and including the creation of a new vehicular access from Francis Road, parking provision, landscaping and associated works. The applicant has confirmed that the proposals relate to the provision of an affordable housing scheme with all proposed 24no. units to be provided as affordable homes for affordable or social rent.

The proposals incorporate 16 no. 1 bedroom and 8 no. 2 bedroom apartments arranged over three floors with an undercroft access road to the northern section of the building. This part of the building has been amended to a two storey element to overcome concerns of its scale and it's potential to lead to a loss of daylight and sunlight to existing residential properties located on Cotton Lane.

All proposed apartments are of a size that conforms with residential spaces standards and all the ground floor apartments and a majority of the first floor apartments (14 apartments in total over the two floors) have been designed to meet building regulations M4(2) Category 2 – 'Accessible and adaptable dwellings' so that the new dwellings incorporate features that make a dwelling more suitable for a greater proportion of people – including older people, individuals with limited mobility and wheelchair users.



Proposed front elevation (Francis Road)



Proposed site layout

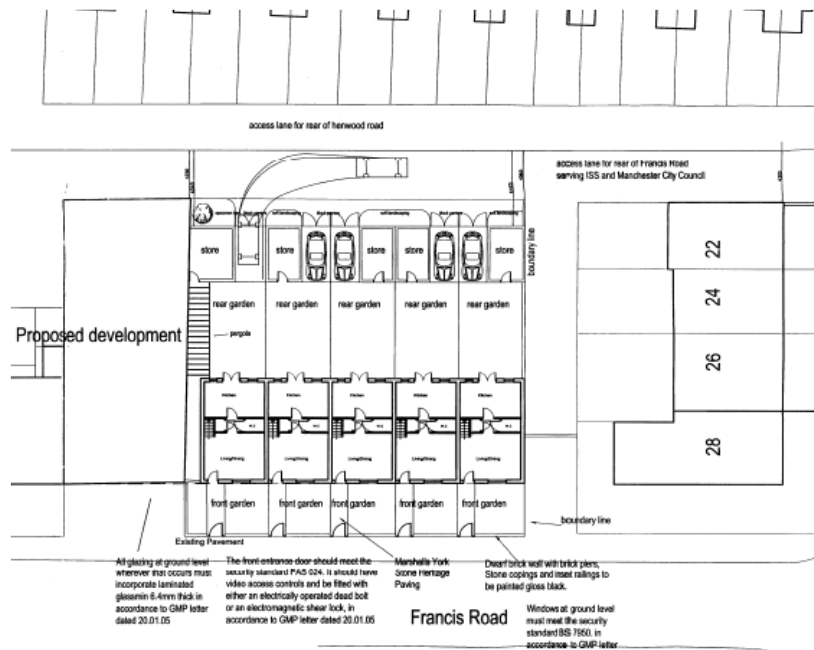
Level pedestrian access to the proposed building would be from a centrally located entrance on Francis Road. A secondary pedestrian access would also be provided to the rear of the building from the car parking area which would contain 15 car parking spaces (including 2 disabled spaces) accessed via the undercroft vehicular access from Francis Road.

The existing access to the site from Cotton Lane would be blocked off by the installation of a 2.1m high timber fence and would not be used as an access to the development. The applicant has confirmed that access to the rear car parking of Kingslea House to the south would be maintained via the new undercroft access from Francis Road.

There would be a small landscaped area within the rear area, no trees would be removed by the development and trees beyond the site to the rear and south would be unaffected by the proposals.

Relevant Planning History for the site

Application reference 081492/FO/2006/S2 - Erection of five 3 storey terrace houses following demolition of laundry building – Approved 28.03.2007



Proposed layout



Proposed Francis Road elevation

Application reference 077190/FO/2005/S2 - Erection of a part 2, part 3 storey building to form 3 x three bedroom townhouses, 12 x two bedroomed apartments and 1 x three bedroomed apartment with accommodation in the roof space, 16 parking spaces, landscaping and boundary treatments following demolition of existing laundry and adjoining offices. This application was refused on the 16.03.2006 for three reasons:

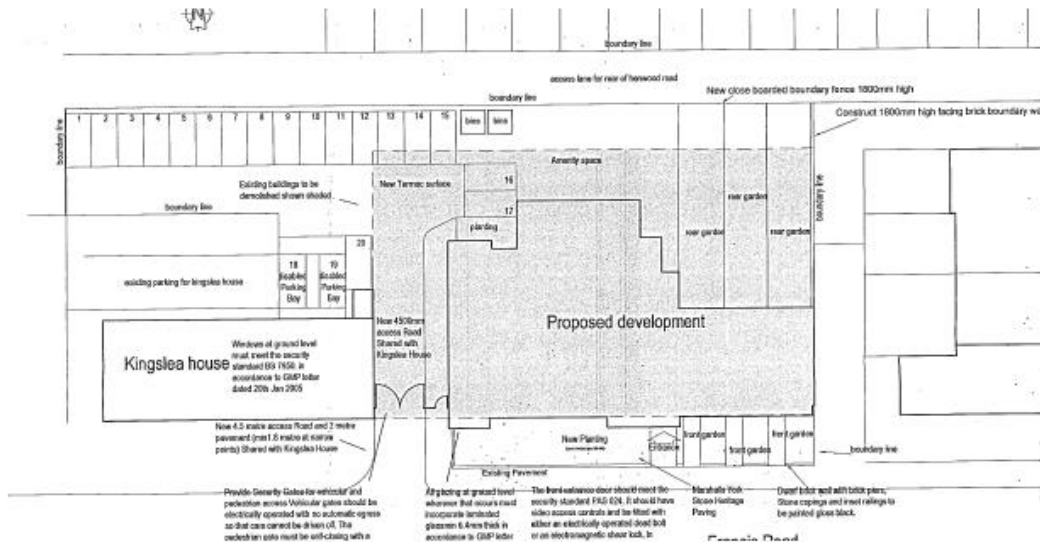
- 1) The proposed building would, virtue of its height, scale and massing, have an incongruous and overbearing impact upon the neighbouring dwellings and the street scene in general which would be detrimental to the character and residential amenities of the area and would thereby be contrary to policy H2.2 of the Unitary Development Plan for the City of Manchester.
- 2) The proposal would by virtue of its density and the extent of the footprint of the building and associated hard surfaced parking areas, result in the cramped

over development of the site and would be detrimental to the character and residential amenities of the area and would thereby be contrary to policy H2.2 of the Unitary Development Plan for the City Of Manchester, supported by the guidance contained within PPG3 and the draft guidance within PPS3.

- 3) The siting and height of the proposed building would result in a detrimental loss of privacy to and have an overbearing impact upon neighbouring residential properties adjacent to the northern boundary of the site in particular 11 to 37 Henwood Road. The proposed would therefore be contrary to policy H2.2 of the Unitary Development Plan for the City of Manchester.



Francis Road Elevation



Proposed layout

Publicity

The proposal due to the scale of development has been classified as a major development. As, such it has been advertised in the local press (Manchester Evening News) as a major development. A site notice was displayed at the application site. In addition, statutory consultees have been consulted and notification letters were sent

to 159 local addresses.

Pre-application consultation

The applicant has set out that they undertook pre-planning consultation with local councillors and residents. As part of the planning submission, a statement has been provided by the applicant which outlines the consultation undertaken and responses to matters raised by those who participated.

Consultation responses

Following the neighbour notification and advertisement of the proposals, 48 responses were received objecting to the proposals, 1 response received was in support and 47 responses expressed objections and concerns with the proposals. 21 of the 47 these objections were to the re-notified amended proposals.

A summary of the key points being raised through the notification process is set out in the section below.

Residents' comments

- The proposals would result in a loss of daylight and sunlight to rear gardens and properties on Cotton Lane and Henwood Road.
- The increase in height of the building over the existing situation would give rise to impacts on the outlook from the rear of properties on Cotton Lane and be overbearing and present a large and dominant gable wall.
- There is a Right To Light enshrined in British law and I believe this development is depriving me and my neighbours this right to light
- The height of the building together with the positioning of windows would give rise to overlooking and loss of privacy to existing residential properties in the area.
- The vehicular access to the site would give rise to additional noise and air quality impacts on existing residential properties on Cotton Lane
- Two previous applications - in 2005 and 2006 - proposed less accommodation on this site. The 2005 application 074755/FO/2005/S2 was withdrawn and the 2006 application 077190/FO/2005/S2 was refused. One of the main reasons for refusal was over development of the site and yet that proposal had less accommodation than this current application.
- The proposed building would be of a scale will be, by far, the largest building in area and would be overpowering in both scale and mass to the surrounding buildings.
- Of significant concern is the proposed interface distances and potential impacts on amenity for residents living in the terraced housing along Henwood Road particularly given the height of the proposed building.
- Concerns that the proposed development is poor in terms of the quality and size of the accommodation and the limited amenity space being provided.
- The submitted contaminated land reports shows a number of moderate risks to future site users.
- Parking for workforce during construction period will be difficult.

- A number of residents, including myself work from home, the consistent noise associated with construction sites is going to massively impact our working routines/meetings etc and I see no real consideration for this outlined. This may have been adequate pre-covid, but now more significant appreciation should be taken into account.
- The construction phase would give rise to general dirt, mess and issues relating to air quality in close proximity to a number of residential properties.
- Staff at Kingslea House currently use a car park accessed behind the site, this will obviously be inaccessible during the build and therefore may cause staff to once again start parking along the roads creating even more safety/access problems.
- The pre-consultation was pretty poor engagement from the start, with only 3/117 respondents. Admittedly Covid would have hampered this, however I had not had any prior knowledge of the current proposal before hearing about it after speaking to some neighbours. Further engagement should have been enacted and more discussions should occur with affected residents for a project of this scale
- We have enough issues with nuisance with local youngsters and this would create endless problems if there were no ages restrictions on occupancy.
- There is a direct correlation between social housing and increase in crime. Detrimental and harmful to myself and the young working families with young children which are the sites immediate neighbours
- As reported, the levels of cycle and vehicle theft and damage in the area are very high. By significantly increasing the number of vehicles on the property it will most probably and inevitably attract unsolicited illegal activity and facilitate access to the secure alley behind these properties.
- The proposal of flood lighting as a security measure can prove to be a Statutory Nuisance to nearby existing residents.
- The site lies within the area covered by the South Manchester Strategic Regeneration Framework (2007), which includes strategic objectives around new sites being dedicated principally to the supply of family housing. The SRF sets out a clear presumption against apartment development outside of district centres or transport hubs.
- Although parking restrictions recently came into effect and have slightly alleviated the issue, the street is still incredibly busy throughout the day (not just the measured peak times) and increasing the potential number of residents by over a third will be detrimental to the street
- Although apartment dwellers show lower car ownership than house dwellers, the overall level of car ownership in the UK is increasing and this has not been accounted for.
- Much of the parking area to the rear of the proposed development is currently used by the adjoining NHS building, Kingslea House, for staff parking. There are issues with staff and visitor parking overflowing onto residential streets such as Francis Rd. The proposed development would materially reduce the amount of off-street parking available to staff and visitors of Kinglsea House, increasing the burden of on-street parking which is already an issue.
- There are bats roosting in the laundrette and under the Wildlife and Countryside Act 1981, all bat species and their roosts are legally protected, by both domestic and international legislation.

- Whilst not opposed to something being built on the site it is felt a few houses with adequate parking would be more suited.
- In the event car parking is kept, that the car park entrance on Francis Road is accommodated via a continuous footway. Pedestrians should be given priority at this proposed side-road, as is the case in the Highway Code. A raised table would also suffice.

Comments in support of the proposals are:

- Suggest that parking is eliminated given the site's sustainable location and the council's climate objectives. The land not wasted on car parking can be used to accommodate more homes for this popular suburb - perhaps in the form of townhouses.

Consultee responses

MCC Highway Services - It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips, they do not raise any network capacity concerns.

15 on-site car parking spaces are being provided for residents (62.5% provision) including two disabled bays and four electric vehicle (EV) charging bays. It is considered that the amount of on-site parking provided is acceptable for this development.

Works to from the new access and remove redundant crossovers will be required and undertaken as part of a S278 agreement and secured via a condition attached to any approval.

An internal cycle store is provisioned in the north-west corner of the ground floor providing secure and sheltered cycle parking.

In relation to boundary treatments, the front boundary comprises of a 600mm high brick wall with steel railings above and from a highway perspective this provides sufficient access visibility. An acceptable interim travel plan has been provided, and should planning approval be granted, then we require a full travel plan to be conditioned.

An internal communal bin store is provided in the south-east corner of the ground floor with collection proposed from Francis Road and this arrangement is acceptable from a highway perspective.

In addition to the recommendations above, MCC Highway Services also recommend that a condition of approval relating to construction and demolition management plan is attached to any approval.

MCC Neighbourhood Services (Arborists) – Have no objections to the proposals and confirm if the arboricultural impact assessment and BS:5937 are strictly adhered to, there should be minimal disturbance to the surrounding tree stock.

MCC Environmental Health – Have reviewed the submitted information including summary construction management plan, contaminated land desk study and noise assessment. They raise no objections to the redevelopment of the site for residential purposes.

They have recommended that conditions are required to deal with final details of the Construction Management Plan for the development; acoustic insulation of the residential units including an overheating assessment; acoustic insulation of any installed external plant and equipment; waste management; and provision of electric vehicle charging points on site.

In relation to contaminated land matters the Desk Top study has been reviewed and this is considered adequate. Further details will be required following site investigations after buildings on site are demolished. It is proposed that an appropriately worded condition is attached to any approval to deal with this matter.

Greater Manchester Ecology Unit - The ecological survey submitted with the application found no evidence of bats in the building to be demolished.

Conditions are recommended to be attached to any approval to secure biodiversity enhancements to the development and that any works to trees would be undertaken outside of bird nesting season.

MCC Flood Risk Management Team – Recommend conditions for the submission of a final surface water drainage scheme and maintenance and management of any sustainable urban drainage system. It is confirmed that the following information would be required to be submitted:

- Consideration of alternative green SuDS solution (that is either utilising infiltration or attenuation) if practicable;
- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 45% climate change in any part of a building;
- Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site.
- Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.
- Hydraulic calculation of the proposed drainage system;
- Construction details of flow control and SuDS elements.

United Utilities – Have reviewed the submitted Drainage Strategy, and confirm the proposals are acceptable in principle to United Utilities. It is recommended that appropriately worded conditions are attached to any permission.

Cadent Gas – Raise no objections to the proposals but recommend an informative is attached to any approval to make the applicant aware of infrastructure in the vicinity of the site.

Policy

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The adopted development plan consists of the Core Strategy (adopted 2012) and the saved policies of the Unitary Development Plan. Due consideration in the determination of the application will also need to be afforded to national policies in the National Planning Policy Framework (NPPF) which represents a significant material consideration.

Core Strategy Development Plan Document

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Relevant policies in the Core Strategy are detailed below:

Policy SP 1 Spatial Principles – The proposals seek to provide additional diversity in terms of type of housing within the area and towards the creation of neighbourhoods of choice.

Policy EC2 relates to existing employment space and the wish to retain and enhance existing space and sites except in circumstances where it can be demonstrated that the existing use is unviable; incompatible with adjacent uses; for flood risk reasons or in terms of the planning balance proposals offer greater benefits in terms of the vision and spatial objectives of the Core Strategy. It is considered that the proposal would offer greater benefits in a residential use with 100% affordable housing and would lead to the removal of a non-confirming industrial use within a residential area.

Policy EC9 relates to employment provision in South Manchester, it lists existing employment locations to be supported, the application site is not listed as one that would have explicit support for employment provision.

Policy H1 Overall Housing Provision – Identifies the requirements for provision of

new residential development across the City and indicates that new housing will be predominantly in the North, East, City Centre and Central Manchester. High density development (over 75 units per hectare) is identified as being appropriate in the City Centre and parts of the Regional Centre.

Within the Inner Areas in North, East and Central Manchester densities are identified as being lower but generally around 40 units per hectare. Outside the Inner Areas (where the application site is located) the emphasis will be on increasing the availability of family housing therefore lower densities may be appropriate.

The policy clarifies that the proportionate distribution of new housing, and the mix within each area, will depend on amongst other things:

- The number of available sites identified as potential housing sites in the SHLAA;
- Land values and financial viability;
- The need to diversify housing stock in mono-tenure areas by increasing the availability of family housing, including for larger families; and the availability of other tenures to meet the identified needs of people wishing to move to or within Manchester

The proposals seek the redevelopment of the site for 24 affordable residential units (social rent or affordable rent), given the sites size (0.15 ha) the proposals would be considered as high density. The site is identified as a housing capacity site within the most recent Strategic Housing Land Availability Assessment to meet the requirements of housing delivery in the city with a figure of the potential of 26 residential units.

Policy H 6 South Manchester – South Manchester is identified as providing 5% of new residential development over the plan period. It identifies that high density development will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. “Outside of district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing”. The proposals are outside of the district centre, it is considered that as the scheme would deliver 100% affordable housing and given the size of the proposed units (1 and 2 bedroom residential units) would allow the applicant to continue a policy of ‘right sizing’ residents from currently under occupied properties. This approach is considered to comply with the requirements of H6 and that the proposals would assist in meeting identified shortfalls of housing types within South Manchester. This matter is considered in more detail within the issues section of this report.

Policy H8 – Affordable Housing - New development will contribute to the City-wide target for 20% of new housing provision to be affordable. The applicant has indicated that 100% of the proposed residential units (24 no.) would be available at an affordable or social rent. This provision and delivery of affordable housing in this scheme would be subject to an appropriately worded planning condition.

Policy T1 Sustainable Transport – The development would provide less than one car parking space per residential unit, would provide covered and secure cycle parking facilities and is located in close proximity to a range of public transport modes.

Policy T2 Accessible Areas of Opportunity and Need – The application site is highly accessible by foot, cycle and public transport networks.

Policy EN1 Design Principles and Strategic Character Areas – The southern character area in which the site is located is indicated as appropriate for development along the radial routes that are commensurate in scale with the prominence of its location.

EN2 Tall Buildings – Tall buildings are defined as buildings which are substantially taller than their neighbourhoods and/or which significantly change the skyline. The proposed building is one storey taller than the predominant housing adjacent to it and is not considered in this context to be substantially taller than an assessment against EN2 is required in this instance. However, matters around design and visual amenity are considered in more detail in the issues section of this report.

Policy EN4 Reducing CO2 Emissions by Enabling Low and Zero Carbon.

Policy EN6 Target Framework for CO2 reductions from low or zero carbon energy supplies.

The Proposed Development takes a fabric led approach to minimising energy demand by minimising heat loss from the building envelope and building systems. The submitted information indicates that the proposed development would achieve a 59% carbon reduction compared to the Part L of the Building Regulations 2021 Target emission rate.

Policy EN 8 Adaptation to Climate Change – The proposals are indicated as achieving a carbon emissions reduction greater than and proposals include a rooftop array of PV panels for on-site micro-generation.

Policy EN9 Green Infrastructure – The development incorporates limited landscaping due to the developed footprint of the existing site and the proposed site. Some limited landscaping is proposed to the rear of the site within the car parking area.

Policy EN14 Flood Risk – The site falls within Flood Zone 1 and is at low risk of flooding. A drainage strategy has been prepared and submitted with the proposals.

EN15 Biodiversity and Geological Conservation – A survey for bats has been undertaken of the buildings to be demolished. This concluded that the building was assessed as having Low bat roosting potential and no bats were recorded emerging from the building during the nocturnal bat survey.

Policy EN 16 Air Quality – The proposals incorporate provision of 4 no. electric vehicle charging points and onsite secure cycle parking for the residential properties.

Policy EN 17 Water Quality - The development would not have an adverse impact on

water quality. Surface water run-off and grounds water contamination would be minimised.

Policy EN 18 Contaminated Land and Ground Stability – Given the previous use of the site there are contaminated land risks associated with the sites redevelopment. A Phase 1 Preliminary Risk Assessment has been prepared, which identifies possible risks arising from ground contamination. If the proposals are granted approval further site investigations would be required, secured via an appropriately worded condition.

Policy EN19 Waste – The proposals incorporate an internal bin store which provides direct access to Francis Road for collection by refuse vehicles.

Policy DM 1 Development Management – This policy sets out the requirements for developments and outlines a range of general issues that all development should have regard to. Of these the following issues are or relevance to this proposal:

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

The application is considered in detail in relation to policy DM1 within the issues section below.

Saved Unitary Development Plan Policies

DC26.1, DC26.2 and DC26.5 Development and Noise – A noise assessment has been prepared to accompany the application which makes recommendations in terms of mitigating noise from nearby noise generating activities such as road traffic. Further information is required and a suitably worded condition would be recommended to be attached to any approval.

Relevant National Policy

The National Planning Policy Framework (July 2021) sets out Government planning policies for England and how these are expected to apply. The NPPF seeks to achieve sustainable development and states that sustainable development has an economic, social and environmental role. The NPPF outlines a “presumption in favour of sustainable development”. This means approving development, without

delay, where it accords with the development plan and where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The following specific policies are considered to be particularly relevant to the proposed development:

Section 5 (Delivering a sufficient supply of homes) – The proposals would provide 24 affordable residential units on a brownfield site

Section 6 – (Building a strong and competitive economy) - The proposal would create jobs during construction that would support commercial premises within the local area.

Section 8 (Promoting healthy and safe communities) – The proposals are accompanied by a Crime Impact Statement which indicates measures to be included into the development to reduce the opportunities for crime and the fear of crime .

Section 9 (Promoting Sustainable Transport) – The proposal is in a location accessible to a variety of public transport modes.

Section 11 (Making Effective Use of Land) – The proposal would re-use previously developed land for the provision of residential properties.

Section 12 (Achieving Well-Designed Places) – The proposals are supported by a Design and Access statement that sets out the context of the site and the design process undertaken.

Section 14 (Meeting the challenge of climate change, flooding and coastal change) – The proposal has been designed to reduce energy demands and incorporate renewable energy solutions. The site is within Zone 1 of the Environment Agency flood maps and has a low probability of flooding.

Section 15 (Conserving and enhancing the natural environment) – The documents submitted with this application have considered issues such as ground conditions, noise and the impact on ecology and demonstrate that the proposal would not have a significant adverse impact in respect of the natural environment.

Other Material Considerations

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007)

This Supplementary Planning Document supplements guidance within the Adopted Core Strategy with advice on development principles including on design, accessibility, design for health and promotion of a safer environment. The design,

scale and siting of the proposed development is considered in more detail within the issues section of this report.

Manchester Green and Blue Infrastructure Strategy 2015 – The Manchester Green and Blue Infrastructure Strategy (MGBIS) sets out objectives for environmental improvements within the City within the context of objectives for growth and development.

Manchester Residential Quality Guidance (July 2016) (MRQG) – This document provides specific guidance on what is required to deliver sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester.

Residential Growth Strategy (2016) – This recognises the critical relationship between housing and economic growth. There is an urgent need to build more new homes for sale and rent to meet future demands from the growing population. Housing is one of the key Spatial Objectives of the Core Strategy and the Council aims to provide for a significant increase in high quality housing at sustainable locations and the creation of high quality neighbourhoods with a strong sense of place as confirmed within other policies of the Core Strategy.

Manchester Housing Strategy 2022 to 2032

A report prepared for the Executive Committee meeting on the 22nd July 2022 indicates that the Manchester Housing Strategy (2022-2032) sets out a long-term vision which considers how best to deliver the city's housing priorities and objectives, building on progress already made, whilst tackling head on the scale and complexity of the challenges ahead. The priorities for the new Housing Strategy are:

1. Increase affordable housing supply & build more new homes for all residents
2. Work to end homelessness and ensure housing is affordable & accessible to all
3. Address inequalities and create neighbourhoods & homes where people want to live
4. Address the sustainability & zero carbon challenges in new and existing housing stock

The South Manchester Strategic Regeneration Framework (2007)

The South Manchester SRF was adopted prior to the preparation of the Core Strategy policies, however, it formed an important document in the formulation of the priorities for South Manchester that were subsequently contained in a number of the subsequently adopted policies particularly in relation to housing priorities. The SRF set out that the key characteristics of South Manchester that shaped the vision and objectives for the SRF are based on a number of key facts one of which relates to the pressure for development and densification which threatens the inherent urban character of the area that makes it attractive in the first place.

The SRF also commented that there had been a trend for large villa/family housing conversions for flats and offices placing a further restriction on the supply of larger accommodation.

One of the key issues identified in the SRF was to provide a wider choice of housing for attracting and retaining residents and that future housing developments need to focus on providing high-quality family accommodation.

Climate Change

Our Manchester Strategy 2016-25 – sets out the vision for Manchester to become a liveable and low carbon city that will:

- Continue to encourage walking, cycling and public transport journeys;
- Improve green spaces and waterways including them in new developments to enhance quality of life;
- Harness technology to improve the city’s liveability, sustainability and connectivity;
- Develop a post-2020 carbon reduction target informed by 2015’s intergovernmental Paris meeting, using devolution to control more of our energy and transport;
- Argue to localise Greater Manchester’s climate change levy so it supports new investment models;
- Protect our communities from climate change and build climate resilience.

Manchester: A Certain Future (MACF) – This is the city wide climate change action plan, which calls on all organisations and individuals in the city to contribute to collective, citywide action to enable Manchester to realise its aim to be a leading low carbon city by 2020. Manchester City Council has committed to contribute to the delivery of the city’s plan and set out its commitments in the MCC Climate Change Delivery Plan 2010-20.

Manchester Climate Change Board (MCCB) Zero Carbon Framework - The Council supports the MCCB to take forward work to engage partners in the city to address climate change. In November 2018, the MCCB made a proposal to update the city’s carbon reduction commitment in line with the Paris Agreement, in the context of achieving the “Our Manchester” objectives and asked the Council to endorse these new targets.

The Zero Carbon Framework – This outlines the approach that will be taken to help Manchester reduce its carbon emissions over the period 2020-2038. The target was proposed by the Manchester Climate Change Board and Agency, in line with research carried out by the Tyndall Centre for Climate Change, based at the University of Manchester. Manchester’s science-based target includes a commitment to releasing a maximum of 15 million tonnes of CO₂ from 2018-2100. With carbon currently being released at a rate of 2 million tonnes per year, Manchester’s ‘carbon budget’ will run out in 2025, unless urgent action is taken. Areas for action in the draft Framework include improving the energy efficiency of local homes; generating more renewable energy to power buildings; creating well-connected cycling and walking routes, public transport networks and electric vehicle charging infrastructure; plus,

the development of a 'circular economy', in which sustainable and renewable materials are re-used and recycled as much as possible.

Legislative requirements

Section 149 of the Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

Section 17 of the Crime and Disorder Act 1998 provides that in the exercise of its planning functions the Council shall have regard to the need to do all that it reasonably can to prevent crime and disorder.

Issues

Principle – The principle of the redevelopment of previously developed brownfield land for the provision of residential development in the City is long established and prioritised within the adopted development plan policies of the Core Strategy and in the NPPF.

The application proposals would result in the re-use of brownfield land for residential use in a predominantly residential area, this would remove a non-conforming historic industrial use from the residential area. In addition, the site has previously been considered suitable for residential development following an approval for 5 no. three storey houses on part of the site in 2007, although it should be noted this decision predates the current adopted local and national planning policies now in place.

The site has been identified within the Council's Strategic Housing Land Availability Assessment (SHLAA - 2022) as a site capable of contributing towards the City's housing land supply with an indicative figure of 26 no. residential units on the site being brought forward in the next 5 years.

In this instance it is considered that the provision of residential development accords with adopted planning policies which seek to increase housing supply on previously developed brownfield land in the City. However, further consideration is required of impacts on residential and visual amenity; the character of the area; the type of housing proposed; and highway and car parking implications.

Comparison with previously consented and refused proposals for the site – As set out within the planning history section of this report, the site has been subject to previous applications for redevelopment in 2006 and 2007. The planning policy context for those decisions differs following the adoption of the Core Strategy and replacement of many former Unitary Development Plan policies used in making those decisions together with a different national planning policy picture. However, they do set precedents for consideration against the current application not least the

acceptance of the loss of employment space and the redevelopment of the site for residential development.

The refusal of an apartment scheme in 2006 was based on a number of reasons, including the proposed built form and impacts on properties on Henwood Road. It is noted that the proposals were for a part two/part three storey building that also incorporated living accommodation in the roof space, thereby providing living accommodation across 4 floors. It is noted that the site plan does indicate that an element of the proposed building would project rearwards towards Henwood Road.

The approval of 5 no. three storey townhouses in 2007 indicates that the provision of residential accommodation greater than two storey properties in the area was acceptable at that time on Francis Road. This scheme also included car parking to the rear of the site. It is noted that this approved scheme did not include the full application site currently under consideration, omitting the two storey building adjacent Kingslea House. As such in terms of residential numbers it cannot be directly compared to the current application proposals.

As set out within the following sections of this report the current application is accompanied by a variety of supporting documents including daylight and sunlight assessment allowing a full assessment of the potential impacts of the application proposals. Whilst the planning history provides some precedents to be taken into account, the application proposals need to be considered on their own merits based on the submitted information and consideration of the issues arising from this assessment.

Residential development type (including Affordable Housing provision) – The application proposals seek the provision of 24 no. apartments on the application site, this is considered to be a high density residential development within South Manchester.

Adopted Core Strategy policy H6 sets out the framework for determining residential developments in this part of the City, several comments have been submitted to indicate that the proposals fail to accord with the principles set out in this policy. H6 indicates that “*High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes*”. It suggests that outside of these areas the priorities for housing will be to meet identified shortfalls “*including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing*”.

The applicant has confirmed they are a not-for-profit local housing company who own 5,880 properties with their primary purpose being to provide high quality affordable homes. Through the information provided alongside the application they have confirmed the development would provide 24 no. affordable residential units that would on completion be owned by them. The residential units are identified as providing social rent or affordable rent with nominations being allocated via Manchester Move and offered on a priority basis in accordance with MCC and Homes England procedures.

The mix of residential units proposed (16no. 1 bedroom and 8no. 2 bedroom apartments) is indicated as allowing the applicant to facilitate 'right sizing' opportunities. The applicant's information states it has a limited amount of smaller one and two bedroom homes within its core neighbourhoods such as Withington with over 1700 family homes currently underoccupied by single and two person households. The applicant has a policy of encouraging right sizing wherever possible and indicate that they have successfully released family sized housing back into the allocations process on previous developments. The application proposals would incorporate residential units that comply with space standards and whilst there is limited amenity space provided for residents the application site as set out in the transport section of this report below, is within walking distance of public amenity spaces in the form of Fog Lane and Ladybarn Parks.

In terms of the local area the applicant's information states that the neighbourhood around Francis Road has typically larger traditional semi-detached homes in a garden estate setting. Their preference is therefore to promote the residential units to specific target audiences to create a balanced resident profile and where possible facilitate the release of 3 and 4 bedroom older housing stock back into the allocations process where possible.

In this instance whilst the general planning policy approach is to direct high density residential proposals to district centres in South Manchester, the provision of 100% affordable housing within the development would exceed the affordable housing requirement of 20% set out in Core Strategy policy H8 and allow a broader range of affordable housing types in the local area. The proposals would also meet a priority in delivering an identified shortfall for affordable housing in South Manchester contained in policy H6. As such it is considered that these application proposals are in compliance with the strategy set out in the adopted housing policies of the Core Strategy. To secure this provision of affordable housing it is necessary that an appropriately worded planning condition is appended to any decision.

Loss of employment land - The proposals would result in the loss of the existing employment land at the site. It is understood that the previous tenant relocated in 2020 and the building is currently vacant and that the buildings given the age, layout and location are not considered to be suitable for modern industrial or other employment use.

The site is located within a residential area, whilst it could continue to be operated for industrial use in an unrestricted manner, such a use would be considered to be incompatible with the general character of the area. Its continued use could give rise to adverse impact associated with commercial vehicle movements, noise and air quality.

The proposals would remove a non-conforming use from a residential area, the site currently provides a limited employment floor space and is not identified within an existing employment area in Core Strategy policy EC9 as such on balance the loss of employment floorspace is considered acceptable.

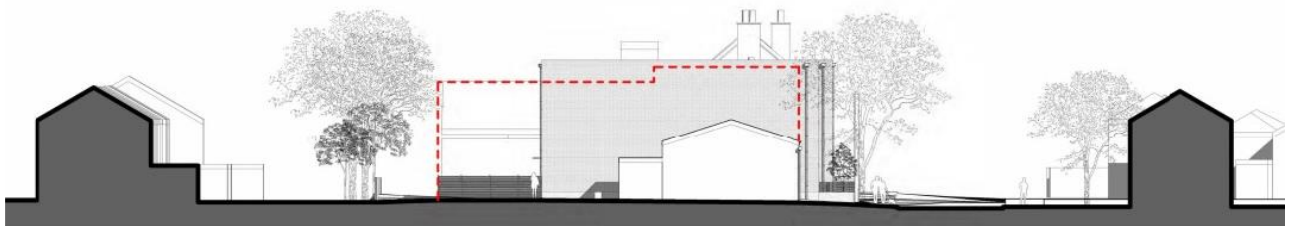
Design – The proposed building has been amended from the original submission to reduce its height at its northern extent to two storeys on its northern boundary with

residential properties on Cotton Lane, the remainder of the building has been retained at three storeys in height.



Visualisation of the Francis Road frontage of the proposed building

The overall design approach has been to reflect the industrial building on the site, the proposed building would be built from traditional construction of a red brick finish with a flat roof incorporating a photovoltaic array. A feature engineering brick has been introduced for a soldier course above all windows and doors, with a dental course around the centre of each floor and a 3 course detail to the base of the building. Grey windows and doors are proposed to contrast with the red brick. The simple building form together with the window sizing and other detailing is considered to be acceptable in the context and character of the surrounding area. The proposed footprint of the building is reduced in depth from the existing building, this still allows apartments to be arranged around a central access corridor, providing active façades to both primary elevations. This achieves a double fronted building that provides natural surveillance and security to private parking areas at the rear.



Section drawing through the site showing relationship to existing houses on Henwood Road (to the left) and Francis Road (to the right) – the dashed red line shows the outline of the existing building on site to be demolished

Concerns have been raised regarding the height and scale of the proposed building in terms of the local context of the site and impacts on existing residential properties. It is noted that a majority of dwellinghouses in the area are of two storeys in height. However, this is interspersed by buildings of a differing height including the part three/part two residential building at 30 Cotton Lane on the junction with Francis Road to the immediate north of the application site, and flats at Cotton Hill which contain three floors of residential accommodation following approval of a roof top extension by the Planning Committee in June 2017. This block of apartments on

Cotton Hill is 50 metres to the north west of the application site separated by two storey terraced properties on Henwood Road.



Application site (edged red) and nearby properties with three storeys edged in orange

It is also noted that the rear roofs of a number of the two storey terraced properties on Henwood Road have been subject of installation of rear dormers, some as permitted development and others granted planning permission providing a third floor of residential accommodation. A part three storey rear extension was also approved to number 17 Henwood Road in 2007 although this appears to not have been constructed. This variety in height and scales is not unusual within residential areas generally and it is not considered that the height of the application proposals at 3 storeys would be significantly different in character to the area that the site is located.

Following the amendment to reduce the height of the proposed building closest to the properties at 24 -30 Cotton Lane it is not considered that the building would result in an overbearing impact on those properties. The overall height of the building would be marginally greater than 1 metre higher than the existing gable wall of the former laundry building and numbers 24 -28 Cotton Lane would be separated from the building by the rear alleyway that serves the rear of these properties. It is noted that number 30 Cotton Lane has a closer built relationship than the adjoining residential properties to the existing gable wall of the laundry but as indicated above it is not considered that the limited height increase in the proposals is sufficient to warrant refusal of the application.



Photograph of relationship between the existing laundry building on the left and the rear gable wall of number 30 Cotton Lane to the right



Submitted drawing showing existing and proposed relationships between the application site and number 30 Cotton Lane (the existing building to be demolished is demarcated by a red dashed line)

Other impacts of the height of the proposed building in terms of residential amenity are considered below.

Residential Amenity – Concerns have been raised by objectors to the impacts of the proposed building in terms of loss of privacy, overlooking, loss of daylight and sunlight, and noise impacts associated with the layout and density of the residential development.

Privacy/Overlooking – The building would contain windows to habitable rooms on its front and rear elevations, windows to the northern gable wall would serve corridors.

The windows within the northern gable wall serving corridors would be subject to appropriate conditions so that these were obscurely glazed and limited opening. As a result of the amendment to the height on the northern section of the building the second floor gable window would be set off from the sites boundary by approximately 6 metres, whilst the first floor window would be on the boundary of the site. It is considered that as these windows serve corridors within the building and subject to appropriately worded conditions these are not considered to give rise to impacts in terms of loss of privacy or overlooking of properties on Cotton Lane.

The windows and Juliet balcony windows on the rear elevation would serve bedrooms and living spaces within the flats and would afford views over the rear car park. The rear elevation is set back 11 metres from the rear boundary of the site, and 14 metres from the rear boundary of two storey terraced properties on Henwood Road, the intervening 3 metres being the rear alleyway to those residential properties. This would give a range of between 18 metres and 21 metres between windows on the rear elevation and the rear of properties on Henwood Road. It is noted that distances between two storey semi-detached properties on Francis Road and the rear of terraced properties on Henwood Road range from 24 metres to 21 metres. The existing building contains a number of rearward facing windows within the two storey element and at ground floor facing towards the properties at Henwood Road. These windows are in closer proximity to existing residential properties than those of the proposed building which is set back further into the site.

The front elevation of the proposed building contains windows serving habitable rooms facing Francis Road. There are two pairs of semi-detached properties on the opposite side of Francis Road facing towards the application site. The proposed building would sit further forward than the existing building and would see the removal of off street car parking and hardstanding. The distance between the front of the proposed building and these residential properties would be between 18 meters and 21 meters. This is similar to relationships between the front of properties across roads in the surrounding area although noted that there are examples of greater distances as well.



View north along Francis Road with site on the left and existing two storey semi-detached residential properties on the right



View south along Francis Road with two storey residential properties opposite the site on the left with Kingslea House immediately adjacent the application building edged red

The Council does not have defined separation distances between properties set out within adopted policies, assessments of impact are based on the context and character of an area. Whilst the separation distances between the proposed rear of the building and existing properties on Henwood Road are less than others in the immediate area (between 21 and 24 metres), it is noted that existing and proposed boundary treatments, intervening alleyway and existing vegetation would further reduce opportunities for direct overlooking of

private gardens. The removal of the existing building would improve the current situation where ground and first floor windows are in closer proximity to the sites rear (north western) boundary. It is not considered that the proposals would give rise to significant loss of privacy or overlooking of properties on Henwood Road, Cotton Lane or Francis Road to warrant refusal of the proposals.

Loss of daylight and sunlight – The application proposals have been amended since first submission to drop the height of the proposed building on its northern boundary to two storeys from three. The applicant has undertaken these amendments in response to concerns raised with regards to the potential for the loss of light to existing residential properties on Cotton Lane and the potential overbearing nature of a three storey building in close proximity to those residential properties. In addition, a daylight and sunlight assessment has been undertaken on the amended proposals and potential impacts on nearby residential properties. The assessment has been undertaken in accordance with the Third Edition of the Building Research Establishment (“BRE”) design guidance Site Layout Planning for Daylight & Sunlight: A Guide to Good Practice, which is recognised as the industry standard, technically robust, methodology for appraising daylight and sunlight amenity impact in the built environment.

Where a detailed analysis is required in respect of impacts on daylight the BRE recommend that the Vertical Sky Component (“VSC”) test is used when considering the impact that a new development or obstruction will have on the daylight amenity of an existing neighbouring building. The VSC is a unit of measurement that represents the amount of visible sky that is capable of being received at the external face of a window. Daylight is derived directly from the sky. On that basis, the more unobstructed sky or sky visibility available to a window, the potential daylighting capability of the room served by it will increase. The unit is expressed as a percentage, as it is the ratio between the amount of visible sky available to the window being tested, compared to that available from a totally unobstructed sky. In this instance and as summarised below it is only the properties at 24-30 Cotton Lane that require a more detailed analysis as properties on Henwood Road and Francis Road have been shown within the assessment as being suitably distance from the proposed building to be impacted in terms of daylight.

The submitted assessment confirms that based upon the BRE guidance the following conclusions arise from the proposed development:

11 – 21 Francis Road - These neighbouring buildings have been assessed and are considered sufficiently remote of the site for the proposed development to not have any significant adverse daylight and sunlight amenity impact.

5-31 Henwood Road - These neighbouring buildings have been assessed and are considered sufficiently remote of the site for the proposed development to not have any significant adverse daylight and sunlight amenity impact.

24-30 Cotton Lane - All neighbouring windows will either continue to achieve the BRE's 27% Vertical Sky Component target or experience a reduction in existing VSC of less than 20% of the baseline value, which is acceptable to the BRE guidance on the grounds that it would not be noticed by room users / occupants. The impact that the proposed development would have on the daylight amenity of these neighbouring properties is classed as non-significant within the assessment. All rooms will continue to achieve the BRE's "year-round" probable Sunlight Hour targets or experience a reduction in existing sunlight amenity of less than the 20% reduction that is acceptable to the BRE guidance on the grounds that it would not be noticed by room users / occupants.

13 of the rooms assessed (76%) will continue to achieve the BRE's "Winter" Probable Sunlight Hours target or experience a reduction in Winter sunlight of less than 20% of the existing value, which is acceptable to the BRE on the grounds that it would not be noticed by the room users / occupants.

There are 4 rooms that do not meet the BRE Winter sunlight criterion. One of these rooms is the assumed 1st floor circulation space in 30 Cotton Lane. As this space is not a habitable room, then the impact is indicated within the assessment as being non-significant. One of the rooms is understood to be a 1st floor bathroom located in 28 Cotton Lane. The assessment classes the impacts on this non-habitable room as non-significant. One room is the assumed ground floor living room within 28 Cotton Lane. Winter sunlight is reduced to 4% PSH. The target is 5%. The submitted assessment indicates that this is considered to be within an acceptable tolerance of the target. One room is the assumed ground floor kitchen within 28 Cotton Lane. The Winter sunlight of this room is indicated as currently receiving less than the BRE target as a result of the existing building.



The rear of properties on Cotton Lane (24-28) number 28 is highlighted in red

All neighbouring buildings are assessed as achieving very good "year round" sunlight amenity. Only 28 Cotton Lane would experience some less than aspirational winter sun impacts.

Although the construction of the proposed development would reduce the sunlight amenity to the rear gardens of the neighbouring buildings, the rear yards, currently, and would continue, to receive 2 hours of direct sunlight on 21 March which is classed as adequate sunlight throughout the year within the BRE guidance. The impact that the proposed development would have on the sunlight amenity of the rear gardens of these neighbouring properties is considered as non-significant within the assessment.

Whilst the submitted assessment indicates that there would be some impacts to daylight and sunlight to rooms served by windows at numbers 28 and 30 Cotton Lane, these impacts are considered to be within the general guidance prepared by the BRE. It is noted that the building on site does currently have impacts on the properties to the north on Cotton Lane and the proposals would increase built form on the boundary with the properties by just over 1 metre following the amendments undertaken by the applicant. On balance the proposals are considered to be acceptable within this urban context and not give rise to significant impacts in terms of loss of daylight or sunlight to warrant refusal in this instance.

Noise – The application is accompanied by a noise assessment that has assessed the proposals and the noise climate within the area which is generally dominated by distant traffic noise. The assessment confirms that the proposed building, incorporating suitable acoustic measures would provide suitable residential accommodation given the prevailing noise climate in the area. Suitably worded conditions would be appended to any approval to ensure acoustic measures were incorporated into the development and any external plant and equipment was acoustically insulated.

The proposals would introduce a residential form of development into an area that is predominantly residential in nature and would result in the removal of a non-conforming historic industrial. This existing lawful use of the site is historic and is not subject to controls in terms of hours of use or vehicle servicing, as such the application proposals would see an improvement from both activity that could take place within the building in close proximity to residential properties and associated servicing and vehicle movement to the front and rear of the property. The proposals for residential use of the site would therefore be considered to represent an improvement over the current lawful use of the site and are considered to be of a nature and scale that would assimilate into the area.

The proposals would introduce a vehicular access to the northern section of the site adjacent the rear boundary of properties on Cotton Lane. This access would lead to the car parking associated with the development and the car parking for Kinglsey House following the closure of the access to the site from Cotton Lane. The car parking would be accessed via an automated gated

entrance set within the undercroft, given its positioning and modern design it would not be expected to give rise to adverse noise impact. The applicant has indicated that there would be a 2.1m timber boundary fence along this boundary to the garden of number 30 Cotton Lane, whilst the rear garden boundaries of numbers 24-28 are set off the site boundary by a strip of alleyway.

The access gate would be automatic, it is understood that modern gates would emit very little noise and do not produce a significant bang when fully closed or open. Further to this I would also note that there is no line of site from the proposed gate to the nearest residential bedroom on Francis Road/Cotton Lane due to the orientation of the building. I would therefore expect there to be no adverse noise impact associated with one of these gates being installed.

It is considered that given this arrangement and proposed boundary treatment and that the car parking is limited to residents and users of Kingsley House it would not give rise to unacceptable impacts on residential amenity.

Lighting – It is noted that the recommendations of the submitted Crime Impact Statement are that the rear car parking area is well lit. The use of lighting could give rise to impacts on residential amenity if not sufficiently controlled to avoid glare onto residential properties nearby. It is noted that the existing building has a number of building mounted security lights to the rear as such it is not considered that the inclusion of the lighting would give rise to unacceptable impacts. It is considered necessary to append an appropriately worded condition to any approval for the submission and approval of an external building and external areas lighting condition.

Accessibility – The proposals have been designed to be accessible, with level access into the building and level thresholds into apartments. The proposals incorporate lift access and corridors and entrance doors are also designed to comply with Building Regulations Part M (4) -2. The proposals incorporate 2 no. accessible parking bays provided within the rear car park with direct access via the level access rear door into the building. A ramped access to the front affords level access into the building from Francis Road.

Transport – The application site is located in a highly accessible location. The analysis submitted within the Transport Statement accompanying the application indicates that a ranges of services and facilities including Fog Lane and Ladybarn Parks are within 2 kilometres of the site and that the existing pedestrian infrastructure creates opportunities to access these key amenities on foot and also the bus network and the closest stops on Wilmslow Road and Parrs Wood Road. The application proposals would incorporate a front entrance onto Francis Road providing level access from the development joining to the footpaths on Francis Road and connections beyond.

Whilst the closest formal cycle infrastructure is on Parrs Wood Road and Wilmslow Road, these can be accessed via 20mph residential streets. In addition, connections to tram and train stations are within a 15 minute cycle from the site. The application

proposals incorporate 20 cycle spaces in the form of 10 internal spaces and 10 external spaces within a secured cycle store within the rear of the proposed development. Following discussions with the applicant it has been agreed that this provision will be increased to 24 no. spaces to provide one space per apartment, this level and type of provision for future occupiers of the development is considered to be acceptable and would be secured via a planning condition attached to any approval.

A Greater Manchester Accessibility Level (GMAL) calculation has been undertaken for the site. This is used in assessing the accessibility by non-car modes of a development site and provides a score between 1 and 8, where 1 is a low level of accessibility and 8 is the highest level of accessibility. The application site has a split GMAL of 6-7, indicating a very good level of accessibility by public transport. The application is accompanied by an Interim Travel Plan which seeks to promote sustainable travel choices and reduce single occupancy car use. The production of a full Travel Plan would be secured by way of an appropriately worded planning condition attached to any approval.

The proposals incorporate a new vehicular access from Francis Road together with car parking for the development to the rear of the site. The existing access to rear parking areas from Cotton Lane is to be closed off at the boundary of the site and would not be used as an access to the development once completed. This arrangement is considered acceptable from a highway and pedestrian safety point of view.



The existing access from Cotton Lane alongside number 24 Cotton Lane. The red box denotes the approximate position of the boundary fence that would be installed to close off this access to the rear of the site.

The proposed residential building would have a smaller footprint than the existing building on site as a result there would be an enlarged area for car parking

associated with the proposed residential building to the rear of the site. Car parking for the adjacent NHS Kingslea House would be retained and remain available post construction, accessed via the new Francis Road undercroft. The applicant has confirmed an agreement for access is in place with the NHS to retain this access. The previous industrial uses of the building would have generated comings and goings via the historic access on Cotton Lane and to the areas of hardstanding at the front of the building on Francis Road.

Vehicles accessing the site to serve the lawful use of the building could vary in size and frequency throughout the day, evening and night-time periods. As such the proposed residential use would introduce pedestrian, cycle and vehicle activity of a character more similar to the surrounding prevailing residential nature of the area.

Concerns have been raised regarding the level of car parking to be provided to serve the residential units. The proposals incorporate 15 no. off street car parking spaces (including 2 disabled spaces), 4 of the spaces would be provided with electric vehicle charging points. As set out above the proposals have been amended to include 20 secure and covered cycle parking spaces. The applicant has prepared a transport statement to accompany this application, this includes a parking assessment that indicates that a development of the type and scale under consideration would require between 10 and 13 parking spaces. As set out above the proposal site is in a sustainable and accessible location and would provide access for secured internal and external cycle parking, on balance the level of car parking provided on site is considered acceptable for the application proposals in this location. It is noted that surrounding streets are now subject to a residents parking scheme which would assist in alleviating any additional pressures for on street parking generated by nearby uses including the Christie Hospital. Whilst the level of cycle parking has been increased from that originally submitted it is considered necessary that provision is made for a further 4 spaces to ensure 100% cycle parking for the number of flats is provided. A suitably worded condition is proposed to ensure this level is delivered to further broaden access to sustainable modes of transport to and from the site.

It is acknowledged that during the construction phase there would be disruption to the car parking provision for the neighbouring NHS building that currently shares an access from Cotton Lane with the application site. Whilst this disruption is unavoidable it is understood that the applicant is in discussions with the NHS regarding the impacts on this provision and to seek to work with them to minimise disruption.

Landscaping and Biodiversity – The site is currently a developed plot containing existing buildings and associated hardstanding. The proposals do offer the opportunity to provide soft landscaping to the site to assist in ensuring the development reflects those green areas, shrub and hedging that exists in the immediate area. Whilst the proposals do incorporate small areas of planting within the rear car park, it is considered the opportunity exists to increase this amount of planting to further soften the car parking area but also the frontage. The proposals incorporate front boundary walls with railings above to provide a clear definition between public and private space on the Francis Road frontage. Originally proposals incorporated hedge and shrub planting as part of this front boundary treatment and

external amenity space for ground floor apartments on Francis Road. This element had been removed from the most recent amended drawings provided by the applicant. However, it is considered that further planting should be introduced to the Francis Road frontage together with uplift to the areas to the rear which are to be secured via an appropriately worded condition attached to any approval.

The building has been assessed for the potential presence of bats, the conclusion being there is a low roosting potential of the buildings to be demolished on site. In order to enhance biodiversity of the site post development it is to be requested that the building and rear area incorporate measures to enhance the biodiversity of the site. It is noted that the rear alleyway to properties on Henwood Road contains areas of vegetation and measures to enhance biodiversity on the site are considered to also benefit this corridor. As recommended by the Council's specialist ecologists at the Greater Manchester Ecology Unit a condition is proposed for such measures to be submitted and agreed for inclusion within the development.

Drainage – The application is supported by a drainage strategy; this has been assessed and, in this instance, suitably worded conditions are proposed for a final drainage scheme to deal with surface water from the site to be submitted for approval. The site is in a low-risk zone in terms of flooding, and it is noted that the site is currently comprised of buildings and hardstanding, the installation of a modern surface water drainage system is considered to provide a betterment over the existing situation.

Ground conditions – The site has been subject to industrial uses over a considerable time and as such the application is accompanied by a desk study to assess the potential contamination of the site. This study has been assessed and is acceptable in order to inform a decision for the final use of the site for residential development. It is noted that a scheme of site investigations would be required to be undertaken to inform the preparation of a remediation strategy for the site much of which can only take place following the demolition of buildings on site and would be subject to a planning condition for reporting of the results of these at the appropriate time.

Sustainability – The applicant has provided information on the building fabric specification in order to comply with the adopted planning policies for building energy performance and compliance with building regulations. Along with this fabric first approach the development would incorporate electric heating of water and building and also incorporates a roof top photovoltaic array to include an element of renewable energy within the scheme. The supporting report concludes that the development would achieve a 59% carbon reduction over the target emission rate set out within Part L 2021 of the Building Regulations which would exceed the requirements of current adopted planning policies.

Waste Management – The application proposals incorporate an internal bin store for waste which is positioned to allow bins to be presented to Francis Road for collection. All flats are designed to accord with space standards and would allow for storage of waste within flats prior to them being deposited within the communal bin store. These arrangements are considered to be acceptable with the final details of the waste management strategy for the building to be secured via an appropriately worded condition.

Crime and Safety – The application is accompanied by a Crime Impact Statement prepared by Greater Manchester Police Design for Security team. The report sets out to consider the sites location and the proposed layout and design of the building in relation to designing out crime principles. The report states that the proposals would be a positive addition to the area and would generate legitimate activity to a vacant site that is vulnerable to criminal damage and other abuse. The introduction of occupied rooms overlooking communal areas and adjacent public realm would increase natural surveillance of the public realm around the building.

The report identifies measures that are recommended to be included within the development such as: adequate residential access control into the building, bike and bin store; access control of the residential entrance and car park; and clearly defined boundaries to the rear of the site. It is recommended that the development be designed to Secured by Design principles and that this is secured by an appropriately worded condition.

Construction and demolition phase – The development would require the demolition of the existing buildings on site following which would be a period of construction works to develop the site. The site is not within a conservation area and the building is not listed. It is acknowledged that the former laundry building has been in situ since the early part of the 20th Century, however, the building is not considered to be of significant heritage value or have architectural features that would merit its retention.

The demolition works would cause disruption in the local area through general noise and construction activity together with requirements for parking for site operatives and the adjacent Kinglsea House premises whilst they are carried out, this disruption, whilst unavoidable would be for a temporary period until construction works are completed. In order to ensure this process is managed in the most appropriate way, given the sites location and context close to residential properties, an appropriately worded condition to manage both the demolition and construction phase would be appended to any decision.

Conclusion - The application proposals would redevelop an existing industrial building and site to provide 24 no. affordable apartments. The site is in a sustainable urban location and as set out in this report the form and design of the development is considered acceptable for the site.

Careful consideration has been given to the siting, scale and appearance of the development to ensure it provide a high quality development along with minimising the impact on existing residents and is therefore considered to accord with national and local planning policies.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the of the application is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation APPROVE

Article 35 Declaration

The application has been considered in a positive and proactive manner as required by The Town and Country Planning (Development Management Procedure) (England) Order 2015 and any problems and/or issues arising in relation to dealing with the application have been communicated to the applicant, in this instance amended proposals were submitted that reduces the height of an element of the building.

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

YD2_FR_LP001 REV B 'LANDSCAPING PLAN'; YD2_FR_RP001 REV B 'LANDSCAPING DESIGN REPORT'; reference 80/615/R2-7 ' ARBORICULTURAL IMPACT ASSESSMENT and Method Statement' prepared by E3P; reference 221121/SK22154/TS01(-05)'TRANSPORT STATEMENT' prepared by SK; C-26721-HYD-XX-XX-RP-C-0500 P01 'DRAINAGE STRATEGY'; C-26721-HYD-XX-XX-DR-C-0500 P01 'PROPOSED DRAINAGE LAYOUT'; C-26721-HYD-XX-XX-DR-C-0510 P01 'OVERLAND EXCEEDANCE FLOOD ROUTES'; All as received by the City Council as local planning authority on the 28th November 2022

A20045-SASA-Z1-XX-DR-A-20202 P04 ' SITE ELEVATIONS'; Design and Access Statement A20-045 Rev C; Affordable Housing Statement prepared by Southway Housing Trust dated 21st November 2022; DAYLIGHT & SUNLIGHT AMENITY IMPACT ASSESSMENT reference 1079A/MPS/DMH - Final prepared by Proximity; All as received by the City Council as local planning authority on the 22nd November 2022

A20045-SASA-Z0-Z0-DR-A-90100 REV P05 'SITE PLAN' ; A20045-SASA-Z1-00-DR-A-20101 REV P05 'GROUND FLOOR PLAN'; 2A2045-SASA-Z1-01-DR-A-20102 REV P04 'FIRST FLOOR PLAN'; A20045-SASA-Z1-02-DR-A-20103 REV P04 'SECOND FLOOR PLAN'; A20045-SASA-Z1-R1-DR-A-20104 REV P04 'ROOF PLAN'; A20045-SASA-Z1-XX-DR-A-20201 REV P04 'ELEVATIONS'; A20045-SASA-Z1-XX-DR-A-20402 P02 'SITE SECTIONS'; A20045-SASA-Z1-00-DR-A-20110 P02 PART M(4)-2 'GROUND FLOOR PLAN'; A20045-SASA-Z1-01-DR-A-20111 P02 'PART M(4)-2 FIRST FLOOR PLAN' ; All as received by the City Council as local planning authority on the 17th November 2022

Crime Impact Statement prepared by GMP Design for Security reference 2021/0465/CIS/01 Version D; Building Regulations Part L Volume 1 - SAP Revision R00 dated 21/07/2022 prepared by Seven; Noise Impact Assessment - REPORT REFERENCE NO. J003503-5119-TD-06 July 2022 prepared by PDA; Bat Survey Report Francis Road, Withington Reference: 80-615-R1-4 Date: May 2022 prepared by E3P all as received by the City Council as local planning authority on the 4th August 2022

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Prior to the commencement of any demolition works on site a Demolition Management Plan shall be submitted to and approved in writing by the City Council as local planning authority. The demolition works shall be implemented in accordance with the agreed plan and where appropriate shall include:

- The hours of site working;
- Measures to control noise and vibration;
- Dust suppression measures;
- Details of the location and arrangements for contractor parking;
- The identification of the vehicular access points into the site;
- Identify measures to control dust and mud including on the surrounding public highway including: details of how the wheels of contractor's vehicles are to be cleaned during the construction period;
- The details of an emergency telephone contact number for the demolition / site contractor to be displayed in a publicly accessible location; and
- A community consultation plan.

Reason - In the interests of residential amenity, highway safety pursuant to policy DM1 of the Core Strategy.

- 3) Prior to the commencement of the development (excluding demolition works), a scheme for the provision of affordable housing on the site shall be submitted for approval in writing by the City Council, as Local Planning Authority. The scheme shall comprise:
- i. the type and tenure (such tenures being consistent with the definition of affordable housing in Annex 2 of the NPPF or any definition of affordable housing that replaces it) which shall consist of 100% of the dwelling houses;

- ii. confirmation that the affordable dwellings will be made available on affordable housing terms for both first and subsequent occupiers of the affordable housing dwellings (subject to such exclusions and exemptions as may be approved by the City Council); and
- iii. the eligibility criteria to be used for determining who may occupy the affordable housing dwellings (which shall not be required to include any local connection criteria in the case of shared ownership housing).
- iv. The approved affordable housing scheme shall be implemented as part of the development and thereafter observed in perpetuity subject to the exclusions and exemptions set out in the approved affordable housing scheme.

Reason - In order to provide affordable housing at the site and to deliver an identified housing need in accordance with policies H6 and H8 of the Manchester Core Strategy (2012) and the National Planning Policy Framework.

5) Prior to the commencement of the construction phase of development a Construction Management Plan shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in accordance with the agreed plan and where appropriate shall include:

- The routing of construction traffic;
- The hours of site working;
- Measures to control noise and vibration;
- Dust suppression measures;
- Detail the vehicular activity associated with the construction including appropriate swept-path assessment;
- Details of the location and arrangements for contractor parking;
- The identification of the vehicular access points into the site;
- Identify measures to control dust and mud including on the surrounding public highway including: details of how the wheels of contractor's vehicles are to be cleaned during the construction period;
- The details of an emergency telephone contact number for the site contractor to be displayed in a publicly accessible location; and
- A Community consultation plan.

Reason - In the interests of residential amenity, highway safety pursuant to policy DM1 of the Core Strategy.

- 6) a) Prior to the commencement of the development (excluding the demolition works phase), details of a Local Benefit Proposal, in order to demonstrate commitment to recruit local labour for the duration of the construction of the development, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved document shall be implemented as part of the construction of the development.

In this condition a Local Benefit Proposal means a document which includes:

- i) the measures proposed to recruit local people including apprenticeships

- ii) mechanisms for the implementation and delivery of the Local Benefit Proposal
- iii) measures to monitor and review the effectiveness of the Local Benefit Proposal in achieving the objective of recruiting and supporting local labour objectives

(b) Within one month prior to construction work being completed, a detailed report which takes into account the information and outcomes about local labour recruitment pursuant to items (i) and (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority.

Reason - The applicant has demonstrated a commitment to recruiting local labour pursuant to policies SP1, EC1 and DM1 of the Manchester Core Strategy (2012).

- 7) a) Before the development hereby approved commences (excluding the demolition of buildings on site), a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

- b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance

with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

- 8) a) Prior to the commencement of above ground works associated with the approved development a scheme for acoustically insulating the proposed residential accommodation against noise from nearby roads shall be submitted to and approved in writing by the City Council as local planning authority.

The submitted scheme shall also assess the potential for overheating and the noise insulation scheme shall take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

b) Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason - To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance and to reduce the potential for overheating pursuant to policy DM1 of the Core Strategy and saved Unitary Development Plan policy DC26.

- 9) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to first occupation of the development hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The development shall be subsequently carried out in accordance with the approved scheme.

b) Prior to the first occupation of the development a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site pursuant to policy DM1 of the Core Strategy and saved Unitary Development Plan policy DC26.

- 10) Prior to the commencement of above ground works associated with the development, details of a waste management strategy for the site together with the details and locations of the storage of waste bins within the development shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details prior to its first and maintained in situ thereafter.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage and collection of segregated waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

- 11) Within 3 months of the commencement of above ground works, a detailed scheme of highway works including technical drawings shall be submitted to and approved in writing to the Council as local planning authority, the submitted scheme shall include:
- highway and footpath layout including resurfacing of adjacent footway, and making good of redundant vehicle accesses;
 - dropped kerbs;
 - tactile paving;
 - Confirmation that a section 278 agreement has been entered into for the completion of highway works and associated Traffic Regulation Orders
 - Timescales for the implementation of the scheme.

The approved scheme shall be implemented and be in place within a timescale previously agreed in writing by the City Council as local planning authority.

Reason - To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

- 12) Prior to the first occupation of the residential development hereby approved, details and specification of electric car charging points within the approved development shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented and be in place prior to the first occupation of the residential element of the development.

Reason - In the interest of air quality pursuant to policies SP1, DM1 and EN16 of the Manchester Core Strategy (2012).

- 13) Notwithstanding the approved plans, prior to the first occupation of the development hereby approved details of the cycle parking provision for the

development including drawings, numbers, locations, and type of provision to be incorporated shall be submitted to and approved in writing by the City Council as local planning authority. The approved details shall be installed prior to the first occupation of the development and be retained thereafter for use by people residing at the development.

Reason - To ensure that there is adequate cycle parking for the development in order to comply with policies T1, T2 and DM1 of the Core strategy.

- 14) Prior to the first occupation of the development hereby approved a Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a Travel Plan means a document which includes:
- i) the measures proposed to be taken to reduce dependency on the private car by those residing in the development
 - ii) a commitment to surveying the travel patterns of residents during the first three months of use of the development and thereafter from time to time
 - iii) mechanisms for the implementation of the measures to reduce dependency on the private car
 - iv) measures for the delivery of specified travel plan services
 - v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

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

- 15) No drainage for the development shall be installed unless and until the full details of a surface water drainage scheme has been submitted to and approved in writing by the City Council as local planning authority. The submitted scheme shall include:
- Consideration of alternative green SuDS solution (that is either utilising infiltration or attenuation) if practicable;
 - Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 45% climate change in any part of a building;
 - Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with

appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site.

- Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account.
- Hydraulic calculation of the proposed drainage system;
- Construction details of flow control and SuDS elements.

The development shall be undertaken in accordance with the approved details.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of national policies within the NPPF and NPPG and local policies EN08 and EN14.

- 16) No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- Verification report providing photographic evidence of construction as per design drawings;
 - As built construction drawings if different from design construction drawings;
 - Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason - To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

- 17) The car parking as indicated on the approved plans shall be surfaced, laid out and demarcated prior to the first occupation of the development hereby approved. The car park shall then be available at all times for people residing at the development whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policy DM1 of the Core strategy.

- 18) Above-ground construction works shall not commence until samples and specifications of all materials to be used in the external elevations and hard landscaping around the buildings as detailed on the approved drawings have been submitted to and approved in writing by the City Council as local planning authority. Thereafter the development shall be carried out in accordance with those details.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

- 19) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work" and the approved Arboricultural Impact Assessment and Method Statement prepared by E3P.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

- 20) No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and to comply with policy EN15 of the Core Strategy.

- 21) Notwithstanding the approved plans, within three months of the commencement of above ground works a hard and soft landscaping treatment scheme including details and positions of all boundary treatments to be installed at the site shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied and all boundary treatments shall be retained thereafter whilst the development is in use. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

- 22) Prior to the commencement of above ground works, a scheme for the Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance

with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

Reason – Pursuant to biodiversity enhancement of the site, in accordance with policy EN15 of the Core Strategy and the National Planning Policy Framework.

- 23) The development hereby approved shall include a building lighting scheme and a scheme for the illumination of external areas during the period between dusk and dawn. The full details of such a scheme, including light spillage details, shall be submitted to and approved in writing by the local planning authority within 3 months of above ground works commencing. The approved scheme shall be implemented in full before the development is first occupied and shall remain in operation for so long as the development is in use.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of government guidance in the National Planning Policy Framework, saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

- 24) The development hereby approved shall be carried out in accordance with the recommendations of the Crime Impact Statement prepared by Greater Manchester Police and shall not be occupied or used until the City Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason - To reduce the risk of crime pursuant to Policy DM1 of the Adopted Core Strategy for the City of Manchester.

- 25) Prior to occupation of the development hereby approved, the windows serving corridors on the ground, first and second floors within the north east and south west elevations as indicated on the approved plans shall be obscurely glazed and of a limited opening nature to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

- 26) The development hereby approved shall be implemented in full accordance with the measures as set out within the Building Regulations Part L Volume 1 - SAP Revision R00 dated 21/07/2022 prepared by Seven, received by the City Council as local planning authority on 4th August 2022.

Within 3 months of the completion of the construction of the authorised development a verification statement prepared by a suitably qualified expert shall be submitted to and approved in writing, by the City Council as local planning authority, to validate that the work undertaken throughout the

development conforms to the recommendations and requirements in the approved SAP report. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the recommendations and requirements within the approved report.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy for the City of Manchester and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

- 27) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

- 28) Notwithstanding the General Permitted Development Order 2015 as amended by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 or any legislation amending or replacing the same, no further development in the form of upward extensions to the building shall be undertaken other than that expressly authorised by the granting of planning permission.

Reason - In the interests of protecting residential amenity and visual amenity of the area in which the development is located pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

Local Government (Access to Information) Act 1985

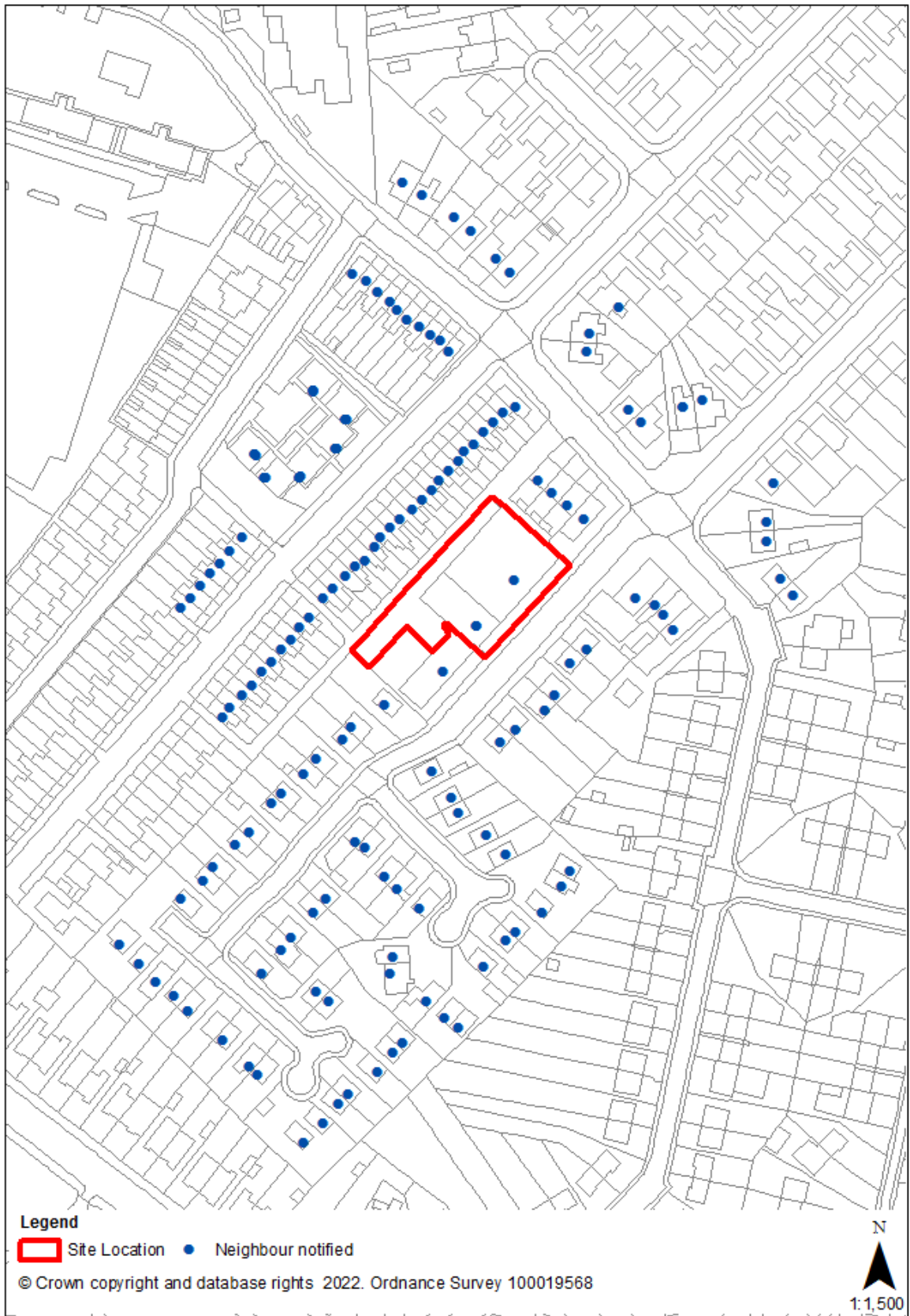
The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 134603/FO/2022 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

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

**Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
MCC Flood Risk Management
Greater Manchester Police
Greater Manchester Ecology Unit**

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

Relevant Contact Officer : Robert Griffin
Telephone number : 0161 234 4527
Email : robert.griffin@manchester.gov.uk



Application Number	Date of Appln	Committee Date	Ward
134971/FO/2022	19th Oct 2022	15th Dec 2022	Deansgate Ward

Proposal Creation of an Adult Gaming Centre (Sui Generis)

Location 67 Deansgate, Manchester, M3 2BW

Applicant Merkur Slots Ltd (UK), C/o Agent,

Agent Planning Potential Ltd, 1 Cardale Park, Beckwith Head Road,
Harrogate, HG3 1RY

EXECUTIVE SUMMARY

The proposal is for the use of a ground floor property on Deansgate in Manchester City Centre as an Adult Gaming Centre providing slot machines for gambling purposes (Sui Generis). No objections have been received.

Key Issues:

Principle of the proposal and the schemes contribution to regeneration: The premises is located in a prominent location along Deansgate. Whilst it is noted that the premises has been vacant since the start of the Covid Pandemic, it has previously been continually occupied. The proposed development would introduce a use which would not contribute positively to the vitality and viability of Deansgate. In particular, the use would undermine the character and appearance of the area through a limited active shop frontage which vinyls and other features would be applied to, which would obscure activity into the premises from the footway.

Economic: The proposal would reuse a vacant premises and create jobs. However, these benefits would not be outweighed by the overall impact of the use on the character, appearance, vitality, and viability of Deansgate and the ongoing regeneration of this important part of the City Centre.

Social: The business would not bring a fully active frontage, with partially blocked windows on Deansgate and fully blocked windows on Barton Square so would only provide limited natural surveillance. The development would not be fully accessible having one customer level, but three levels and no lift access between floors for use by staff.

Environmental: There would be no unduly harmful impacts on traffic and local air quality. There would be an internal bin store that would include recycling to minimise the amount of waste going to landfill.

Impact on the historic environment. The proposals would reuse a non-designated heritage asset; however, the obscuring of the window display and activity within the premises would undermine the character and appearance of the property.

Impact on local residents and local businesses: Construction impacts would not be significant and can be managed to minimise the effects on local businesses. Noise outbreak from plant and the commercial unit would meet relevant standards.

Description

This site is a three-storey building with frontages onto Deansgate and Barton Square. The building adjoins the Grade II* Listed Barton Arcade and is in St Anns Square Conservation Area and adjacent to the Parsonage Gardens Conservation Area.

The building is not listed but is a non-designated heritage asset with decorative stone elevations and modern shopfronts.

The building makes a positive contribution to the conservation area. In addition to the Grade II* Listed Barton Arcade, other listed buildings in the immediate area are 16 St Ann's Square, 18-20 St Ann's Square and 22 St Ann's Square, the former Kendal Milne department store (98-116 Deansgate) and Haywards Building at 62-66, Deansgate.

Deansgate is a busy pedestrian and vehicular route. Barton Square is a narrow rear alley that is used to service some properties. Surrounding uses include shops, offices, hotels, bars, restaurants, travel agents, cafes, and hairdressing salons.

The Proposal

It is proposed to change the use of the ground floor to an adult gaming centre (Sui Generis), with slot machines for gambling. This would occupy the ground floor with the upper floor and basement used for storage and staff facilities. The premises would be open to the public and in use 24 hours a day, seven days a week.



Image shows the Deansgate Elevation



Image shows the Barton Square Elevation

The existing shopfront would be retained, and the existing entrance would be reused. An internal waste store would be accessed from Barton Square. Level access would be available through the main entrance on Deansgate, but there is no lift proposed to access the other two levels. No secure cycle parking spaces are proposed, and no car parking would be provided.

A separate advertisement consent was approved for an individual letter sign and projecting sign under advertisement consent 134972/AO/2022.

Consultations

Publicity – The occupiers of adjacent premises have been notified and the application has been advertised by site notice. No responses have been received.

Highway Services two cycle parking spaces should be provided. There are no other highways concerns.

Environmental Health A 24-hour use of the premises is acceptable but recommend condition regarding acoustic insulation of the premises and any plant and details of lighting.

Design for Security at Greater Manchester Police a series of security measures should be implemented as part of the scheme.

Policies

Manchester Core Strategy (2012)

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

The adopted Core Strategy contains a number of Strategic Spatial Objectives of relevance to this application that form the basis of the policies as follows:

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

SO2. Economy supports a significant improvement of the City's economic performance to spread the benefits of this growth across the City to reduce economic, environmental, and social disparities, and to help create inclusive sustainable communities. The scheme would provide new jobs during fit out and 12 full time jobs in operation. The job creation in this instance would not be sufficient to outweigh the harm to the vitality and viability of Deansgate, namely from the impact as a result of the inactive shop front.

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

Policy SP1 - Spatial Principles - The development would be accessible by sustainable transport provision. However, the proposal and the inactive shop front would not contribute positively to Deansgate which is one of the main road and pedestrian routes through the City Centre.

Policy C1 - Centre Hierarchy - The use would not provide comparison retail or convenience retail for the growing City Centre population, would not assist the City Centre in remaining the regional focus for commerce, culture, leisure, and tourism.

Policy C10 – The use would not be socially inclusive and would not the contribute to the vitality of the City Centre as it would exclude some members of the community and would not complement the surrounding uses. The use is considered to be detrimental to the character, vitality, and viability of the City Centre due to the

proposed use and the inactive shop front. A use that could provide services, jobs and amenity for all ages and abilities would be preferred in this location.

Policy CC1 - Primary Economic Development Focus (City Centre and Fringe) -

The proposal would not contribute positively to the character, appearance and mix of uses within the City Centre and the shop frontage would be inactive.

Policy CC5 - Transport – The proposal would be accessible to a wider variety of public transport.

Policy CC8 - Change and Renewal - The proposal would create temporary employment during fit out works along with 12 permanent jobs in operation.

Policy CC10 - A Place of Everyone - The ground floor would be accessible via an existing level entrance, but the proposals do not include a passenger lift so do not provide inclusive access to all floors for staff. A use that could provide services, jobs and amenity for all ages and abilities would be preferred in this location.

Policy T1 - Sustainable Transport - The proposal would encourage modal shift to sustainable alternatives by being fully accessible by public transport.

Policy T2 - Accessible Areas of Opportunity and Need - The proposal would be accessible by a variety of sustainable transport modes. There wouldn't however be inclusive access to all floors of the business.

Policy EN1 - Design Principles and Strategic Character Areas – The shop front would largely be obscured by vinyl and TV screens. This would not bring an active frontage to Deansgate and would undermine the vitality and viability of the road.

Policy EN16 - Air Quality - The proposal would be highly accessible by all forms of public transport and reduce reliance on cars and therefore minimise traffic emissions.

Policy EN19 - Waste - The development would be consistent with the principles of waste hierarchy. The application is accompanied by a Waste Management Strategy which details the measures that would be undertaken to minimise waste production.

Policy DM1 - Development Management - Outlines a range of general issues that all development should have regard to. The proposal would have an unduly harmful impact on the character and appearance of the shop frontage through an inactive shop front design which would not contribute positively to the vitality and viability of Deansgate.

These are considered in detail in below in addition to the information in relation to the above policies.

Unitary Development Plan for the City of Manchester (1995)

Policies DC14 Shop Fronts and Related Signs state that the City Council will ensure that the design of shop fronts is in keeping with the character of the area

within which the building is located and that inappropriate features are not permitted. Policy DC14.2 states that shop fronts should allow full access for disabled people. The entrance into the proposals would be level. The proposal, due to the need to provide privacy to the users, would result in an obscured shop frontage. This would be contrary to the provisions of this policy.

Policy DC26 Development and Noise had the application been approved, conditions would have been applied to the approval to deal with any noise impacts from the development.

Other relevant guidance

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007)

Part 1 of the SPD sets out the design principles and standards that the City Council expects new development to achieve, i.e., high quality developments that are safe, secure, and accessible to all. For the reasons set out later in this report the proposals would not be consistent with these principles and standards in relation to being accessible to all.

Relevant National Policy

The National Planning Policy Framework sets out what the Government's planning policies for England are and how these are expected to apply. The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role (paragraphs 6 & 7).

The Government states that sustainable development has an economic role, a social role and an environmental role (paragraphs 7 & 8). Paragraphs 10, 11, 12, 13 and 14 of the NPPF outline a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan. Paragraphs 11 and 12 state that:

Para 105 states that the planning system "should actively manage patterns of growth in support of the objectives of promoting sustainable transport" (para 104). "Significant development should be focused on locations which can be made sustainable" as "this can help to reduce congestion and emissions and improve air quality and public health".

Paragraph 126 states that "the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"

Section 6 (Building a strong and competitive economy)

The proposal would support economic growth and create jobs and prosperity through fit out and through the operation of the uses. The use would create permanent jobs. Gambling uses can however slow economic growth.

Section 7 (Ensuring the vitality of town centres)

The proposed use would not promote the long-term vitality and viability of the City Centre and would not allow the existing uses to grow and diversify in a way that complements each of the existing retail and food and drink businesses. The use would not create or maintain a suitable use in the location or reflect the distinctive character of Deansgate

Section 8 (Promoting healthy and safe communities)

The proposed use would not be fully accessible due to the lack of full access to the basement and upper floor. The proposals would not provide fully active street frontages and would provide gambling facilities, having an effect on mental health, social and cultural well-being. The use would constitute the unnecessary loss of a vacancy that could provide accommodation for a use that would be suitable in this location and accessible to all. The use would not help to reduce vulnerability, increase resilience, and ensure public safety as it would provide a gambling use targeting vulnerable people and would not provide as much natural surveillance as possible.

Section 9 (Promoting Sustainable Transport)

The development would help to improve air quality and reduce carbon emissions by being accessible by a variety of modes of transport. The accommodation provided would however not be inclusive for the reasons considered in detail within this report. The proposal would encourage modal shift away from car travel to more sustainable alternatives through its location.

Section 12 (Achieving Well-Designed Places)

We understand from the applicant that a partially clear shop front is proposed on Deansgate although due to the proposed bands of 'bespoke vinyl' and the two large TV screens the views into and out of this shop front would not be the maximum active street frontage that could be achieved. Details of the appearance of these vinyls have not been submitted but the graphics and colours are likely to be the same as the other premises.

There would be no views through the rear elevation fronting Barton Square as film would block views into and from the premises and no natural surveillance of the back street.

Section 16 (Conserving and enhancing the Historic Environment)

The premises is within the setting of the Grade II* Listed Barton Arcade. Providing vinyls and large TV screens in addition to the existing overlarge fascia would detrimentally affect the setting of this listed building and the St Anns Square Conservation Area.

Manchester City Centre Strategic Plan (2015 -2019)

This plan presents a vision for the City Centre and sets out the strategic action required to work towards achieving this over the period from 2015 - 2018. The Plan considers the contribution to be made towards achieving the overall vision by each of the district components of the City Centre and recognises the key role of Manchester City Centre in providing a positive image and framework for inward investment and explains that its continued strong economic performance within a high-quality urban environment will be fundamental to the prosperity of both Manchester and its city region.

The site of the applications falls within the area designated as the Retail Core, which is one of the largest retail centres outside London and was worth an estimated £3.4 billion to the local economy in 2013.

The key priorities for this area are:

- Sustaining PR to promote Manchester as the UK's top retail destination, locally, regionally, and nationally.
- A retail-focused magazine to promote the city's exceptionally diverse retail offer.
- Improving the performance of King Street. In spite of recent difficulties, King Street is still considered to be one of the city's most aspirational retail areas and work is underway to improve the offering.
- Integrating mobile solutions to ensure the retail core is up to speed with developments in technology and talking to customers in a cohesive way.
- Encouraging further national events, such as Vogue's Fashion Night Out, to assist in driving night-time retail footfall.
- Ongoing action to encourage more independent retailers and leisure operators into the city centre to further diversify the offer and attract footfall.
- Looking at introducing more markets into the city centre in different areas and throughout the year, building on the huge success of Manchester's Christmas Markets.
- Redeveloping the Ramada block on Blackfriars Street.

The proposed use would not support the achievement of the above-described key priorities for the reasons discussed in this report.

Conservation Area Declarations

St Ann's Square Conservation Area Declaration

The St Ann's Square Conservation Area is in the commercial heart of the City, where almost all buildings accommodate shops on the ground floor. It was the first conservation area to be designated by the City Council on 29 July 1970.

St Ann's Square is the focal point of this conservation area. It was laid out in the Georgian period, however the Grade I Listed St Ann's Church is the only surviving building of this time. The remaining buildings are later replacements that continue to enclose the square in a satisfactory and coherent manner, constructed in various styles over a long period and creating a rich tapestry of built form.

Each new building has been designed with due regard for the existing buildings and together they create an imposing street wall. This is also true of other areas of the conservation including King Street, which has a rich variety of buildings due to the renewal and repair of individual properties over a long time period. John Dalton Street however has been subject to more radical development and few of the buildings now have the narrow frontage that characterises the remainder of the conservation area.

Encouragement of variety will help to maintain the character of the area. Where buildings need to be replaced, high quality modern designs, taking cues from the remaining buildings are promoted. Building proposals should be designed to enhance the existing quality of the built environment.

Parsonage Gardens Conservation Area Declaration

The Parsonage Gardens Conservation Area contains several Grade II listed buildings, including Blackfriars Bridge, Century Buildings, Arkwright House and the Kendal Milne Building, but also a number of more recent buildings such as Alexandra House.

At the centre of the Conservation Area is Parsonage Gardens which is bordered by large and impressive buildings. Most are in orange-red brick or terracotta, with one modern-style steel and glass structure. Parsonage Gardens is surrounded by a rich mixture of buildings of various ages and styles.

The Grade II listed Arkwright House is a significant seven storey office block. Parsonage Gardens Conservation Area embraces a length of frontage to the River Irwell, and this also includes part of the Grade II listed bridge on Blackfriars Street, half of which is in Salford.

This heavy stone bridge was built around 1820. One of the three semi-circular arches is partly embedded in the riverbank on the Manchester side. The architectural emphasis of corners is a characteristic of Manchester buildings which contributes to the urban design character of the city centre. It is evident in the Parsonage Gardens area and its use in new developments will therefore be encouraged.

Legislative requirements

S149 (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.

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

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

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

Principle of development

There has been a significant amount of regeneration in and around Deansgate over the past 20 years through private and public sector investment. Major change has occurred at Spinningfields, around the Great Northern Warehouse and around the Ramada Hotel. This should continue as a result of opportunities are presented by the Ramada redevelopment.

The proposal is for a ground floor adult gaming centre with storage on the upper floors and basement. No elevational alterations are proposed other than the installation of new signage which has been agreed. The premises would be open 24 hours a day, seven days a week. 12 full time jobs would be created by the use.

An adult gaming centre would not contribute positively to the vibrancy and the mix of established uses along Deansgate. It would have largely blank and inactive frontages to provide privacy to the users. This would adversely impact on the views into the premises and provide a dead and inactive frontage along this section of Deansgate. The principle of the development would therefore not be acceptable.

Consideration has also been given to the impact of the development on the visual amenity of the area together with other relevant matters.

Vitality and viability

The premises had been in continual active use for at least 12 years prior to the start of Covid 19 Pandemic but has been vacant since 2020. It is acknowledged that the vacant state of the premises has a negative impact on Deansgate.

The uses within this section of Deansgate between John Dalton Street and St Mary's Gate has uses with a ground floor frontage that comprise 29 Class E uses comprising 20 shops, 4 cafés, 1 office frontage, 4 food and drink uses, and 8 Sui Generis uses comprising drinking establishments, nightclubs, a betting shop, and hot food takeaways. It also includes 9 vacant commercial units, three of which are in Barton Arcade and one of which is the adjacent unit.

The last two years have been challenging for the high street and Manchester has not been immune. However, Deansgate remains a popular and active part of the city centre with small pockets of void premises such as the application site.

The applicant advised that the premises has been marketed since late 2020. They advised that this was marketed across several nationwide platforms. There is currently no 'To Let' sign at the premises.

National operators on this part of Deansgate currently include Toni & Guy, House of Fraser, Las Iguanas, Weatherspoon, Slug and Lettuce, Trailfinders and Subway.

Deansgate is a viable and active part of the city centre with opportunities for linked trips and synergy with the evening economy.

Deansgate has relatively low void rates reflecting the high demand for premises due to its prominent road frontages and position adjacent to national retailers. There are other non-traditional retailers along Deansgate such as Betting Shops, which form a relatively low number when compared to retail, food and drink premises which dominates the high street.

The gaming use would be a non-traditional retail function that is not compatible with the retail, food and drink function of the high street. No marketing evidence has been provided about the marketing of the premises to attract more traditional high street users and therefore it cannot be said with any certainty that alternative uses should now be considered.



PROPOSED FRONT ELEVATION - DEANSGATE (1:50)

PROPOSED REAR ELEVATION - BARTON SQUARE (1:25)

The proposal does not include elevational alterations. However, the nature of the use, and the need to provide privacy to users, would mean that both frontages to Deansgate and Barton Square would be obscured by a vinyl display and/or TV screens to obscure the activities and the gaming machines. The applicant has confirmed the use of vinyl and TV screens to the shop fronts, and it is assumed that this would also feature details on the gaming activities which can take place inside the premises.

The use would be present a lifeless and dead frontage to Deansgate, one of the best known and prominent high streets in Manchester. It would offer limited visual interest and activity to this important road and pedestrian and would not provide a suitably active street frontage which is evident elsewhere along Deansgate.

The inactive nature of the premises would exacerbate this small pocket of vacant uses in this section of Deansgate. This would have a negative impact on the vitality and character of Deansgate and the ongoing regeneration activity in this part of the city centre.

The proposal would have an unduly harmful effect on the vitality and viability of Deansgate, particularly the character and appearance of the area. There would be clear conflict with the provisions of policies SO1, SO2, SP1, C1, C10, EN1, CC1, CC10 and DM1 of the Manchester Core Strategy (2012) and Sections 6, 8 and 12 the National Planning Policy Framework, which seek to ensure, amongst other matters, that the vitality and vibrancy of the City's main centres.

Impact on Heritage Assets

The premises is within a building that is considered a non-designated heritage asset and has an overall positive contribution to the Conservation Area and the setting of the adjacent Grade II* Listed Barton Arcade.

A non-designated heritage asset would be reused, however no external changes are proposed. The applicant has confirmed that a frosted vinyl would be applied to all glazing at the rear of the building and that TV screens and two bands of bespoke vinyl would be added to the Deansgate shop front. This would provide little visual interest compared to typical retail displays, and the previous open and active shop front, which would be unduly harmful to the vitality and viability of Deansgate as a whole.

Highway considerations

The proposal would not have a material impact upon traffic and network capacity as it is sited close to plenty of available public transport facilities. No car parking spaces, or cycle parking spaces are proposed.

Full access and Inclusive Design

Level access would be provided into the property and the machines would be at an accessible height. An accessible WC would be provided on the ground floor. The ground floor would be accessible to all staff and customers. There would be no lift to the basement and first floor, which would be used for storage and staff facilities.

Waste and Recycling

There would be an internal bin store and waste would be recycled. These arrangements are considered to be acceptable and would have formed a condition has the proposal been acceptable.

Noise and Vibration

The premises and any plant would have been required to be acoustically insulated in order to prevent any unacceptable noise outbreak. These would have formed conditions had the proposal been acceptable.

Designing out Crime

The development would not enliven the street scene or provide an acceptable level of natural surveillance of the public realm. The views through the Deansgate shopfront would be partially blocked, but the views at the rear would be fully blocked meaning natural surveillance would be limited. More natural surveillance could be provided by other uses and natural surveillance would be particularly beneficial to Barton Square where activity is limited.

CONCLUSION

The proposed adulty gaming centre would not be consistent with national and local planning policy.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the of the application is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation REFUSE

Article 35 Declaration

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included advice about the information required to be submitted to support the application and to address issues.

Reason for recommendation

- (1) The proposed gaming use would introduce a non-traditional retail use that is not compatible with the retail, food and drink function of Deansgate and create an inactive shopfront. The proposal would fail to contribute positively to Deansgate and provide a lifeless and dead frontage to the street. This would offer very limited visual interest and activity to this important road and pedestrian environment, provide insufficient natural surveillance, and would not provide the suitably active street frontage required in this location. The inactive nature of the premises would exacerbate this small pocket of vacant uses in this section of Deansgate and have an unduly harmful impact on the vitality, viability and character of Deansgate and the ongoing regeneration activity in this part of the city centre. The proposal is contrary to policies SO1, SO2, SP1, C1, C10, EN1, CC1, CC10 and DM1 of the Manchester Core Strategy (2012) and Sections 6, 8 and 12 of the National Planning.

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Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

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

**Highway Services
Environmental Health
City Centre Regeneration
Greater Manchester Police**

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

Representations were received from the following third parties:

Relevant Contact Officer : Emily Booth
Telephone number : 0161 234 4193
Email : emily.booth@manchester.gov.uk

