

## **Planning and Highways Committee**

### **Minutes of the meeting held on Thursday, 13 April 2023**

**Present:** Councillor Curley (Chair)

**Councillors:** Shaukat Ali, Andrews, Y Dar, Flanagan, Hewitson, Kamal, Leech and Lyons

**Apologies:** Councillor Baker-Smith, Davies, J Lovecy, Riasat and Sadler

#### **PH/23/28. Supplementary Information on Applications Being Considered**

A copy of the late representations received had been circulated in advance of the meeting regarding the combined application of 121195/FO/2018 & 121196/LO/2018.

#### **Decision**

To receive and note the late representations.

#### **PH/23/29. Minutes**

#### **Decision**

To approve the minutes of the meeting held on 16 March 2023 as a correct record.

#### **PH/23/30. 121195/FO/2018 & 121196/LO/2018 - Land at Shudehill Manchester, M4 2AD - Piccadilly Ward**

The Committee considered the report of the Director of Planning, Building Control and Licensing that presented an application proposing the demolition of all non-listed buildings (with exception of partial retention of the Rosenfield Building facade), partial demolition and alterations to 29 Shudehill, and erection of a new building comprising ground floor plus part 2, part 7, part 8, and part 19 storey to include 175 residential units (Use Class C3) together with flexible ground floor commercial floorspace (Use Class E), new public realm, cycle parking (90 spaces), and other associated works.

The development would redevelop a largely vacant site that contains heritage assets. These make a positive contribution to the street scene, the character of the conservation area and setting of adjacent listed buildings. Their setting and character could be improved through appropriate regeneration. The site is fragmented and disjointed, but the wider townscape of the conservation area has visual cohesion, from its complementary massing, layout and form of its buildings.

The proposals would provide 175 homes and commercial units but the form of development: would not be of an appropriate quality; would not enhance its surrounding to an acceptable level; and would not deliver a coherent development which properly responds to context, or which maintains the areas prevailing

character and setting. The harm to heritage assets would not be outweighed by public benefits.

The development would be car free. Cycle parking is proposed but this would be less than 1 space per apartment.

Objections have also been received from Historic England and the Victorian Society. 71 letters of objection have been received from 2 rounds of notification concerned about the use, design and impact on heritage assets impact on amenity including on future residents from existing noise sources (agent of change), servicing and highways impacts, construction impacts and sunlight and daylight impacts. An objection has also been received from and Save Britain's Heritage.

The Planning Officer stated that there had been 3 letters of objection and 1 of support since publication of the initial agenda.

The agent for the applicant addressed the Committee on the application, stating that this was a complex site requiring regeneration. The applicant had worked with Council Officers, and it was with regret that these Officers stated that they could not support the application. The applicant was of the opinion that the scheme should be approved and referred to information of some support within the report. The site was a current blight on the area, was in need of development and the agent stated that they did not share the views of objectors concerning the heritage aspect and scale. Regarding the scale of the project, the agent stated that all heritage assets were considered for retention, but this had been proved impossible. This viewpoint was included and validated by a third-party assessor. The agent expressed that the area was suitable for tall buildings. Regarding the design of the scheme, the agent stated that this had been undertaken by a leading design studio, Buttress, who had applied considerable skill. The façade and design were of a good standard with high quality brickwork proposed. With regard to the heritage aspect of the current plot, the agent stated that it was in need of repair, referring to the nearby Glassworks as an appropriate comparison which managed a mix of old and new in one setting. The agent agreed that there would be some harm from the development, but this would be less than substantial. The report set out other benefits, such as 220 associated jobs and pedestrianised area. In conclusion, the scheme would offer optimum use of this derelict site and would result in less than substantial harm to heritage assets, but this needed to be balanced against the public benefits. It is on the matter of this balance where the applicant disagreed with the opinion of Council Officers as it would outweigh any harm caused. The agent requested the Committee consider the NPPF test to determine the application and bring this site back into use.

The Planning Officer stated that this application was accompanied by a very long officer report, and all issues were covered within it. He stated that the agent had not raised any new issues in their representation at the meeting. The Planning Officer did agree that the scheme constituted less than substantial harm but added that this scheme was at the higher end of such measurements and the public benefits would need to be greater to outweigh this, but the scheme was too large and damaging. The Planning Officer considered the comparison with Glassworks irrelevant. The scheme has brought about long discussions as it is noted that the area needs developing, but not at any cost.

The Chair invited Committee members to ask questions/add comments.

Councillor Lyons stated that he was in agreement with the Planning Officer, in that the harm would be too great. Councillor Lyons stated he would have expected to see some affordable housing on the site to outweigh the harm and put some balance towards public benefit. He questioned if the area was perhaps better for less residential properties, such as hotels/hospitality due to the busy nature of the area with two transport hubs in the immediate vicinity.

The Planning Officer stated that housing/residential units could work in this location adding that there was no policy reason to refuse any such development at this site but did agree that other uses may work.

Councillor Andrews referred to the reasons for refusal on pages 131 and 132 of the printed report and stated that he felt these were adequate for him to move the recommendation of Refuse for both applications.

Councillor Lyons seconded the proposal.

### **Decision**

The Committee resolved to Refuse both applications for the reasons as set out in the reports submitted.

### **PH/23/31. 135733/FO/2022 - Barlowmoor Clen Gas Governor, Barlow Moor Road, Manchester, M21 7GZ - Chorlton Park Ward**

The Committee considered the report of the Director of Planning, Building Control and Licensing that presented an application regarding the installation of a replacement kiosk required to house a new gas governor following demolition of existing including installation of replacement weldmesh palisade fencing.

The site is of an irregular size located to the rear of residential properties on Barlow Moor Road and Houghend Avenue and to the west is the Manchester Crematorium with the wider Southern Cemetery beyond, an Electricity substation is located adjacent and to the south of the site. The site is not publicly accessible, with the alleyway that serves it having been subject to a City Council alleygating scheme approved in 2008. The wider area to the south, west and north is predominantly residential in nature whilst to the east is the western boundary of the Manchester Crematorium with the Grade II registered Southern Cemetery beyond. The site is located within the Chorlton Park ward of the city. In order for the replacement infrastructure to be compliant with current technical industry standards and guidance the new infrastructure requires larger clearance areas (3m minimum) around them. As such, the associated housing structure known as a kiosk is required to be larger than those that currently exist on site. The applicant has confirmed that the replacement infrastructure (gas governor) is to be installed under the applicants permitted development rights and it is the Kiosk and associated 2.4m perimeter weld mesh fencing that requires planning permission.

Amongst other matters that are set out within the main body of the report it is considered that the principle of the upgrade of existing energy infrastructure with suitable mitigation around tree loss is acceptable in this instance.

The Planning Officer had nothing to add to the printed report.

The agent for the applicant, Cadent Gas, addressed the Committee and stated that the company supplied gas services for around 11million homes and businesses. This was an important development as it currently serviced 20,000 customers. There was a need to keep gas pressure at a premium and the site was currently non-compliant. The kiosk needed to be maintained and inspected and would require dismantling and replacing due to its restricted size. The kiosk and surrounding fencing would be green to be in keeping with surroundings and it was regrettable that the trees on site would have to be lost. Referring to tree loss, the agent confirmed that replacement trees would be provided, as per a condition on the application. Any surrounding vegetation would be removed out of season to prevent habitat loss to wildlife but the needs of the unit to be functional and compliant would outweigh the loss of trees on site. The kiosk would be noise insulated and would be no louder in its operations than the current unit. Diligent planning had been implemented and there were clear public benefits for this upgrade.

The Planning Officer expressed regret about the tree loss associated with the upgrade but confirmed a condition to replace them had been agreed with the applicant.

The Chair invited the Committee to ask questions/make comments.

Councillor Lyons asked if Ward Councillors would be consulted on the replacement tree project.

The Planning Officer stated that the replacement scheme had an initial agreement to be planted in Southern Cemetery. Members had been informed.

Councillor Leech asked if the Planning Officer was aware that the Crematorium was adjacent to this site.

The Planning Officer stated that the replacements trees would be either in the area of the Crematorium or Southern Cemetery with appropriate species.

Councillor Leech stated that the Crematorium was privately owned, unlike the Cemetery which was Council land. Councillor Leech expressed surprise that Southway Housing Trust had not been consulted and asked why. He asked about the number of replacement trees, whether this would be 1 for 1, and asked why the clearance of the whole site, rather than work around it, had not been challenged.

The Planning Officer confirmed that notifications had gone to individual addresses, as per Government advice and not to land owners. The number of replacement trees had yet to be agreed and the City Council's own arboriculturist would be involved in selecting the age and appropriate species. The replacement project would be

managed within Southern Cemetery and not the Crematorium. Regarding the clearance of the site, the Planning Officer confirmed that this had already taken place. The trees had been assessed and were not considered worthy of a Tree Preservation order. The loss of trees was to be fully assessed and subject to a condition with full details of replacement tree details to be agreed.

Councillor S Ali moved the recommendation of Approve for the application.

Councillor Lyons seconded the proposal.

### **Decision**

The Committee resolved to Approve the application, subject to conditions, as set out in the reports submitted.

### **PH/23/32. 134160/OO/2022 - Land to the north of 27 Capenhurst Close, Manchester, M23 2SL - Baguley Ward**

The Committee considered the report of the Director of Planning, Building Control and Licensing that proposed an outline application with all matters reserved for the erection of one (3 bed) detached dwelling, with associated car parking and landscaping.

This application relates to a rectangular plot of land, approximately 495m<sup>2</sup> in size, which is located to the north of nos. 27 to 33 Capenhurst Close. The site is vacant and remained undeveloped after the Capenhurst Close and Stapleford Close development (F17127, approved 28 April 1982) was completed in the late 1980s.

The applicant is proposing to erect a three-bed detached dwelling on the site. Eleven letters of objections have been received, nine in relation to the original proposal, which was for a pair of dwellings, and two in relation to the proposal now before the Committee. The main concerns raised include impact on the existing on-street parking arrangements, residential amenity, pedestrian/highway safety and existing ecological features.

The Planning Officer had nothing to add to the printed report.

An objector to the application attended and addressed the Committee, stating that they were unhappy with the diagrams relating to the submitted scheme as they included no measurements and were more of a sketch. The objector stated that there were already problems in the area due to traffic on the cul-de-sac. There was a sign against heavy goods traffic and she questioned how construction vehicles would be allowed access, stating that the refuse collection vehicles have difficulty navigating the area. Hospital parking also created issues on the street and the objector stated their right to have 24 hour access for emergency services. Currently, there were pillars at the end of the footpath onto Capenhurst Close to stop motorbikes, quad-bikes and cycles and, if these were removed for construction purposes, the alleyway would become a rat-run. If construction equipment were to be left on-site it would attract vandals and thieves and this was another cause of concern. The objector

stated that locals had not been informed of the length of time for any on-site works. In concluding, she stated that traffic was the main concern as the area was already busy.

The Planning Officer stated that this was an outline application, which previously had been for two houses on the site, now reduced to one. The application was in outline and therefore just sought approval for the principle of one house with all details reserved for future applications. All that was being considered today was the application to allow one house on the plot of land. Highways safety had confirmed that the road would not be adversely affected by one new house. Condition 20 within the report covered all aspects of construction vehicles and the associated compound.

Councillor Andrews stated that this was in his Ward and that he knew the area well. He asked the Planning Officer if the consultation for reserve matters application for the build etc. would be shared with local residents.

The Planning Officer confirmed that this would go through a full consultation period.

Councillor Andrews sought further clarification on whether this application would share plans of the house, build materials, construction plan etc.

The Planning Officer confirmed that the designs and layout will be included in a future application. He confirmed that there was a condition for the construction management plan to be submitted, but the developer could be asked for full details of the construction management plan as part of their reserved matters application in future.

Councillor Andrews stated that he wished for anyone to be able to understand the process and checked that, if this application to allow one house to be built on the land was agreed by the Committee today, that any future application to then build the house on the site would come back before the Planning & Highways Committee, should it attract any objections.

The Planning Officer confirmed Councillor Andrews' comments regarding future arrangements for any subsequent application.

Councillor Leech requested information on the status of the land for surrounding dwellings, seeking to establish if this was public highway land or private road as action could be taken against vehicles on public land. Councillor Leech acknowledged the concerns of residents regarding construction vehicles.

The Planning Officer stated that the driveways are private and would pertain to private issues between the developer and other neighbouring properties and confirmed that they would liaise with any developer on a construction management plan.

Councillor Leech felt that the construction management plan should refer to the areas concerned as private driveways.

The Director of Planning wished to address an area of concern raised by the resident regarding the bollards at the junction of a footpath and the end of the cul-de-sac which would have to be removed to give access to any future property. The Director of Planning felt that it would be possible to replace a bollard in the future to prevent vehicular access and anti-social behaviour along the footpath. This could be added as a condition should the Committee approve the application.

Councillor Andrews stated that he was not against the proposal for a house on this plot of land but added that the reserved matters application would receive more scrutiny from the Committee. He thanked the Director of Planning for the additional condition regarding a bollard on the footpath and moved the recommendation of Approve with this extra condition attached.

Councillor S Ali seconded the proposal.

### **Decision**

The Committee resolved to Approve the application, subject to the additional condition suggested by the Director of Planning and as set out in the report submitted.