



## **Planning and Highways Committee**

Date: Thursday, 25 July 2019  
Time: 2.00 pm  
Venue: Council Chamber, Level 2, Town Hall Extension,  
Manchester

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. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk. **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), Nasrin Ali (Deputy Chair), Shaukat Ali, Clay, Y Dar, Davies, Hitchen, Kamal, J Lovecy, Lyons, Madeleine Monaghan, Riasat, Watson, White and Wilson

## Agenda

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- 1. Urgent Business**  
To consider any items which the Chair has agreed to have submitted as urgent.
- 1a. Supplementary Information on Planning Applications on this agenda.**  
The report of the Head 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 27 June 2019. 7 - 18
- 5. 123274/FO/2019 - Xaverian College Lower Park Item No Road Manchester M14 5RB - Rusholme Ward** **Rusholme**  
19 – 50  
The report of the Director of Planning, Building Control and Licensing is attached.
- 6. 121945/FO/2018 - English Martyrs Tennis Club, Alness Road, Manchester, M16 8HW - Whalley Range Ward** **Whalley Range**  
51 – 76  
The report of the Director of Planning, Building Control and Licensing is attached.
- 7. 123330/FO/2019 - Land Adjacent to 303 Greenbrow Road, Manchester, M23 2UH - Baguley Ward** **Baguley**  
77 – 100  
The report of the Director of Planning, Building Control and Licensing is attached.
- 8. 123437/FO/2019 - 4 Angel Square, Corporation Street, Manchester, M4 4DU - Piccadilly Ward** **Piccadilly**  
101 - 154  
The report of the Director of Planning, Building Control and Licensing is attached.

9. **123215/FO/2019 - 52-58 Thomas Street, Manchester, M4 1EG - Piccadilly Ward** **Piccadilly**  
155 - 226  
The report of the Director of Planning, Building Control and Licensing is attached.
10. **121375/FO/2018 & 121447/FO/2018 - 20 - 36 High Street Including Church Street Market Stalls Manchester M4 1QB and Land Bound by The Northern Quarter Multi-storey Carpark, Church Street and Red Lion Street, Manchester, M4 1PA - Piccadilly Ward** **Piccadilly**  
227 - 348  
The report of the Director of Planning, Building Control and Licensing is attached.

### **SITE VISITS**

**There are two site visits for members of the committee taking place as follows:**

**9.30am - Depart from layby to the front of the Slug and Lettuce at Albert Square and travel to Xaverian College, Dagenham Road, Rusholme**

**Depart Xaverian College for High Street in City Centre arriving approx. 10.25am**

## Meeting Procedure

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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://secure.manchester.gov.uk/downloads/download/4030/the\\_constitution](https://secure.manchester.gov.uk/downloads/download/4030/the_constitution).

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 for up to 4 minutes.
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.

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

## Further Information

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For help, advice and information about this meeting please contact the Committee Officer:  
Andrew Woods  
Tel: 0161 234 304311  
Email: [andrew.woods@manchester.gov.uk](mailto:andrew.woods@manchester.gov.uk)

This agenda was issued on **Wednesday, 17 July 2019** 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, 27 June 2019

**Present:** Councillor Curley (Chair)

**Councillors:** Nasrin Ali, Shaukat Ali, Clay, Y Dar, Davies, Hitchen, Kamal, J Lovecy, Lyons, Madeleine Monaghan, Riasat, Watson and White

**Apologies:** Councillor Wilson

**Also present:** Councillors: Judge, Whiston, Wheeler, Igbon, Douglas, Ahmed Ali

#### **PH/19/50. Minutes**

The minutes of the meeting on 30 May 2019 were approved as a correct record.

#### **PH/19/51. 121375/FO/2018 and 121447/FO/2018 20 - 36 High Street Including Church Street Market Stalls, Manchester, M4 1QB and Land Bounded by the Northern Quarter Multi-storey car park, Church Street and Red Lion Street, Manchester, M4 1PA**

The committee considered a request for a site visit to allow members to assess the extent that the brown-field site in question contributed to the local area and the active street-frontages of that location. The request for a site visit was agreed.

#### **Decision**

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

#### **PH/19/52. 123274/FO/2019 - Xaverian College, Lower Park Road, Manchester M14 5RB**

The committee considered a request for a site visit to allow members to assess the possible impacts on the Victoria Park Conservation Area and the setting of a listed building nearby. The request for a site visit was agreed.

#### **Decision**

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

#### **PH/19/53. 122897/FO/2019 - Land at the Corner of Bank Bridge Road and Tartan Street Adjacent to and comprising Ilk Street and Alpine Street, Manchester, M11 4GD**

The application was for redevelopment of vacant land to create 66 no. 2, 3 and 4 bedroom dwellings incorporating new access roads off Bank Street and Tartan Street, pavements and associated landscaping and boundary treatments. The application site comprised of an area of brownfield land, which was formerly occupied by housing and the site of the former Ravensbury Infant and Primary schools, which had been demolished. It was now comprised of grass and self-seeded scrubland.

In addition to the information in the report, at the meeting the history of the consideration of the use of the site by the Council's Executive was reported. It was also explained that a finalised Air Quality report had been received which addressed the air quality concerns that were raised in the report.

A representative of the applicant addressed the Committee. He explained that the finished homes would offered be a mixture of shared-ownership and rent to buy tenures to help address the need for good quality housing in the area, including adequately sized back gardens. He outlined how the scheme sought to address loss of landscaping in the area and the provision of replacement trees. He also explained how the existing use of the area as parking for the nearby Ravensbury School had been successfully relocated.

The Committee welcomed the application and the provision of more high quality affordable home in this part of the city. They also welcomed the intention to use the proposed landscaping condition to secure the replacement of tress to be lost during the development, ideally on a 2 for 1 basis if that was possible. The Committee also welcomed the proposed condition removing "permitted development" rights from the homes.

## **Decision**

To approve the application subject to the conditions and reasons in the report.

### **PH/19/54. 122042/00/2018 - Land off Cringle Road, Manchester**

The application was for outline planning application for the erection 57 dwellings, with all matters reserved expect for access, with associated access off Cringle Road, car parking, landscaping and other associated works. The application had been considered by the Committee at the meeting on 11 April 2019 (Minute PH/19/36) and again at the meeting on 30 May 2019 (Minute/PH/19/41).

On both those occasions the Committee had been minded to refuse the application for the reasons that the proposed financial agreement between the Council and the applicant was insufficient to mitigate against the significant harm to Highfield Country Park, loss of green space and infrastructure and conflicts with policies EN9 – Maintaining green infrastructure; EN10 – Safeguarding open space, sport and recreation facilities; and Saved Policy LL3 - Environmental Improvements and Protection.



A report submitted by the Head of Planning, Building Control and Licensing examined each of the concerns that the Committee had raised in April and May. The officer's advice was that the proposal would result in the loss of a low quality landscape which had been determined to have a limited recreational value through the recent appeal decision. The provision of 57 new homes at the application site was therefore considered to be acceptable and would contribute positively to the new homes required in the City. Furthermore, the provision of 20% affordable housing, provided on a shared ownership basis, would provide access to affordable home ownership at the application site together with monies to make improvements at the adjacent Highfield Country Park. These obligations would be secured by a legal agreement. The indicative layout for the residential element demonstrated that it was possible to achieve a suitable development at the application site arranged around the new road network. The indicative scale of these properties would respond positively to the character of the area.

The report confirmed that the City Council has been notified of an appeal against non-determination. Members cannot now determine the application but a resolution is required as to what decision Committee would have made if it was still within its power to determine the application.

Having considered the report and the advice of the officer the Committee agreed with the officer's conclusions.

### **Decision**

Minded to approve subject to the conditions and reasons in the report and also subject to the signing of a legal agreement in order to secure monies associated with mitigating and improving access to Highfield Country Park as a result of the development together with securing 20% on site affordable housing on a shared ownership basis.

### **PH/19/55. 122945/FO/2019 - 328 - 336 Stockport Road, Manchester**

The application was for the erection of a 7 storey building to form 96 residential apartments (Use Class C3a). This would consist of 7 three bedroom townhouses, 32 one bedroom apartments and 57 two bedroom apartments. There would also be associated car parking, amenity space, boundary treatment, landscaping and other associated works following demolition of existing buildings. The site currently comprised a three storey vacant former factory building with associated hardstanding, vegetation and trees and boundary treatment. The site was within walking distance of the shops and other services and amenities of the Longsight District Centre.

At the meeting it was reported that an additional response to the consultation had been received from the Council's Neighbourhood Services Department. That explained that due to the site's poor condition there had been a long-held aspiration to see improvements that would benefit the area, therefore the proposed development would represent significant progress in the regeneration of Ardwick.

The late representations made the Head of Planning, Building Control and Licensing also proposed a further condition on the granting of the application that would prevent the apartments being used as serviced apartments/apart hotels or similar uses. They also proposed the revision of the wording of conditions 3, 4, 5 and 7 from that set out in the report.

A representative of the applicant addressed the Committee. He explained that the site is in a prominent location adjacent to a trunk road into the city and currently in a poor state of repair. The majority of the residential unit created would be suitable for families. The design of the new building was to a high standard and it would significantly enhance the streetscape and neighbourhood and helping to make it an attractive place to live. The proposals included 54 car parking spaces and some charging points for electric vehicles. There would also be 100% cycle spaces for residents and further cycle stands for visitors. He also spoke of the viability assessment that had been undertaken and the scheme's financial contribution to affordable housing. He welcomed the support of a local ward councillor for this intended regeneration of the vacant site.

In welcoming the development, the Committee questioned the details of the proposals for the separation and handling of different forms of recyclable waste, including food waste. It was agreed that proposed condition 17, which related to the waste management strategy for the development, should be revised so as to make clear how the different forms of waste would be handled appropriately.

## **Decision**

Minded to approve subject to: the conditions and reasons proposed in the report; the revised conditions 3,4,5 and 7 as set out in the Late Representations made by the Head of Planning, Building Control and Licensing; the further condition also proposed in those Late Representations; the revision of condition 17 in relation to the waste management on the site; and the signing of a section 106 agreement for a commuted sum for off-site affordable housing and recreational and amenity improvements at Coverdale and Newbank Community Centre.

### **PH/19/56. 123261/FO/2019 - Land Bounded by Arundel Street, Ellsmere Street, The A57 (M) Inner Ring Road (Mancunian Way)**

The application was for the erection of a part 8 and 9-storey building located on Arundel Street and Worsley Street, a part 11 and 23-storey residential building located on the Mancunian Way, and refurbishment and conversion of the existing DOT Building to form 355 residential apartments in total (Use Class C3a) together with commercial uses (Use Classes A1, A2, B1, D1 and D2) along with associated car parking, cycle parking, access, landscaping and other associated work. At present the site included the 4-storey DOT building fronting Ellesmere Street and a single storey gym on Arundel Street. It was divided into two plots by Balmforth Street, an un-adopted highway. An area of green space at the top of Balmforth Street contains trees.

The site was within the Castlefield Conservation Area and the listed buildings nearby included: Church of St George (Grade II\*); Churchyard walls, gate, piers and gates at Church of St George (Grade II); Former Canal Flour Mills (Grade II); Hulme Lock Branch Canal (Grade II); Castlefield railway Viaduct Manchester Central to Dawson Street (Grade II); Rochdale Canal lock number 92 and Castle Street Bridge (Grade II); Merchants warehouse (Grade II); Middle Warehouse at former Castlefield goods yard (Grade II); Bridgewater canal offices (Grade II); 215-219 Chester Road (Grade II); Former Campfield Market Hall (Grade II); Former LNWR goods transfer shed (Grade II); and Former Liverpool Road station goods warehouse (Grade II).

The site had been the subject of a previous application. That had been refused in October 2018 ((Minute PH/18/91) for the reason that the erection of a 35 storey tower and 10 storey building would, by virtue of its siting, scale and appearance result in a form of development that would be overly dominate and would harm the form, character and setting of the Castlefield Conservation Area and the setting of the adjacent Grade II\* listed former St George's Church.

The Committee considered the report submitted by the Head of Planning, Building Control and Licensing as well as further Late Representations presented to the meeting. Those representations included the views of a Hulme Ward councillor who supported and welcomed the application, and those of a Deansgate Ward councillor who objected that the application would harm the form, character and setting of the Castlefield Conservation Area and the setting of the adjacent grade II\* listed former St George's Church. Reference was made to the need for an informative to be imposed on any planning permission to address the need to safeguard aviation from high cranes during construction. The representations also recommended an additional condition be applied to any consent to prevent the residential accommodation being used as serviced apartments/apart hotels or similar uses.

Councillor Igbon, another of the Hulme Ward councillors, spoke in objection to the application. She welcomed the way that the developer had worked with and consulted with the local community to result in a set of proposals that were considered to be much improved on earlier schemes for the site. She also was grateful that there would be community facilities included within the proposals and expressed a wish that any affordable housing arising from the proposed Section 106 agreement was also in the Hulme Ward. However, she expressed concern for the loss of light and views for the residents of Arundul Street and Worsley Street and therefore asked the committee to refuse the application.

A representative of the applicant addressed the Committee. He spoke of the way that the applicant had worked to improve the size and design of the proposal after the earlier scheme for the same site was refused consent in 2018, and of the dialogue there had been with the Britannia Basin Community Forum since then. He outlined all the ways that the proposals had changed and evolved since October 2018 and how the design and materials now being proposed were of high quality and influenced by the buildings in the vicinity and within the Conservation Area. He also explained how the construction plan would make provision for vehicles to access and egress the site with minimum disruption to local residents.

The officer's report explained how this application was significantly different to those previously presented. The key changes being:

- the tower element (building 2) had been reduced from 35 storeys to 23 storeys to minimise the impact on the listed building and the adjacent residential properties;
- change in material and composition of the tower element from a linear glass tower to a simple brick frame with punched window reveals to respond to the characteristics of the conservation area;
- reduction in the height of building 1 from 10 storeys to 8/9 storeys;
- increased active frontages to Worsley Street, Arundel Street and Ellesmere Street with commercial frontages; and
- Worsley Street would benefit from enhanced public realm improvement including street trees and furniture. Ellesmere Street and Arundel Street would also have improvements to the public realm including trees and planters where possible.

In considering the application, the Committee welcomed the way that the applicant had significantly improved this scheme over that which had previously been refused. They also welcomed the wider public realm improvement that would be brought about, and the contribution to affordable housing that the development would make. A concern was expressed about the possible darkening of the surrounding streets during the construction and it was therefore agreed that a condition should be added to the consent to ensure a scheme of mitigation had been agreed to address the loss of street lighting in those street prior to the development commencing.

## Decision

Minded to approve subject to: the conditions and reasons set out in the report; the further condition and informative set out in the Late Representations; a condition on street lighting during the construction; and the signing of a section 106 agreement in respect of financial contribution for off-site affordable housing and review mechanism.

### **PH/19/57. 122523/FO/2019 - Land Bound by Back Turner Street, Shudehill, Soap Street and High Street, Manchester, M4 1EW**

The application was for the erection of part 17 (plus mezzanine level), part 6 storey building and the conversion with single-storey rooftop extension of the existing building at 1 & 3 Back Turner Street (comprising 13 x 1-bedroom, 1 person apartments, 9 x 1-bedroom, 2 person apartments, 24 x 2-bedroom, 3 person apartments, 13 x 2-bedroom, 4 person apartments, 6 x 3-bedroom, 6 person apartments (65 total)) above ground floor commercial floorspace (Class A1 (Shop), A2 (Financial and Professional Services), A3 (Café and Restaurant), A4 (Drinking Establishment) B1 (Office) and D2 (gym and cinema) use, with associated landscaping and other works following demolition of existing buildings at 30 & 32 Shudehill and 1 & 3 Nicolas Croft.

At present the site comprised one storey shops, some of which were vacant; 1-3 Back Turner Street, a five-storey warehouse in a poor and dilapidated state of repair. 5 Back Turner Street had been demolished in 2018 owing to its dangerous condition and around a third of the site was cleared and untreated land. The site therefore had a poor appearance overall. The site was in the Smithfield Conservation Area and

adjacent to the Shudehill Conservation Area. The nearby grade II listed buildings included: 75-77 High Street, the Hare and Hounds (29 Shudehill), CIS Building (Miller Street), 9-19 Thomas Street and 79 High Street (being the remains of a former fish market), 10-20 Thomas Street and 1-33 Thomas Street.

The report of the Head of Planning, Building Control and Licensing was considered, as was further representations submitted to and reported to the meeting. The further matters drawn to the attention of the committee were a letter of support and three more letters of objection. The contents of those letters were summarised for the Committee. It was also proposed that Condition 25 (Residential Management Strategy) be amended to include details of how impacts on external appearance from blinds, curtains and any other privacy screening to windows would be managed.

A local resident of the Market Buildings spoke in opposition to the application. He said that a group of local residents were strongly opposed to the proposal on the grounds of (a) the design and height of the high building, its proportion to adjacent buildings and the poor fit with the architectural heritage of the area, stating that a 17-storey glass tower did not respect the heritage of the area; (b) the impact the development would have on the residents of neighbouring buildings and the harm to the amenity of the open-space square within the former market buildings; and (c) the poor way that the local people had been engaged with and consulted during the drawing up of the plans, stating that the Statement of Community Involvement did not reflect the views or feelings of local residents.

The meeting was addressed by Councillor Douglas, a Piccadilly Ward Councillor. She was concerned that the development, in particular the 17 storey glass building, would have a detrimental impact on the Shudehill and Smithfield Conservation Areas and would not fit with the historical characteristics of the area. She felt that this was not the right building for this site.

Another Piccadilly Ward councillor, Councillor Wheeler, also spoke. He said that many local residents had been in contact with him to express their objections, and that the Committee should therefore be aware of the strength of local opposition to these plans. He also questioned the reported financial viability of the scheme and why it was being asserted that the high costs of retaining and redeveloping the dilapidated 1-3 Back Turner Street building prevented the developer from also making a contribution to affordable housing. He also referred to the cost of purchasing an apartment within the completed development, feeling that the accommodation was therefore not of the sort being sought by the majority of Manchester's residents.

A representative of the applicant then addressed the meeting. He explained how the plans were felt to be unrecognisable from the previous proposal and that they now represented the best possible development of the site. He spoke of responding to the concerns and criticisms of earlier schemes and how the retention and refurbishment of the brick warehouse at 1-3 Back Turner Street was in response to that, and how that warehouse would now provide be centre-piece of the new scheme and be an important part of the character of the site. However, preserving that building was going to make the development of the constrained site much more complex. So in order to make the overall scheme viable the height of the tower building had been

increased. Historic England were supporting these plans and were endorsing the need for the additional height of the tower to allow for the preservation of the historic building. He concluded by saying that he did not see how else this site could be redeveloped with the historic building preserved and so felt that site would otherwise remain in poor condition and be harmful to the Northern Quarter's character.

In response to the issues that had been raised the Planning Officer explained that the site was obviously in need of investment and redevelopment. This scheme included a lower form of development at the High Street end of the site, and the retention and redevelopment of the 1-3 Back Turner Street building, and a small area of open space. All those changes had affected the viability of the whole scheme, with the retention of the historic building adding significant abnormal costs and increasing the construction time for the whole scheme. That was all reflected in the contribution to affordable housing for these proposals and the increased height of the building at the Shudehill end of the site.

The committee discussed the impact of the taller building on the conservation areas and the character of the Northern Quarter, as well as the weight to be given to the need for investment in the site and the high-quality redevelopment and preservation of the historic warehouse building that was part of these proposals. Members accepted there was a balance to be struck between the various elements of this scheme and on balance agreed that the scheme should be supported.

### **Decision**

Minded to approve subject to the conditions and reasons set out in the report including the amendment of condition 25 referred to above, and a legal agreement in respect of reconciliation payment of a financial contribution towards off site affordable housing.

(Councillor Lyons left the meeting after consideration of this item and so took no part in the further business)

### **PH/19/58. 122464/FO2019 - Land at Junction of Honford Road and Broadoak Road, Manchester**

The application was for the erection of 2 no. 4 bedroom bungalows and 1 no. 2 bedroom bungalows with parking, gardens and amenity space. The bungalows were to be built for occupation by households that included a permanent wheelchair user. The application site was approximately 0.3 hectares in size and consisted of a semi-circular area of informal open space enclosed by Broadoak Road and Honford Road that was mainly a maintained grass lawn area and a small number of mature trees. Once the development was complete about a third of the open space would still be available and some of the existing trees would be retained.

Further representations submitted by the Head of Planning, Building Control and Licensing explained that a 198 signature petition had been received suggesting revision of the plans for this site and another. They also summarised representations the applicant had made regarding the submitted Open Space Assessments of this

site. A further letter of objection from a local resident about the loss of green space was also reported.

A local resident spoke in opposition to the scheme. She described the work done to capture the views of residents, and the concerns they had expressed about the loss of green space, the loss of important play space for children, and the potential harm to the mental health of local residents that would arise from those losses. She stressed how much the green meant to the local people and how they would like to see it being used in the future as a village green and community garden.

The meeting was also addressed by Councillor T Judge, who also spoke against the proposal. He also stressed the importance of the green space as a community asset and opposed its loss to housing. He felt that the scheme was contrary to policy SP1 in that it would not make a positive contribution to neighbourhoods of choice; and also contrary to policy H1 as he felt that the design and density of the scheme would not contribute to the character of the local area.

A representative of the applicant then spoke to the committee. She explained these homes built would be socially-rented adapted bungalows for disabled people. There was very high demand in the area for adapted and accessible housing that was designed for use by wheelchair users. She explained the intention that these bungalows would help meet that demand and so free-up other social housing in the area for occupation by other families on the housing waiting list. She spoke of the work that the Wythenshawe Community Housing Group does in the community and its support for environmental, health, and social wellbeing of the communities it operates within.

Members of the committee debated the social benefit of more adapted housing for disabled peoples and the loss of part of the green space and the potential impact that could have on the local community. They raised possible traffic calming needs and highways considerations and the officer responded to those. The committee then agreed that the application should be supported.

## **Decision**

To approve subject to the conditions and reasons set out in the report.

### **PH/19/59. 122466/FO/2019 - Land at Junction of Panfield Road and Broadoak Road, Manchester**

The application was for the erection of 4 no. two bed bungalows with associated parking and landscaping works. As with the previous application (Minute 1PH/19/58 above) the bungalows would be built for occupation by families that included a permanent wheelchair user. The site was similar and close by that of the previous application and similar in character, being approximately 0.23 hectares in size and consisting of two open spaces enclosed by Panfield Road and Broadoak Road, mainly of areas of maintained grass lawns with a single mature oak tree on one part.

Further representations submitted by the Head of Planning, Building Control and Licensing explained that a 198 signature petition had been received suggesting revision of the plans for this site and another. They also summarised representations the applicant had made regarding the submitted Open Space Assessments of this site. A further letter of objection from a local resident about the loss of green space was also reported.

The same local resident spoke in opposition to this scheme as she had the previous scheme. She explained that the residents' concerns and objections to this application were the same as for the previous one as the same neighbourhood was to lose two of its green spaces.

Councillor T Judge also asked the committee to accept his view on and objections to the previous application as being relevant to this.

The representative of the applicant again spoke to the committee. She explained that for this site there would be 56% of the green space left intact for the community's use and 18 new trees will be planted. She reiterated the high demand in the area for this type of housing.

Members agreed that the balance of the issues was again the provision of affordable homes for families that included a disabled person and the loss of the green space. Again, having considered the merits of the application and the objections to it, the committee agreed that the application should be approved.

## **Decision**

To approve subject to the conditions and reasons set out in the report.

### **PH/19/60. 122638/FO/2019 - Land to the South of Wilmslow Old Road, and to the West Aviation Viewing Park, Manchester, WA15 8XQ**

(Councillor Monaghan left the meeting and returned during the discussion and so took no part in the decision of this item)

The application was for the development of a combined bussing and motor transport service centre consisting of a part single/part two storey motor transport building, a single storey bus washing building, provision of a public long stay car park (2,700 car parking spaces), amendments to the layout of Wilmslow Old Road, together with the provision of landscaping and surface water drainage infrastructure and the demolition of four residential properties (Vicarage Cottages).

The site was allocated as Airport Operational Area and comprised 12.06 hectares (ha) to the south west of the airport's cargo and maintenance area. It was bounded by Wilmslow Old Road to the north east, the Runway Visitor Park to the east and two arms of Cotterill Clough ancient woodland to the west and south. Cotterill Clough is a statutory designated Site of Special Scientific Interest (SSSI) and also encompasses a non-statutory designated Site of Biological Importance (SBI). The site is predominantly made up of open fields that have previously been used for grazing.



Within the site is a Grade II listed building, the former Cloughbank Farm, and a small complex of associated brick outbuildings and two metal barns. Listed Building Consent (ref. 122399/LO/2019) was granted in April 2019 to undertake works to existing farmhouse and to demolish a number of outbuildings. On the north-eastern boundary of the site were the four Vicarage Cottages to be demolished.

The Late Representations submitted to the meeting proposed the amendment of Condition 12 to address mitigation of the harm to Great Crested Newt ponds within the site.

A resident of one of the Vicarage Cottages addressed the meeting. She objected to the loss of her home and that of her neighbour who was elderly. She criticised the consultation process that the applicant had used. She told the Committee that Historic England had suggested to her that the cottages might be worthy of being listed buildings. She spoke of the concerns about the ecological impact of the proposals.

A representative of the applicant also addressed the committee. He outlined the redevelopment strategy for the airport and how this scheme was part of the overall programme of works to relocate operational facilities whilst the other parts of the strategy were implemented. It was therefore a very important component of the airport's future.

Commenting on the issues raised the Planning Officer reported that whilst the loss of houses was regretted and would normally be resisted, there was a set of unique circumstances in this case that justified their demolition. He also explained the consultations that had been undertaken by the Council in relation to the planning application, and that consultations by the applicant in their capacity as landlord for the cottages was a separate matter.

Members of the Committee satisfied themselves that the ecological impacts of the development were to be mitigated and noted the possibility of the cottages having listed building status in the future. They agreed that given the circumstances of this application the loss of the family homes was justified.

## **Decision**

To approve subject to the conditions and reasons set out in the report and the amended condition as set out in the Late Representations.

(Councillors Nasrin Alii and Riasat left the meeting after consideration of this item and so took no part in the remaining business)

### **PH/19/61. 119100/FO/2018 - Former Hardy's Well Public House 257 Wilmslow Road, Manchester**

The application was for the erection of a part two, part three, part four and part five storey building to provide 8 ground floor A1 retail / A2 financial and professional

services at ground floor and 35no. apartments above with associated access, parking and landscaping arrangements.

The report submitted to the meeting explained that at the Planning and Highways Committee meeting on 30 May 2019, the Committee resolved to be minded to approve the application (Minute PH/19/43). However, one of the Councillors who sat on Committee at that meeting, and who participated in the decision on this application, was not a member of the Committee. This error did not come to light until after the meeting had concluded. It is considered to be likely that the balance of the vote on this matter would have been different had the member in question not been present or voted. Accordingly, it is considered that the previous decision on this matter is not sound and that this item should come back to this Committee for reconsideration and re-determination.

Councillor Ahmed Ali spoke as a ward councillor against the application and gave the views of local community. The issues he raised included increased traffic resulting from the development, that the commercial element of the proposals was too large, and that the vicinity of the site would benefit from the provision of a "zebra crossing".

A representative of the applicant also spoke to stress the features and design merits of the scheme and the provision of new homes and employment opportunities in that area. The scheme included 100% parking provision including disabled bays and electric vehicle charging points, as well as cycle parking.

Having debated the highways implications of the application it was moved and seconded that the committee be minded to refuse the application. That motion was voted on and rejected. The committee then voted on the officer's recommendation that the committee be minded to approve, as it had been at the May meeting. That recommendation was accepted.

## **Decision**

Minded to approve subject to: the conditions and reasons set out in the report; and the signing of a legal agreement which will include a provision for a reconciliation, which would require a contribution to be paid if values change at an agreed point, there would also be provision for a future review mechanism so if the residential units are to be retained as a rented scheme or are changed from rented to sale at a future date.

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
123274/FO/2019	8th Apr 2019	27 <sup>th</sup> June 2019	Rusholme Ward

**Proposal**     Erection of a 2 storey teaching block and re-arrangement of the associated car park

**Location**     Xaverian College, Lower Park Road, Manchester, M14 5RB

**Applicant**    Mr S Channell, Xaverian College, Lower Park Road, Manchester, M14 5RB

**Agent**         Ms T Croghan, Pozzoni Architects, Woodville House, 2 Woodville Road, Altrincham, WA14 2FH

### **Background**

This application was placed before the Planning and Highways Committee meeting on the 27<sup>th</sup> June 2019 and at that meeting the Committee deferred deliberation in order to allow members to undertake a site visit.

The applicant has provided supporting information relating to the background to the application development and the educational establishment that the proposals relate to.

Xaverian College is an open-access inner city Roman Catholic Sixth Form College, established in 1977, with the student cohort almost entirely full-time aged 16 to 19. The College is two miles south of the city centre in Rusholme in the Diocese of Salford. The College draws from a diverse community, and 65% of its students are from disadvantaged areas. In relation to disadvantage uplift, the College receives additional funding in recognition of the specific needs of 53% of its cohort. Currently, approximately 25% of students qualify for bursary / free school meals. 70% of the Colleges students are from the City of Manchester.

The college is an Outstanding Grade 1 (OFSTED) college with 2,298 FTE students and is a Beacon College recognised nationally for its expertise and good practice and chosen to support improvement within the whole sector. The College celebrates high success in students achieving high grades in both A-Level subjects and applied courses. This is particularly significant given that a large number of students enter the college with a lower than average points score. The number on roll has and continues to increase and due to this the College urgently needs new and improved teaching spaces.

The student population in September 2017 was 2,298. This has necessitated maximising the utilisation of timetabled spaces, loss of some support spaces due to their conversion to teaching purposes and use of the poorer quality accommodation.

The College's projections indicate by 2024, based on current demand, the college will have increased by 177 places. The last 5 years the College has grown by 14.7% and expects (in line with recognised demographic upward movement in 16-19 age group) to increase numbers year on year moving forward. It is indicated that the College is now at capacity and without additional building work the College will be unable to meet the educational provision demands of the increasing local demographic.

To address this need for additional teaching space the College initially approached the City Council with proposals to demolish the 'Sunbury' building located on the campus and replacement with a building to provide the additional required accommodation. This approach would have resulted in the loss of a historic building on the campus and within the Victoria Park Conservation Area, albeit a non-listed building, and at this point the College was invited to review other options on the campus either through extensions or replacements of non-historic buildings on the campus. Following this feasibility process proposals for a new build option have been developed by the College and are now present in the proposals subject of this current planning application.

The College has also stated within a supporting statement that Xaverian College has operated at its current home in Victoria Park for over 100 years and as far as they are aware, are one of the longest standing custodians of listed buildings in this designated conservation area. During the College's time within Victoria Park, the College has taken continuous steps to maintain the buildings in its ward and preserve the nature of its campus.

### **Description of site**

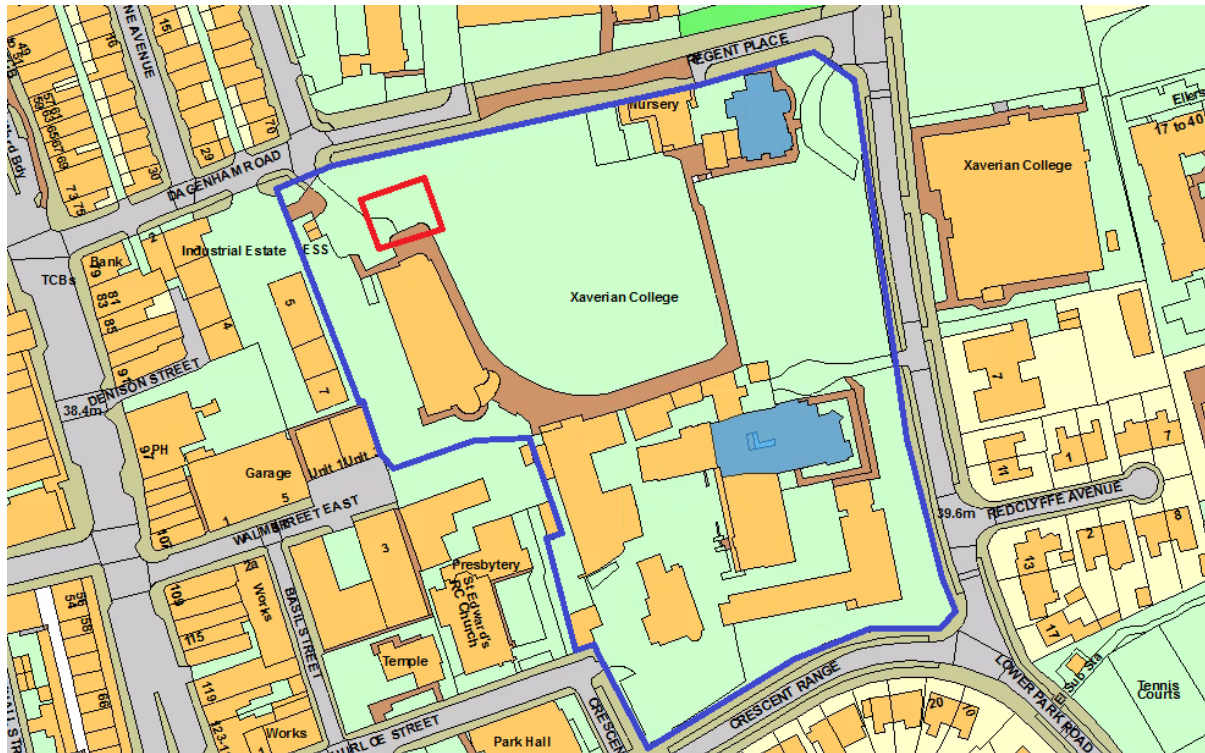
The application site forms part of Xaverian College campus which is located in the Rusholme ward of Manchester. The College occupies a mix of new and converted buildings focussed around an open area green space. Many of the older buildings are former residential villas which have been converted and extended to accommodate educational use. The application site lies on the western boundary of the campus and the Victoria Park Conservation Area and has an access from the end of Dagenham Road, this part of the College campus contains the listed buildings known as Marylands and Firwood which have both been converted for educational use in the past. Marylands lies to the east of the application site beyond the open area of green space whilst Firwood is to the south and east again across the open space, both buildings are Grade II Listed.

The northern boundary of the campus in this location is formed by a high brick wall with mature boundary trees, behind. Regent Place which is beyond the campus boundary provides limited vehicular access to the properties to the north before changing to a pedestrian only route and again forming a highway as it meets Lower Park Road to the east.

To the north and west of the application site along Dagenham Road are residential streets comprising two storey red brick back of pavement terraced properties whilst to the immediate west of the site are industrial and commercial uses leading on to the commercial centre of Rusholme district centre. To the north of the site and

Regent Place is the University of Manchester Victoria Park campus halls of residence which comprise a collection of buildings ranging in dates and styles arranged around the grade II listed Hulme Hall.

The application site currently comprises car parking for the College and part of the open green space within this area of the site.



*Xaverian College Campus edged in blue; approximate location of proposed building is edged in red; Grade II Listed Firwood building is the building shaded blue to the south and Grade II Listed Maryland building is shaded blue to the north adjacent Regent Place*



*Aerial view looking west across this part of the Xaverian campus with the approximate location of the proposed building edged red with Firwood to the left together with its rear extensions and Marylands to the right.*



*View looking north east towards Maryland across the open space in the foreground*



*View of Maryland from Regent Place looking westwards*

### **The application proposals**

In response to the Colleges need for additional teaching space the application proposals are for the erection of a two-storey flat roof building comprising 8 no. classrooms over two floors served by staircase and a platform lift enabling the building to be fully accessible. The building is located to the north of the Mayfield building but is lower in height to this more recent building on the college campus, the main entrance is centrally located on the southern elevation facing towards Mayfield. The external finish of the building is proposed to be red brick with feature brick detailing, with grey aluminium window frames providing significant glazed areas to the classrooms and affording views on the eastern elevation across the open space

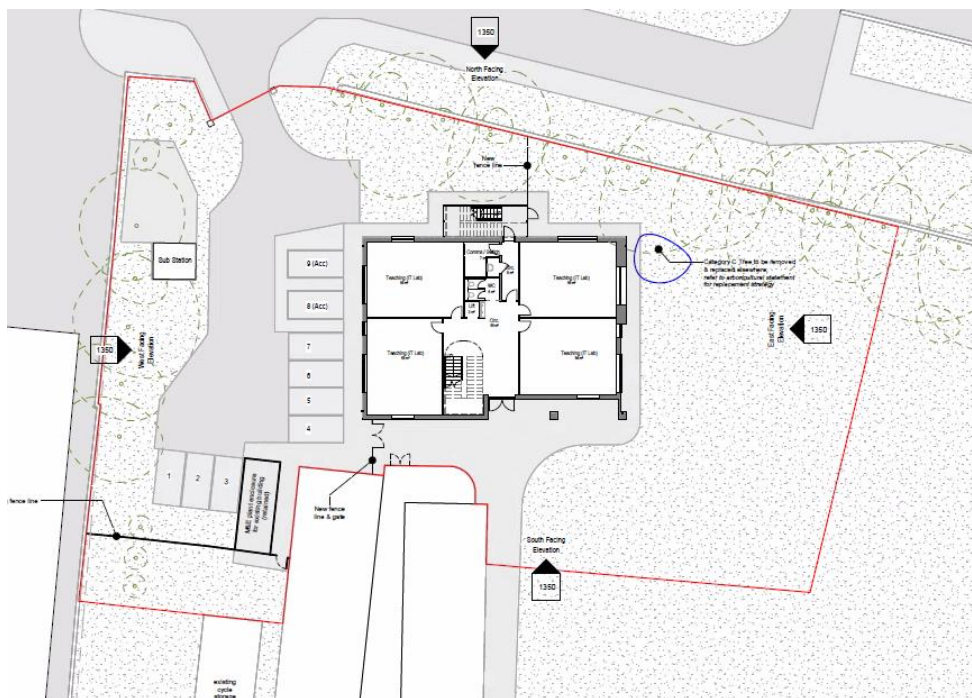
on the campus. The external emergency staircase on the northern elevation is to be screened by a perforated metal finish.



*CGI of the east elevation of the proposed building (the building to the left is the representation of the height and scale of the adjacent Mayfield building)*

Both the height and choice of materials reflect the adjacent Mayfield building attempting to ensure a consistent built form overlooking the open space that forms a focal point to the campus.

Externally the proposals include the re-provision of the car parking including accessible spaces. As a result of the development one category C tree would need to be removed, and one tree on the site has been found to be in a poor condition (category U) and should be removed irrespective of the application proposals. The applicant has indicated that a replacement tree of a 'Heavy Standard' would be planted as part of the development as a replacement. The boundary trees on the northern boundary of the site are to be retained, a supporting arboricultural method statement has been submitted by the applicant and is discussed further in the issues section of this report.



*Proposed ground floor plan and site context of the proposed building*

## **Consultations**

In accordance with the statutory requirements for advertising the type of application submitted the application was subject to site notice, advertisement in the Manchester Evening News and notification of 234 addresses within the vicinity of the application site 19 responses were received, and a summary of the comments received is set out below.

## **Ward members**

Councillor Ahmed Ali and Councillor Rabnawaz Akbar - Whilst acknowledging the requirement for a new teaching block is understood they have indicated that they support the objections of residents to the chosen location of the proposed new teaching block. The objections centre on two significant grounds both relating to the Victoria Park Conservation Area. It is vital that the new teaching building contributes to sustaining the heritage aspects and visual amenity of the Victoria Park Conservation Area, and of the two listed buildings, Firwood and Marylands, on the Colleges main site.

Yet in analysing how the teaching block, its design, and the location chosen for it will impact on these listed buildings and their settings, and impact on the visual character of the area, and in determining the impact of the new teaching block as being 'neutral', the applicants heritage assessment seems to draw on quite limited materials. What it seems to concentrate on is the views out from these listed buildings.

Significantly this analysis does not engage with perceived openness, which is a key characteristic of the Victoria Park Conservation Area. In particular the view from the NW gateway (Dagenham Road/Regent Place) is not integrated into the visual impact



assessment provided. The photographs and drawings shown in the assessment show very clearly a stark contrast between the way in which the existing teaching block in this part of the site was designed to create a framed view across to the listed building, whilst the proposed new 2 storey building will completely intrude on and block out this framed view.

Secondly, large mature trees are an integral feature of the Victoria Park Conservation Area. The arboricultural survey and impact assessment makes clear that the location chosen for the new teaching block will impinge on the root protection area of 5 major class A and class B trees alongside Regent place. This seems an unacceptable level of risk for this mature row of trees, which is such a prominent feature within the Conservation Area.

On both of these grounds we support resident's calls for a rethinking of the location of the College's new teaching block.

### **Residents comments**

- Damage to the existing trees which will result in loss of Grade A species the building should be relocated away from their roots;
- Loss of key views at Victoria Park Conservation Area, especially at the corner of Dagenham Road and Oxney Road;
- Detrimental effect on the character of Conservation Area where open grounds of historic villas are visible from public spaces;
- There was no public consultation for such a conspicuous and sizable development in the conservation area;
- There is no heritage assessment submitted as a part of the application.
- No methodology, verified views of the listed buildings, view comparisons (before and after) or thorough analysis of how the building would effect settings of the listed halls and the character of the area.
- The arboricultural survey and impact assessment is alarming - please see attached extract from the report. The report admits that the building will impinge on the root protection areas of major Class A and Class B trees and one tree will have to be removed.
- The position of the block in the corner will completely block the view of the listed Firwood Hall and its open grounds. The openness of the plots that can be appreciated from the outside / by public is key characteristic of the area and a unique feature specific to Victoria Park. The proposal therefore would be detrimental to the character of the Conservation Area. It will effect a setting of listed buildings.
- The position and the massing of the proposed block should be reconsidered: linear one-story block would be in keeping with the development elsewhere in the campus, with no need for the stair and lift.
- The proposed escape stair is of poor visual quality - industrial and out of character with the area.
- Insufficient time has been given for people to comment on the application.
- The extension of the college is important and necessary and the required facility can be accommodated on site. It must however be positioned more carefully to be acceptable
- I support the need of the college to expand. This however should be done in a much more considered and sympathetic manner.

Other matters raised that are not material planning considerations are that the application was submitted and processed during purdah period so the Councillors / officers could not be involved fully.

**Rusholme, Moss Side and Fallowfield Civic Society** – The siting of the corner block will completely eliminate the view of the listed Firwood Hall and its open grounds. The openness of the plots that can be appreciated from the outside / by the public is a key characteristic of the area and a feature unique to Victoria Park. The existing teaching block is designed to frame the view of the open grounds and the curved copper corner (stair enclosure): and leads to views into the site which would be blocked by a bulky brick corner of the new teaching block, utilitarian-looking and heavily proportioned. A narrow space created between the existing and the proposed building will result in a blind spot, ideal for bullying during the day and hiding out of hours. The position and the massing of the proposed block should be reconsidered. The proposed escape stair is of poor visual quality – industrial and out of character with the area. The proposal would therefore be detrimental to the character of the Conservation Area. It will effect a setting of listed buildings.

We understand that the reasoning behind this position for the proposed building was to preserve grassed areas. The open grass areas are indeed important there should be a balanced approach considering all aspects and views currently missing from the application. The result therefore is not satisfactory on so many points and position of the block should be considered further before it could be accepted.

The arboricultural survey and impact assessments are of particular concern. The report admits that the building will impinge on the root protection areas of major class A and class B trees, already subject to a tree protection order - and one tree will have to be removed, which cannot be done. On any given project with all the precautions and distances complied with it is always a gamble building close to the existing trees. Trees get damaged and die immediately or soon after. Here however the proposal is in breach of permitted distances on the outset. The proposal therefore is not acceptable, and the building should be re-positioned to avoid damage to the trees.

The submitted Heritage statement is not fit for purpose, it is not robust enough and it doesn't take into account consideration some key views. It lacks a thorough methodology and a hierarchy of views. The proposal should go into more depth in considering and analysing other locations and finding the optimum solution that would retain views, protect the trees and deliver the additional educational spaces. The resulting design might not deliver 8 classrooms, instead it might be only 5 or 6. There isn't however, a rational behind the number of classrooms. The applicant should demonstrate how the existing accommodation is used and how it could be occupied more efficiently. Using existing facilities more extensively is in line with the sustainable approach of the Council and a very strong trend within further education and higher education.

### **Statutory and non-consultees**

**Manchester Conservation Areas and Historic Buildings Panel** – The Panel made the following comments:

The Panel felt that the proposed building would have been better as an extension to the existing building as it has left an awkward space between them and has also increased the footprint and land take.

The Panel was concerned that the building was being pushed very close to the boundary trees which could be detrimentally affected.

The Panel thought that the design was rather disappointing and felt that it should be an extension or a little gem of a building. They felt that some of detailing looked awkward and the screen enclosure to the staircase looked poor. The Panel would like to see a staircase enclosure that is more integrated into the design or contained within the building.

**MCC Flood Risk Management Team** - Recommend that a condition be attached that the submitted drainage strategy be implemented as part of the development.

**MCC Environmental Health** - Recommend conditions relating to construction working hours; noise and external equipment; and land contamination to investigate potential sources or impacts of ground contamination.

**MCC Highway Services** - It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns. The parking layout is being reconfigured to suit the building development whilst the overall number of parking and accessible bay spaces remains the same. Given that it is not proposed to increase staff numbers, nor is it permitted for students to park on campus, this number of bays is considered to be acceptable from a highway perspective.

In relation to servicing, infrequent access is required to the sub-station and the swept path analysis provided satisfactorily demonstrates that the necessary vehicle manoeuvres can be undertaken within the car park. No waste management details have been provided and a Site Waste Management Plan should be conditioned as part of any approval. It would be difficult for a large refuse vehicle to manoeuvre within the confined space of the proposed car park and waste collection may need to take place from elsewhere within the campus.

The proposed pedestrian access and routing to the proposed building is acceptable from a highway perspective.

It is recommended that a condition be attached to any approval for the submission and approval of a construction management plan.

**MCC Neighbourhood Services (Arborists)** – Have reviewed the submitted documents and make the following comments. The positioning of the proposed 2 storey teaching block means the foot print of the building slightly encroaches into the root protection zones of a handful of trees on this site.

They have reviewed the submitted Arboricultural method statement and have no objection to the proposed development subject to adequate tree protection being

installed prior to any building work commencing. All root protection encroachment falls below the accepted tolerance level of 20%.

Due the amount of category B and C trees within influencing distance of the proposed development it is suggest that the applicant embed an independent Arboricultural consultant into the project to oversee any tree related pruning / excavation works within the trees protection zone.

The applicant has proposed to remove a tree (ref T42) to allow for development and replace with a heavy standard within the line of trees. It is recommended that mitigation in the form of 2 heavy standard replacements is sought due to scope on this site for mitigation planting.

### **Policies**

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, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy EN 3, *Heritage* – Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including

scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Policy EN 4, *Reducing CO2 Emissions by Enabling Low and Zero Carbon Development* – This policy states that all developments must follow the principle of the Energy Hierarchy; to reduce the need for energy through energy efficient design and features; and, meet residual energy requirements through the use of low or zero carbon energy generating technologies.

Policy EN 15, *Biodiversity and Geological Conservation* – The Council will seek to maintain or enhance sites of biodiversity and geological value throughout the City and developers will be expected to identify and implement reasonable opportunities to enhance, restore or create new biodiversity, either on-site or adjacent to the site,

Policy EN 19, *Waste* – States that developers will be required to submit a waste management plan to demonstrate how the waste management needs of the end user will be met.

Policy T2, *Accessible areas of opportunity and need* – Seeks to ensure that new development is easily accessible by walking/cycling/public transport; provided with an appropriate level of car parking; and, should have regard to the need for disabled and cycle parking.

Policy DM1, *Development Management* – This policy states that 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

**Saved UDP Policies** – Policies DC18 and DC19 are considered of relevance in this instance:

Policy DC18, *Conservation Areas* – Policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas by taking into consideration the following:

- a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
  - i. the relationship of new structures to neighbouring buildings and spaces;
  - ii. the effect of major changes to the appearance of existing buildings;
  - iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);
  - iv. the effect of signs and advertisements;
  - v. any further guidance on specific areas which has been approved by the Council.
- b. The Council will not normally grant outline planning permission for development within Conservation Areas.
- c. Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.
- d. Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.
- e. Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Listed Buildings – Policy DC19.1 states that in determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have

regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. In giving effect to this policy, the Council will:

- a. not grant Listed building consent for the demolition of a listed building other than in the most exceptional circumstances, and in any case, not unless it is satisfied that every possible effort has been made to continue the present use or to find a suitable alternative use;
- b. not permit a change of use of a listed building, where it would have a detrimental effect on the character or appearance of the building;
- c. not permit any external or internal alteration or addition to a Listed building where, in its opinion, there would be an adverse effect on its architectural or historic character;
- d. seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features;
- e. permit demolition only where there are approved detailed plans for redevelopment and where there is evidence of a firm building contract;
- f. not permit alterations to a listed building which would prevent the future use of any part of the building, in particular upper floors or basements, or where poor maintenance is likely to result.

### **The National Planning Policy Framework (February 2019)**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 192 in Section 16 (Conserving and enhancing the historic environment) states that in determining planning applications, local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification

Paragraph 195 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site; and
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 200 states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 201 states that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the



element affected and its contribution to the significance of the Conservation Area as a whole.

### **The Manchester Green and Blue Infrastructure Strategy (G&BIS) –**

The G&BIS sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is:

By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow. Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

### **Guide to Development in Manchester Supplementary Planning Guidance**

Recognises the importance of an area 's character in setting the context for new development; New development should add to and enhance the area's distinct sense of place; Each new development should be designed having full regard to its context and the character of the area; Seeks to ensure high quality development through good and inclusive design; Buildings should front onto streets; Site boundaries and treatment should contribute to the street scene; There should be a clear definition between public and private space; The impact of car parking areas should be minimised; New developments will be expected to meet designing out crime principles; The impact of development on the global environment should be reduced. The scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings.

### **Legislative Requirements**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of the power to determine planning applications for any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

## **Issues**

### **Principle**

The principle of the provision of additional educational facilities within an existing education establishment is generally acceptable. There are other examples of additional facilities having been constructed within the campus, Victoria Park Conservation Area and in close proximity to listed buildings. The Xaverian College has been providing education to students on this site for a considerable period of time and pre-dates the establishment of the Sixth form College in 1977, historical ordnance survey maps from 1935 show the site in use as a College.

Notwithstanding the above further consideration of the proposals impact on the character of the Victoria Park Conservation Area and nearby listed buildings, current levels of residential and visual amenity within the vicinity of the site, the level of pedestrian and highway safety experienced on the surrounding highway network, together with impacts on existing trees on the site is required.

Comments received in response to the notification process have criticised the supporting information and in particular the Heritage Assessment prepared on behalf of the applicant. The submitted Heritage Assessment has been prepared by Heritage specialists and is considered to be proportionate to the significance of the heritage assets affected and the impact on the significance of those heritage assets to allow an informed decision to be made on the submitted application proposals.

### **Impact on the Victoria Park Conservation Area**

The application site lies within Victoria Park Conservation Area which was designated in 1972. Victoria Park was conceived in the first half of the 19th Century and has been subject to modern additions since it was first designated. The houses in Victoria Park are large and are set in spacious grounds. Several of the roads are laid out in gently undulating curves, whilst others are straight and relatively short. They are nearly all wide, and some of them have grass verges. Not all the large old houses in Victoria Park have survived, a relatively small proportion of houses from the 1830s and 1840s still exist, and where they were demolished there now stand either groups of smaller houses or large, institutional buildings, such as schools, colleges, churches, university halls of residence and blocks of flats. Despite these changes in many cases the large spaces between buildings have been maintained and a significant number of trees retained. Architecturally, the conservation area is home to a variety of building styles ranging from Victoria villas to 20th century dwellings, educational buildings and offices that are typically between 2 to 4 storeys in height.

The requirement to preserve or enhance the Conservation Area, and the setting of the Listed Buildings, in this case Firwood and Marylands is a key requirement within

policy EN3 of the Core Strategy, saved policies DC18 and DC19 of the UDP along with the objectives of the NPPF. As such, any new development must seek to retain the character of the area through careful detailing and, where appropriate, the use of compatible materials.

The applicant has provided a heritage statement and a detailed design and access statement as part of their application which specifically examines the impact and contribution the proposal would have on the Victoria Park Conservation Area along with important views within the area and the setting of Maryland and Firwood listed buildings.

Xaverian College shares its western boundary with that of the conservation area. The more recent Mayfield building to the immediate south of the application proposals has enabled the reinforcement of the open space as a focal point of the College campus whilst also providing a buffer from the industrial and commercial uses that lie immediately beyond the western boundary of the College and conservation area. The retention of the open space on the campus has enabled the settings of both Maryland and Firwood to retain an important characteristic of the conservation area that being large spaces between buildings.

The proposed two storey building would remove the view of the listed Firwood building beyond which has being raised as an important view and in terms of the character of the Conservation Area by resident's objections. It should be recognised that this view point is not a historic or long standing one. The development of the Mayfield building in the mid 2000s opened up the site visually with the creation of the vehicular and pedestrian entrance at this location where previously the site boundary wall would have continued with trees sat behind.



*Aerial image from 2003 showing boundary trees in the north western edge of the site circled red*



*Image looking east along Dagenham Road/Regent Place. Boundary trees are along the boundary wall in the centre of the image, access gates are to the right. The corner of the existing Mayfield building is visible on the left with the copper finish, the rear of Firwood (edged red) is in the distance beyond the open space*

*Impact of proposals on views from Dagenham Road* - Views in to the campus from Dagenham Road/Oxney road junction are restricted to those through the entrance gates to the Campus and between the three storey Mayfield building. The limited views afforded from this point are of the open space and the rear of the listed Firwood building and its later additions beyond. The submitted Heritage assessment does address this impact explicitly and acknowledges that views across the open space towards the listed Firwood building would be diminished. However, these views are limited to the rear of Firwood where later extensions and additions to the building are present. The primary views of the earliest phases of the development of Firwood, are from Lower Park Road where the original Villa took, and continues to take its access from. Firwood is directly related to Lower Park Road it is where the front of the building faces towards, the building was originally sited to front this road. These primary views of the listed building would not be impacted by the application proposals. As set out above this view is not a longstanding historic one but one created when the Mayfield building was constructed in the mid 2000s, in addition the view from the junction of Dagenham Road/Oxney road junction is not considered to provide expansive or extensive views that enable the appreciation of the character of the Conservation Area or of important designated heritage assets within it. Whilst views towards the listed Firwood building from the junction of Dagenham Road and Oxney Road would be diminished by the proposed building it is considered that the loss of this view would result in less than substantial harm on Victoria Park Conservation Area.



*CGI of the proposed building as viewed from Dagenham Road*

Mature trees are identified as an important character of the conservation area, they are predominantly found within property boundaries rather than within the street or grass verges within Victoria Park. The application is supported by an arboricultural assessment which identifies that one category C tree would need to be removed to facilitate the development, this tree is not a mature boundary tree which are all indicated within the application documents and drawings as being retained as part of the development albeit subject to works that would impinge on their root protection areas (see below further discussion regarding impacts on trees).

The proposed two storey building has been sited to retain the sense of open space around and between the listed buildings on the campus whilst also continuing the framing of this space with the newer Mayfield building to the south. The scale and height of the building is two storeys in height, lower than the adjacent Mayfield building and other buildings on the campus but respectful of the scale of nearer residential properties located on Dagenham and Oxney Road.



*Comparison drawing – The existing Mayfield building is to the left, the proposed building is to the right*

The design and form of the proposed building is a simple one but this reflects the form of developments both on the college campus but also on adjacent sites in educational use particular those additions in the mid to late 20<sup>th</sup> century. This scale and form of the building together with the existence of high boundary walls and

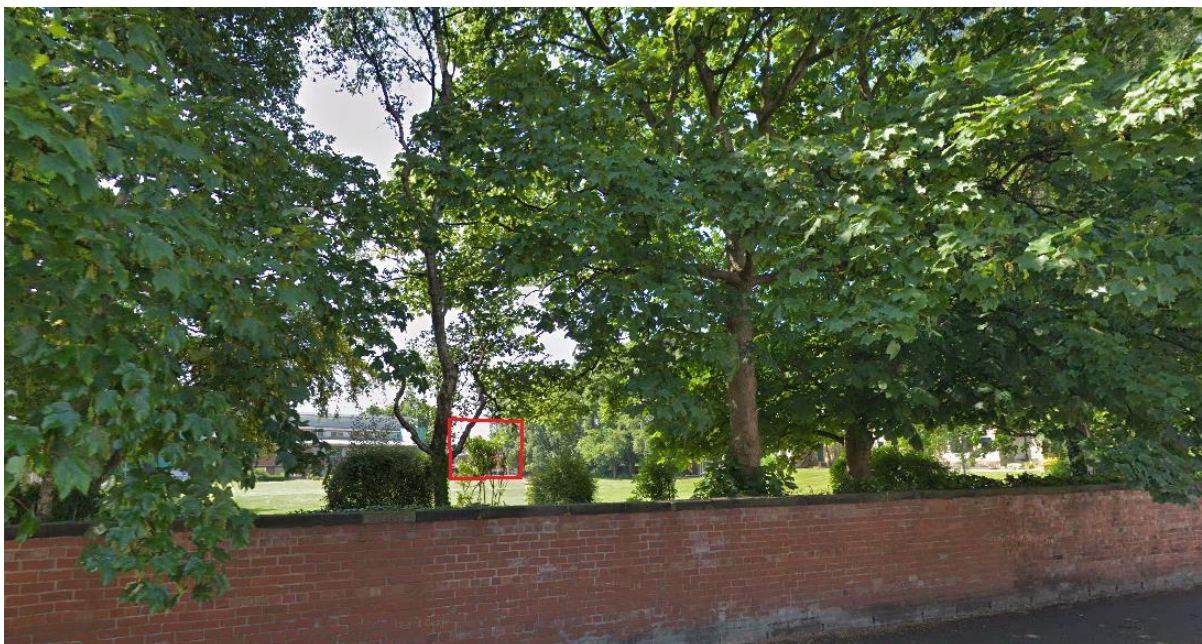
significant mature boundary trees would result in a building that would not be a prominent addition to the conservation area.

It is considered that the proposed building would give rise to less than substantial harm to the Victoria Park Conservation Area, this level of harm is outweighed by the public benefit derived from the proposal which as set out within this report would provide required additional educational facilities to an existing establishment.

### **Impact on the Grade II Listed buildings Maryland and Firwood**

The submitted Heritage Assessment sets out an assessment of the impact on the settings of both Maryland and Firwood grade II listed buildings. The conclusion of this assessment is that the proposals would have a neutral impact on the setting of these buildings.

*Firwood* – Firwood is a fine example of an ornate Victoria Park villa dating from the later period of villa development in Victoria Park, subsequently extended on several occasions to accommodate educational use. The extensions to the south in 1922 also contribute externally to this interest. The building was originally constructed as a grand residential villa and whilst being part of the later phase of villa building in the area the Heritage statement identifies it as good example of a high-status residence in Manchester from the second half of the nineteenth century which gives it a high historical value. It is a thought to be the only surviving Alfred Waterhouse villa in the City. The extensions to Firwood have removed and built over the majority of the former garden area of the original villa which have impacted on the setting of the original villa, the exception being to Lower Park Road where a former garden area has been retained. The application site is not prominent from the former villa as later extensions and the Colleges open space sit between the two and together with the distances between them (approximately 100 metres) provide a physical and visual separation.



*View from Lower Park Road westwards towards application site (approximate location of building is edged red adjacent the just visible Mayfield building to the left)*

Given the above it is not considered that the proposed building would have an impact on the setting of the grade II listed Firwood building.

*Maryland* - A very good example of an ornate Victoria Park villa dating from the later period of villa development in Victoria Park. The building was originally constructed as a grand residential villa for a high status resident and the merchant's villa and both the external and some internal ornamentation reflect this. The building has a variety of ornamentation including brick banding, stylised Lombard friezes, decorated heads; columnar stone mullions, carved heads, tall ridge chimneys and interior features as such it has a high aesthetic value.

Maryland's was built as a villa and retains areas to the north, south, east and west which were part of the former residential curtilage of the villa. Whilst the southern part of the villa garden has been incorporated into the campus, the application site lies outside the former garden area of the villa. Despite being a building of substantial scale, views of Maryland's from Regent Place, Lower Park Road and Dagenham Road outside the site are often limited by tall boundary walls and/or tree planting. The view of the southern elevation of the building across the college green is more prominent. Aside from the garden setting and tall walls, the a key contribution to the setting of Maryland's is the former coach house which forms the built western side of a hard surfaced courtyard accessed from Regent Place, this coach house has been refurbished as a refectory, the conversion did not involve significant change to the courtyard elevation or the setting of Maryland's. The rear of the coach house has been extended with a contemporary extension which faces west across the college green toward the application site. This contemporary extension, known as the Pavilion, has a part flat and part mono-pitched roof forms.

Given the distance between the application site and proposed building (84 metres) and the intervening built form is not considered that the proposal would have an impact on the setting of the grade II listed

### **Residential Amenity**

The closest residential properties are those lying to the north west of the application site on Oxney Road and Deyne Avenue and are separated from the wider College campus by Dagenham Road and the boundary walls and gates surrounding it. The proposed building has windows on its western and northern elevations, those facing northwards towards Dagenham Road are smaller windows to classrooms with the main larger windows being on the western and eastern side facing towards commercial and industrial properties to the west of the campus and the College open space and Maryland building to the west.

The residential property on the end of Oxney Road would have limited views across towards the application proposals, these views would be across both Oxney Road and Dagenham Road and be restricted by both the boundary wall of the campus and the boundary trees that lie behind it. There is one first floor gable window to this property however, again given the distances between the proposed building and the property it is not considered that the proposal would give rise to unacceptable impacts in terms of loss of privacy or overshadowing.

The main entrance to the proposed building would be to the southern side of the building away from residential properties with only an emergency fire staircase located on the northern boundary. Given this arrangement it is not considered that activity and noise associated with the comings and goings of students or the use of the classrooms would give rise to additional noise or disturbance to nearby residential properties.

### **Impacts on trees**

The application proposals are accompanied by a Preliminary Ecological Survey and Tree survey undertaken in accordance with British Standard 5837 2012: Trees in Relation to Design, Demolition and Construction which also includes an arboricultural method statement.

As set out elsewhere in this report mature trees, particularly those on the sites boundary form an important character of the Victoria Park conservation area. There are 51 individual trees within the application site, 14% of these are classed as Category A trees (those of high quality and value) and a further 41% are category B trees (those of moderate quality and value).

As a result of the proposal a category C tree (those of low quality and value) would need to be removed to facilitate the new building. The applicant is proposing to plant a heavy standard replacement tree on the site as compensation for this loss. In addition as part of the tree survey of the site a further tree classed as a category U tree (one in a condition that should be removed for reasons of sound arboricultural management) would be removed during tree works on the site.

The tree report assesses impacts of the proposed development on trees within and adjacent the application proposals. This identifies that three category A trees and two category B trees would have root protection areas affected by the proposals. The impact assessment indicates that the proposed works would not have a significant effect on tree health, with incursions below the 20% maximum root protection area incursion allowance that is set within the relevant British Standard BS5837 2012. In addition where the proposals encroach within the root protection area special construction methods are proposed to limit the impact on tree roots. Canopy pruning is proposed to one tree that may come into contact with the proposed new building.

The submitted information has been undertaken in accordance with relevant British Standards and indicates the impacts of the proposals on existing on site trees and that the development can retain category A and B trees. The recommendations and conclusions of this information has been assessed by the Council's Arborists who raises no objections to the proposed works or tree removals. However, they do recommend that further mitigation in the form of the planning of an additional tree is undertaken.

The tree survey and assessment makes a series of recommendations and it is considered necessary given the above and to ensure that works progress as set out in the report that suitably worded conditions are attached to any approval to ensure: tree protection measures are in place during construction works; that works within



root protection areas are undertaken in accordance with submitted arboricultural statement; that works are progressed under the supervision of an arboricultural advisor and that a scheme for planting a further 2 trees is submitted and approved.

## **Highway Impacts**

The applicant has confirmed that the proposals would not give rise to additional requirements for car parking by staff and students as they are not provided with on-site car parking provision. The application is supported by a technical Highway note that has been assessed by the City Council's Highway Services who raise no concerns in terms of pedestrian and highway safety.

The College have confirmed that in terms of on-site cycle parking there is currently space within the cycle store located at the Mayfield building immediately to the south. In addition to this provision extra cycle store capacity has been provided across its campus. The College indicate that students and staff utilise cycle storage at the point of their arrival at the College and not necessarily at the building they may have only one out of five lessons in.

The College has confirmed that Waste collection provision would be unchanged on the Campus as a result of the proposal and there would be no requirement for waste vehicles to access this part of the campus from Dagenham Road.

The re-provision of car parking and provision of accessible spaces accessed via Dagenham Road is considered to be acceptable, in addition it is confirmed that this area is not used by large delivery vehicles, refuse vehicles or other servicing requirements other than a smaller van required to access the on-site substation.

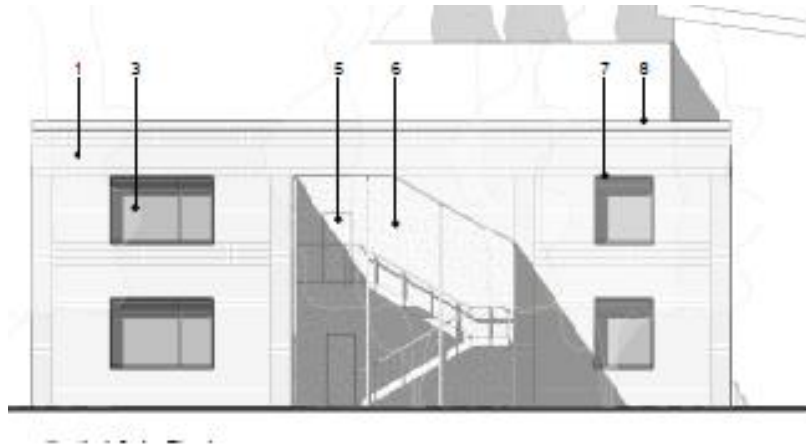
## **Design**

The proposed building has been designed to have the appearance of a contemporary building whilst utilising materials within its construction that are found within and around the College campus.

The main material is red brick, which is elevated through brick bond patterns to add texture to the elevational treatment of the building. Contrasting feature material will highlight the main entrance and corner of the building with recessed window reveals and recessed wall elements to be framed in grey aluminium. An external fire escape stair is proposed on the northern elevation and this is to have a perforated metal screen to surround the escape stair. Concerns have been raised with regards to the design of this element of the building in particular. It is acknowledged that the external emergency staircase would be a visible element of the building from the conservation area. However, the staircase would not extend across the full width of the northern elevation of the building and the applicant is proposing a perforated metal screen solution to assist in reducing the visual impact of this external structure to the building. In addition the, brick boundary wall and boundary trees would form an additional screening element when viewing this elevation of the building from Regent Place.



*Boundary wall and trees looking south towards the northern gable end of the Mayfield building*



*Northern elevation of the proposed building showing the centrally located external staircase*

Given the location of the building within a conservation area and the matters raised above it is considered necessary that the final details of materials to be used on the building and screen to the emergency staircase should be agreed by way of appropriately worded condition.

The design approach balances the use of materials sympathetic to the conservation area with the need to provide usable educational space to support the future requirements of the College to accommodate increases in its enrolment numbers. The building would sit immediately adjacent the newest building (Mayfield) on the campus which is also of a modern contemporary design utilising metal cladding that screens and emphasises emergency staircases. Together with the lower height of the proposed building it is considered that the design would assimilate successfully onto the campus and the wider conservation area.

### **Accessibility**

The building has been designed to be accessible throughout with the incorporation of an internal lift to provide access to the second floor. The building incorporates

accessible toilet facilities and there is the provision of accessible car parking spaces external to the building.

### **Conclusion**

The application proposals would result in the provision of additional teaching space for an existing college on an established college campus. The applicant has indicated that there is a requirement for additional space to meet the predicted increase in student numbers. The principle of education facilities within an established college campus is considered to be acceptable.

Concerns have been raised by residents with regards to the submitted Heritage Assessment. However it is considered that the submitted Heritage Assessment is proportionate to the application proposals has been written by heritage experts and does identify and assesses the impacts including those raised by residents and ward members on the designated heritage assets within the campus together with the Victoria Park Conservation Area.

In this case it is considered that with the siting, design and height of the proposed building the impact upon the character of the Victoria Park Conservation Area and the setting of both Maryland and Firwood listed buildings can be preserved and that as a result the harm arising from the proposal on Victoria Park Conservation Area can be categorised as less than substantial as set out within the National Planning Policy Framework (NPPF). As set out in this report, whilst there are identified impacts on certain views into the campus these impacts are considered to be less than substantial and the public benefit derived from the proposed through the provision of additional educational facilities is considered to outweigh any harm caused. The proposals are therefore considered to accord with section 16 of the NPPF in particular paragraphs 192, 193,194,195 and 196 of that document and policy EN3 of the Core Strategy.

**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 polices of the Unitary Development Plan, the Head 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 arising in relation to dealing with the application has been communicated to the applicant.

**Condition(s) to be attached to decision for approval**

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 stamped as received on  
5154-PAL-XX-XX-DR-A-1110 Rev P2 (Proposed site plan)  
5154-PAL-XX-XX-DR-A-1350 Rev P1 (Proposed elevations)  
Design and Access Statement Rev P1

Planning and Heritage Statement prepared by Paul Butler Associates  
Preliminary Ecological Appraisal Rev A dated March 2019 XCII-PEA-001; and Site Report, Appraisal & Plans "*BS5837 2012: Trees in Relation to Design, Demolition and Construction*" dated March 2019 XCII-BS-001 Rev A both prepared by Christians Environmental  
Drainage Strategy Report Rev 1 dated March 2019, XAV-SHD-00-ZZ- RP-C-0001, prepared by Scott Hughes,

All received by the City Council as local planning authority on the 8<sup>th</sup> April 2019.

5154-PAL-XX-XX-DR-A-1200 Rev P2 (Proposed GA plans)  
Received by the City Council as local planning authority on the 17<sup>th</sup> June 2019

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) a) Before the development hereby approved commences, 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.

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.

4) Prior to the commencement of any 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 Construction Management Plan and shall include:

- The routing of construction traffic; o Detail the quantification/classification of vehicular activity associated with the construction including commentary on types and frequency of vehicular demands together with evidence (appropriate swept-path assessment);
- Details of the location and arrangements for contractor parking;
- The identification of the vehicular access points into the site for all construction traffic, staff vehicles and Heavy Goods Vehicles;
- Identify measures to control dust (based on British Standard 5228) 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;
- Specify the working hours for the site;
- The details of an emergency telephone contact number for the site contractor to be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete; o Identify advisory routes to and from the site for staff and HGVs;
- A highway dilapidation survey including photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site.

Reason - In the interest of pedestrian and highway safety, as specified in policies SP1 and DM1 of Core Strategy Development Plan Document.

5) 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 in order to comply with policy EN15 of the Core Strategy.

6) All tree work, including any related pruning or excavation works within the tree root protection areas as identified within the approved arboricultural method statement shall be carried out by a competent and suitably qualified arboricultural contractor.

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.

7) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained within the approved drawings, documents and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the use or occupation of the phase of development within which the retained tree is located for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Evidence of the installation of fencing shall be supplied in writing to the City Council as local planning authority prior to any works commencing on site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be

altered, nor shall any excavation be made, without the written consent of the local planning authority.

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 SP1 and DM1 of the Core Strategy

8) Notwithstanding the approved documents and drawings, within three months of the commencement of development a scheme for the planting of 2 no. replacement trees on the site shall be submitted and approved in writing by the City Council as local planning authority. The submitted scheme shall include the details of the species, size, location and timescale of the replacement trees to be planted. The development shall be carried out in accordance with the approved scheme and evidence that the replacement scheme has been implemented shall be submitted to and approved by the City Council within one month of the planting of the trees. 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 the implementation of a suitable tree replacement scheme as set out within the approved drawings and documents pursuant to policy EN9.

9) Above-ground construction works shall not commence until samples and specifications of all materials to be used in the external elevations 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.

10) The development hereby approved shall not be occupied unless and until the surface water drainage has been implemented in accordance with the Drainage Strategy Report, XAV-SHD-00-ZZ- RP-C-0001, Scott Hughes, May 2019. The scheme shall thereafter be managed and maintained in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

11) Any 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.

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 approved scheme shall be completed before the premises is occupied.

Upon completion of the development a verification report will 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 noise criteria has 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 policy DC26.

12) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Upon completion of the development a verification report will 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 acceptable criteria has 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 safeguard the amenities of the occupiers of the building and occupiers of nearby properties pursuant to policy DM1 of the Core Strategy and saved policy DC26.

13) The car parking as set out on the approved drawings shall be surfaced and demarcated prior to the first use of the building hereby approved and shall be retained thereafter.

Reason – To ensure that there is adequate provision for the parking of vehicles on the site pursuant to policy DM1 and T2 of the adopted 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: 123274/FO/2019 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:**

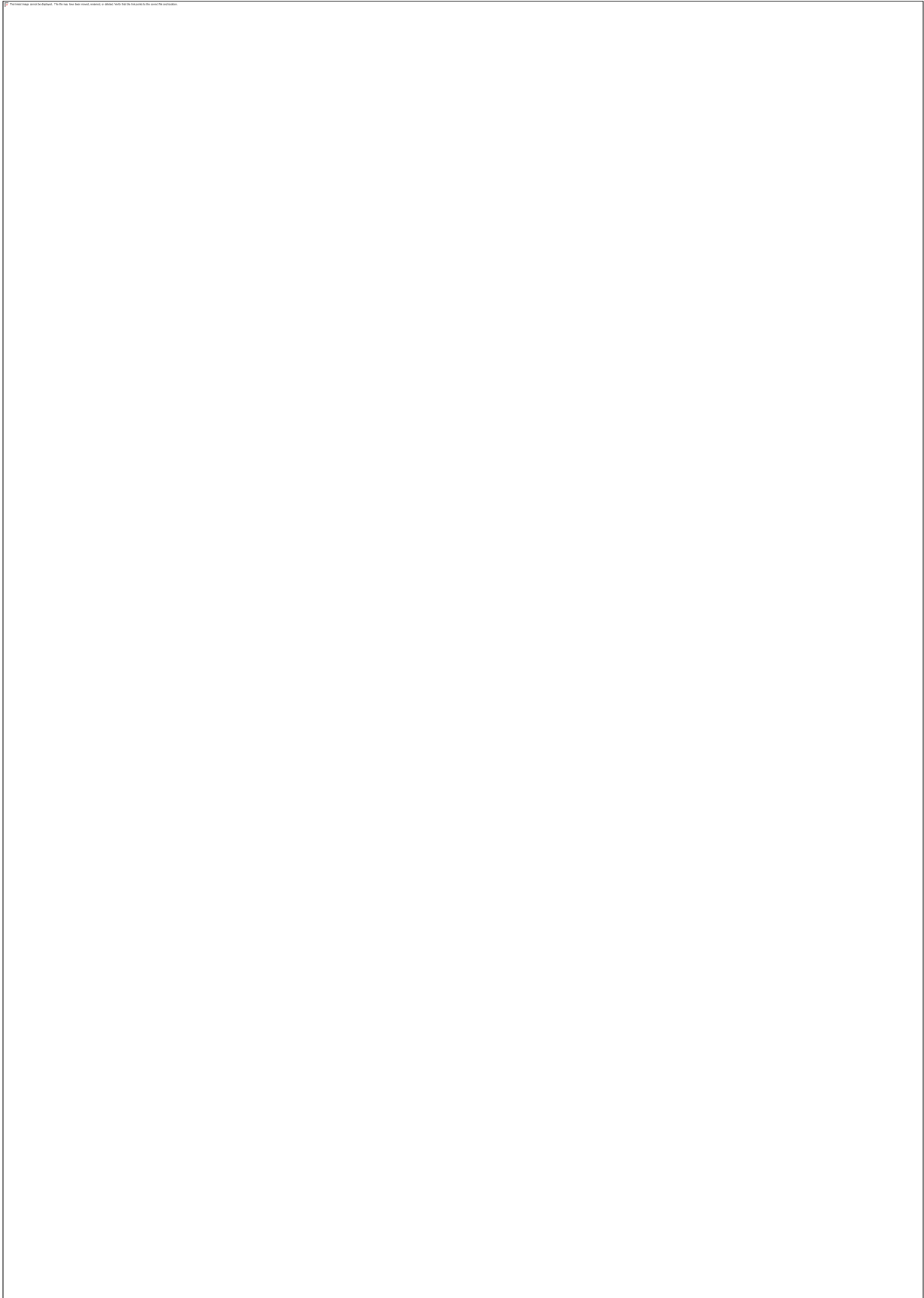
**Highway Services  
Greater Manchester Police  
Rusholme & Fallowfield Civic Society  
Environmental Health  
Neighbourhood Team Leader (Arboriculture)  
MCC Flood Risk Management**



**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  
Rusholme & Fallowfield Civic Society  
Environmental Health  
MCC Flood Risk Management  
MCC Neighbourhood Services (Arborist)**

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



 Application site boundary  Neighbour notification

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<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
121945/FO/2018	26th Nov 2018	25th July 2019	Whalley Range Ward

**Proposal**   Erection of 4no. two-storey, four bed dwellinghouses with accommodation in the roof, with associated parking, boundary treatment, and landscaping with vehicular access from Alness Road, following demolition of existing tennis club house

**Location**   English Martyrs Tennis Club, Alness Road, Manchester, M16 8HW

**Applicant**   Mrs Mariam Al-bayati, 15 St Brannocks Road, Chorlton, Manchester, M21 0UP

**Agent**       Mr Jason Eccles, Artform Architects, WeWork No1 Spinningfields, Quay Street, Manchester, M3 3JE

### Description

The application site is a vacant former tennis club, comprising of a single-storey club house building and three tennis courts. The application site has not been used as a tennis club for over two years and the clubhouse and courts are in a disused state. The site is accessed from Alness Road and is landlocked by residential properties on Brantingham Road, Wood Acre, and Manley Road. The site is denoted by a white X on the below photograph. The area is predominately residential in character.



The applicant is proposing to erect four, two-storey dwellinghouses with accommodation in the roof space, on the former tennis courts. It is proposed to demolish the former club house and utilise the access road from Alness Road to access the properties. The properties would comprise of two pairs of semi-detached

dwellinghouses with each house having four bedrooms, with one off road parking space per property.

Originally, as part of a previous application which was withdrawn, the applicant proposed to erect a terrace of seven, three storey townhouses. This current application was submitted for five dwellinghouses comprising three, two-storey dwellings and a pair of semi-detached, two-storey dwellinghouses, all with accommodation in the roof. However, following concerns about the scale and massing of the proposal and the number of units proposed, the scheme was amended to that now before the committee.

## Consultations

**Local Residents** – Following receipt of the revised drawings local residents were notified and 3 letters of objection have been received, the comments are as follows:

- The amount of houses and size of houses is unsuitable for this conservation area plot;
- The land where the houses are proposed is a very wooded and green area and lots of wildlife fly from Alexandra Park to this area;
- Part of the conservation area character and should not be allowed and should be used as a park;
- The houses are too close to current properties gardens and will completely spoil the small tranquil area left on Alness Rd;
- Although the proposed number of properties is more proportionate to this backland site previously stated concerns have not been addressed;
- Concern about the impact of the proposed development on the surrounding trees and hedges and their dependant wildlife.
- Would not comply with saved UDP policy DC6 and believes will suffer significant loss of privacy, and an increase in noise and disturbance;
- Whilst turning space has now been provided for vehicles within the revised application concerned that it will be used for additional parking thereby preventing its intended use as a turning space for bin wagons and other large vehicles.
- Over-dominant appearance of the gable end which is taller than adjacent property. Although the trees provide screening in the summer, this is much reduced in the winter.
- Concerns that the tree roots will be compromised by the proposed development
- Concerned that new residents of the development will seek to cut the existing trees back resulting in poor tree form and increased instability.
- The woodland edge is also an important foraging area for Pipistrelle bats but the proximity of the proposed development along its western boundary will completely remove this foraging zone resulting in net loss of biodiversity.
- The Ecology Survey fails to recognise the current high permeability of the site to wildlife through the front gate and privet hedge. This allows foxes, hedgehogs, and frogs foraging, breeding and hibernating opportunities as well as connectivity across a wider area of woodland and gardens. Rather than seeking to sterilise the development site with secure fences, measures such

as intentional gaps under fences, hedgehog homes, bird boxes and native tree planting should be undertaken to mitigate the loss of open space.

- Depending on the timing of any demolition work, consideration should be given to the possible presence of breeding foxes and breeding or hibernating hedgehogs under the building.
- Would welcome appropriate and timely management (outside of bird breeding season) of the large privet hedge on boundary with Alness Road the proposed access road as the landowner has allowed it to become very overgrown, affecting light levels inside our house. Vertical bar railings would provide a secure boundary whilst still allowing permeability for wildlife and allowing the hedge to be maintained.
- Concerned about light disturbance from the potential erection of street lights on the access road and any security lights on the western gable end of the development. The Ecology Survey confirms this would also be detrimental to bats.
- The site is currently very permeable to rainfall but much of this will become hard-surfaced, thereby increasing flow to surface drains.
- The sides of this development would be imposing and overbearing to all sides of it. Both of the sides will have a huge wall practically on the boundary overbearing the existing properties at Alness Road and Woodacre.
- Proposed roof space dormer type windows will overlook and invade the privacy of the properties and grounds to the rear or the proposed development on Manley Road.
- The proposal does not fit in with the surrounding properties
- Brantingham Road properties will be overlooked and suffer a loss of privacy due to looking directly into the garden spaces.
- The site this development is being proposed on has been an open space for decades. Used as a member's tennis club, which has not been used utilised to its full potential and would be a loss to the local community.
- The proposed access road will bring extra traffic and its associated noise to the area where this road is to be built.

13 letters of objection were received in relation to the originally submitted scheme and the revision which reduced the scale and number of units proposed, points additional to those summarised above were:

- Concerns about the close proximity of the development to properties on Woodacre and the noise pollution the construction and cars would cause.
- Concerns regarding security if existing high fencing is removed and replaced with lower wooden fence.
- Land for the proposed scheme clearly falls under the definition of a backland site, it is acknowledged that a case can be made for development on this particular site, however, do not feel that the design demonstrates any level of compliance to a significant number of requirements that are clearly outlined in the DC6 policy; notably DC6.2a, DC6.2b, DC6.2d and DC6.2f.
- The Design and Access Statement can be accused of utilising data in an extremely misleading manner in their presentation of 'neighbour feedback'. Four positive comments with no indication from what number of individuals they were taken or if such comments ran alongside legitimate concerns are not indicative of a consensus backing for this development.

- The Statement's claim that objections raised by neighbours have been addressed is scandalous.
- As per the previous withdrawn planning application, the architect has presented pictures of homes around the Whalley Range area to try and support their designs. None of the examples homes presented bear any resemblance to the existing homes immediately surrounding the proposed development, specifically the ones on Brantingham Road and Woodacre.
- There will be a loss of existing views for all the neighbouring properties and will negatively affect the local amenity.
- The proposed houses are considerably taller than the two houses they are positioned behind. (No. 55 and 57 Alness Road).
- Concerned that if permitted development rights are not removed for this project what is to stop the garage in one of the units being converted to living accommodation, which would then mean there would be insufficient parking within the site. The likelihood is that most of these properties will have at least two vehicles, particularly as we are a fair distance from the nearest tram stop.
- The tree tables are dated May 2018. The data was proven to be incorrect in the original objection. An assessment of the report and the tree survey shows that it is deficient and misleading on a number of fundamental aspects of the development and still gives completely the wrong impression over the implications, both direct and indirect. There is significant variance in heights, stem diameters, canopy spreads, clear canopy and branch heights and condition. The trees are significant specimens of high visual amenity giving scale and maturity as landscape features. The development still fails to take account of the advice given in BS 5837 2012 and still fails to take account of the council's planning policies. It still fails to address specific tree issues in terms of protection giving simple generic recommendations rather than specific details on tree protection.
- The survey still fails to address the issue of site clearance i.e. removing the tennis court material. It still fails to adequately prove the trees will not be damaged to their long-term detriment. The tree survey still fails to record all the material arboreal attributes as required in BS 5837 – 2012.
- The environmental report submitted states that the area should be viewed/surveyed during May – August to give a definitive survey, this has not been done.
- These are obviously family houses and the additional numbers of both adults and children will affect medical and educational service in the area both of which are stretched and there is only limited capacity especially for Primary children.
- First and foremost the noise whilst construction is being carried out will disrupt neighbouring occupier's routines, and abilities to work from home which could affect earnings, and resident's mental health. Which could be further impacted upon by the development due to loss of privacy.

**Highway Services** – It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns. It is therefore understood that the applicant does not intend to offer the access road up for adoption so a S38 process would not be triggered. The proposed access road carriageway width is 5.5m which is acceptable to Highways. The northern footway is 2.45m wide at the entrance and reduces to

1.8m adjacent to the new houses. The southern footway is proposed as 1m wide. Adequately sized driveways are being provided for four properties whilst the 3-bed property has an internal garage which is also acceptable from a highway perspective.

The waste management proposals are acceptable in principle with waste collection taking place from within the development with a suitably sized turning head being provided. Bin stores are being provided within the curtilage of each property which is also acceptable in highway terms. It is likely that the existing vehicle access off Alness Road will require to be widened and if this is the case this should be undertaken through S278 agreement.

It is understood that the existing brick wall and hedging is being replaced at the existing vehicle access point and Highways would expect any new boundary and gating proposal to allow for sufficient intervisibility between vehicles and pedestrians (such as a dwarf wall with railing above). The gates are set sufficiently back so that a vehicle waiting to enter does not block the highway.

It is recommended that prior to the commencement of the development a detailed construction management plan outlining working practices during development is submitted.

Additional comments in relation to revised scheme:

The reduction in property numbers (from 5 to 4) and the proposed removal of the entry gate system is acceptable from a highway perspective and our previous comments remain applicable.

**Environmental Health** – Suggests the imposition of three conditions concerning waste management, construction management and contaminated land.

**Arborist** - There will be minimum impact on the root protection zones of the offsite trees due to the development layout.

The developer has designed the layout of the site to ensure the properties do not encroach onto the root protected area. Only minor soft landscaping works will be carried out within the root protection zone.

The developer should carry out all works in accordance to BS:5837. We would expect protective fencing to be installed before any work begins and this protective fencing should not be moved during the duration of on-site works.

**Leisure Services** – Requested a contribution to mitigate against loss of tennis courts. This should be provided in the form of a S106 for access gates to the tennis courts at Alexandra Park.

**Sport England** - Did not object and referred the local planning authority to standing advice.

**Greater Manchester Ecology Unit (GMEU)** – The Bat survey report submitted to inform the above planning application has been undertaken by suitably qualified ecologists and is to appropriate standards. They have no reason to disagree with the survey findings, which did not record any bats using the building to be demolished for roosting. They recommend conditions requiring the protection of trees on the site boundary to be retained and for the protection of breeding birds.

**United utilities** – Recommend a condition relating to a surface water drainage scheme to be agreed and a condition relating to the maintenance of the scheme.

**GMP** – Any comments received will be reported to Committee

## **Policies**

**The National Planning Policy Framework (February 2019)** – The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 59 states that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

Paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.



Paragraph 102 states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued.

Paragraph 105 states that if setting local parking standards for residential and non-residential development, policies should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

**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, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy EN 1, *Design Principles and Strategic Character Areas* – This policy states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes.

Policy H6, *South Manchester* – South Manchester 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 DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, the most relevant of which in this instance are:

- 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.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity and landscape.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- 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)

Saved UDP Policy DC26 - seeks to reduce the impact of noise generating development. The Council will consider the effect of new development proposals and the implications of new development being exposed to existing noise sources. Developments likely to result in unacceptably high noise levels will not be permitted.

**The Manchester Green and Blue Infrastructure Strategy (G&BIS)** – The G&BIS sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is:

By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

**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. The ambitions of the City are articulated in many places, but none more succinctly than in the 'Manchester Strategy' (2016). The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been applied to an assessment of the size and quality of the proposed houses.

**Guide to Development in Manchester Supplementary Planning Guidance** – Adopted in 2007, the guidance states in paragraph 2.13 that the scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline.

Paragraph 2.14 states that it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones.

Paragraph 2.15 states that although a street can successfully accommodate buildings of differing heights, extremes should be avoided unless they provide landmarks of the highest quality and are in appropriate locations. In established residential areas, significant variation in height may not be appropriate.

## **Issues**

**Principle of the Proposal** – Whilst it is acknowledged that this site is situated in a backland location, it should be noted that this is previously developed land with an established access, which with a historical use as a tennis club and courts has had and could have a significant level of activity.

The predominant character of the area is residential with a mix of two and three storey properties, ranging from traditional properties to 1930s style semis to modern mews type townhouses built in the early 2000s. It should be noted that the application plot is not within the Whalley Range Conservation Area as reported by a local resident within the comments received, and is located approximately 150 metres south of the Whalley Range Conservation Area. Having regard to the context, the residential nature of the area and the fact that the proposal has been reduced in scale, massing and number of proposed dwellings, the principle of the proposal is considered to be acceptable.

Furthermore, the provision of family housing complies with Policy H6, which promotes the provision of such accommodation outside of District Centres.

Notwithstanding this, consideration must be given to the proposal's impact upon the existing levels of residential and visual amenity enjoyed in the locality of the site, particularly by those residents who adjoin the site, and upon the ecology and wildlife of the site.

**Space Standards** – The City Council adopted the Manchester Residential Quality Guidance in December 2016 and within that document reference is made to the use of a combination of the Nationally Described Space Standards and the London Housing Design Guide space standards to form Manchester's space standards (SS) for residential developments.

The amount of floor space proposed for each dwelling, all of which are two-storey properties with accommodation in the roof space (3 storey for accommodation standard purposes), 4 bed properties with the same footprint meet the required space standards as detailed below:

- Proposed dwellinghouses, 3 storey – 154m<sup>2</sup> (SS - 130m<sup>2</sup>)

**Design** – The proposal would utilise a buff coloured brick and grey slate roofs. The proposed dwellinghouses would have square bay windows to the front and protruding brickwork patternation along with a soldier course of bricks, wrapping around the dwellinghouses to create interest and provide architectural articulation. The roofs would be dual pitched with gables to the side, and square, grey, metal clad dormers to the rear of each property. The design of the dwellings is contemporary in nature and takes its design cues from properties within the wider Whalley Range area. Whilst the adjacent properties are a mix of red brick to render, the proposed pallet of materials are considered to be acceptable in the context of this setting.

The scheme which is now under consideration is considered to be of high quality with well-considered contextually responsive design features.

**Scale and Massing** – Concerns have been raised about the scale and massing of the proposed dwellinghouses, and following negotiations the scheme has been reduced from five dwellinghouses to four dwellinghouses. It must also be noted that a previous application sought seven three-storey townhouses on this site. The height of the dwellinghouses has been reduced from 8.78 metres to 8.18 metres to be less obtrusive to surrounding properties. Furthermore the reduction from 5 to 4 dwellinghouses has allowed for more space to be made available around the properties and moved them away from the shared boundary with properties on Woodacre. The properties on Brantingham Road are largely two-storey properties, whilst Alness Road, Woodacre and Manley Road have a mix of two and three storey properties. Given that the proposed dwellinghouses would be two-storey with additional accommodation in the roof, it is considered that the proposal would be of an appropriate scale and massing to surrounding properties and would not be overly dominant or at odds with the overall character of the area.



Proposed front elevation



Proposed rear elevation



Street scene view

**Residential Amenity** – The eastern side elevation of the proposed dwellinghouses is located approximately 6.5 metres away from the shared boundary with properties on Woodacre and 17.5 metres from the rear wall of the closest property itself. The proposed dwellinghouse on plot no.4 would have windows at both first and second floor levels, however, both windows would be to ensuite bathrooms and would be obscure glazed.

The proposed bay windows in the front elevations of the dwellinghouses (facing south) would be 10 metres away from the rear boundary of the properties on Brantingham Road, and a further 15 metres on average away from the rear walls of properties on Brantingham Road.

The western side elevation of the proposed dwellinghouses would be located 1.5 metres away from the shared boundary with no's 55 and 57 Alness Road, however, both properties have rear gardens over 23 metres in length. There would be two windows proposed in the western elevation at first-floor and second-floor level and these would both be obscure glazed as they are to ensuite bathrooms.

The properties on Manley Road to the rear of the proposed dwellinghouses (to the north) would be more than 15 metres away from their rear boundary fence, and approximately would have a distance of approximately 50 metres between the rear windows and dormers windows of the proposed dwellinghouses and the rear windows of the existing houses on Manley Road.

Given the distances outlined above and the use of proposed obscurely glazed windows, it is not considered that the erection of the proposed dwellinghouses would impact on the level of privacy enjoyed by the residents of the surrounding properties on Woodacre, Brantingham Road, Alness Road or Manley Road.

It is not anticipated that the proposed development would create significantly more comings and goings and associated noise disturbance than the previous use as tennis courts did. However, it must be acknowledged that the pattern of movements would be different with comings and goings potentially 24 hours a day given the previous use, however, it is not considered to be so undue as to warrant the refusal of planning permission.

Local residents have raised concerns about overlooking, loss of privacy and loss of light, however, the revised scheme has addressed these concerns by reducing the height of the dwellinghouses, by reducing the number of dwellinghouses proposed from 5no. to 4no. houses, and in turn by moving the eastern gable further away from the shared boundary with properties on Woodacre. Local residents have expressed concerns about noise during construction, this can be adequately controlled by an appropriately worded condition. Furthermore, local residents have also expressed concerns regarding parking at the proposed dwellinghouses. However, the applicant has provided 100% parking at one space per property and has provided a swept path analysis (see below) demonstrating how a bin wagon or other large vehicle could access the properties and turn, Highways have no objection to this arrangement.

Loss of light is not considered to be a significant issue given the orientation of the proposal and the distance of the proposed dwellinghouses from the neighbouring habitable room windows. In further revising the scheme by moving the eastern side wall away from the rear of the houses on Woodacre, the applicant addressed the issue of loss of light satisfactorily.



## Swept path analysis

**Permitted Development Rights** – In order to further reduce the impact of the proposal upon neighbouring residents and to prevent the overdevelopment of the site, it is proposed to attach conditions removing Permitted Development Right for domestic extensions/outbuildings and to prevent the conversion of the dwellings into Houses in Multiple Occupation.

**Site History** – Planning application 120233/FO/2018 for the erection of 7no. three-storey terrace properties with associated landscaping and boundary treatment, and creation of new access road off Alness Road, following demolition of existing tennis club house, was withdrawn on 12<sup>th</sup> September 2018. The applicant was advised at the time that this proposal could not be supported due to concerns about the proposed scale and massing and overdevelopment of the site.



Comparison between first scheme and current scheme.

**Visual Amenity** – Given the design and siting of the proposed dwellings and the fact that they have been reduced in size and massing to that originally submitted, it is not considered that they would have an unduly adverse impact upon the levels of visual amenity enjoyed by residents of surrounding properties. The impact of the proposed dwellings would be further softened by the proposed landscaping.

**Amenity Space** – Sufficient private amenity space would be provided for the future occupants of the proposed dwellings with each house incorporating rear garden areas. The recommended condition in relation to permitted development rights would seek to maintain the level of amenity space.



**Boundary Treatment** – The applicant is proposing to erect 2 metre high timber boundary fences around the periphery of the site with low brick walls to the front. Following negotiations, the applicant is also proposing a long hedge adjacent to the access road along the boundary with no. 37 Alness Road, to replace the hedging that will be lost on the Alness Road frontage. The existing site access on the Alness Road frontage will have the gate and brick wall removed to create a new 5.5 metre access road leading to the houses. There will be a footpath running adjacent to the access road.

**Ecology** – It is considered prudent to attach a condition limiting the demolition of the clubhouse and tree works outside of the bird nesting season, unless further surveys reveal an absence of nesting birds and to protect trees to be retained. GMEU have indicated their satisfaction with the submitted ecology report and the proposed works. A condition relating to bat and bird boxes is proposed, together with a condition requiring gaps to boundary fences to allow for hedgehogs to pass through the site unimpeded. It is considered that the proposed replacement hedging adjacent to the proposed footpath in to the site will have a positive impact upon wildlife.

**Landscaping** – As the existing land relates to vacant tennis courts there are no trees within the footprint of the proposed dwellinghouses. There are a number of mature trees on land bounding the site, and the applicant has indicated that they wish to retain all trees as they will form a natural green backdrop to the proposed development and provide additional screening of the properties from neighbouring properties. Furthermore, the applicant is proposing to plant two extra heavy standard trees to the front of the properties along with the aforementioned hedge and additional shrubs. An appropriately worded landscaping condition is proposed to ensure landscaping is implemented.

The City Council's Arborist has assessed the proposals and is satisfied with the proposed development in relation to the surrounding trees and their root systems. Appropriately worded conditions are proposed to safeguard the trees during construction, and to ensure their retention afterwards.

**Pedestrian and Highway Safety** – It is not considered that the additional dwellings would generate such significant levels of traffic or concentrated traffic movements so as to prove detrimental to the levels of pedestrian and highway safety currently enjoyed within the locality. It is also considered that any traffic movements generated by the residential development would not represent an increase over and above the levels of traffic associated with the historic use of the site.

**Car Parking** – All of the proposed dwellings would have an off-street parking provision of one space per dwellinghouse. Furthermore, the proposal is a short walk away from Alexandra Road South where a regular bus service to and from town run regularly. Therefore, this level of parking provision is considered to be acceptable.

**Cycle Parking** – Sufficient space exists within all four dwellings for the storage of cycles.

**Waste Storage** – Environmental Health have confirmed that the submitted waste management strategy is acceptable and have requested that it be conditioned to

ensure future compliance with it. The submitted plans show that four separate recycling wheelie bins for each dwelling would be provided and would provide facilities for the recycling of garden/food waste, glass, metal, plastics, paper/cardboard and general household waste. Purpose built bin stores would be provided to the front of the properties.

**Accessibility** – The submitted design and access statement states that all four of the proposed dwellinghouses will have a level threshold entry and would be wheelchair accessible, and would all comply with Part M of the Building Regulations for private dwellings. The interior layout of the proposed dwellings is considered acceptable, with a hallway leading to a living room and kitchen/dining room to the rear and a downstairs WC under the stairs.

Given the above and the fact that the development has been designed in accordance with Part M of the Building Regulations the accommodation is considered acceptable in terms of accessibility.

**Crime and Disorder** – Concerns have been raised about access to the rear of surrounding properties, however, the applicant is proposing a timber fence along the perimeter of the site. The applicant is undecided on whether or not to retain the existing fencing to the tennis court and are happy to be advised on the most appropriate security arrangement. A condition is recommended to finalise the details of the boundary treatment and a Secured by Design condition is recommended.

**Air Quality** – The erection of four dwellings in this location would not have an unduly detrimental impact upon the air quality experienced in the vicinity of the site. A construction management plan condition would be attached to any consent granted to ensure that dust suppression measures are implemented while the development is being built.

In terms of the running of additional households in this location, it is not considered that the comings and goings associated with the dwellings would have an unduly detrimental impact upon air quality.

Sufficient space exists within the curtilage of the site to allow for the storage of cycles. The applicant has confirmed that they would provide electric vehicle charging points for the scheme.

**Whalley Range Conservation Area** – The application site is not located in or adjacent to the Whalley Range Conservation Area and is some 150 metres to the south of it. Furthermore, there are no heritage assets within or adjacent to the application site. Therefore, the proposal would not impact upon the character of the conservation area.

**Sustainable Drainage** – The application site is not within a designated flood zone. Appropriate conditions regarding drainage are proposed.

**Contaminated Land** – Colleagues in Environmental Health have assessed the submitted scheme and have suggested conditions relating to contaminated land be attached to any planning permission.

**Mitigation for loss of sports facility** – The application site was a private member's tennis club with three tennis courts. The site has been unused for over two years, and whilst the courts were not open to non-members, mitigation for the loss of a sports provision has been negotiated.

The applicant has agreed to make a financial contribution by way of a Section 106 agreement to fund access gates to the existing tennis courts located within Alexandra Park.

Within the Whalley Range Ward, which the application site is located, Alexandra Park is the closest park and has the greatest demand for all park sites in the UK (1<sup>st</sup> out of 700 park venues with 4 courts or more). There is significantly high latent demand for tennis facilities within the Whalley Range area. Leisure Services have estimated that with floodlit year round provision 7300hrs additional court time would be added. Floodlighting is already in place in the park and could be switched on through an alternative process which would enable current capacity to be utilised. Access technology would therefore assist the utilisation of current provision, rather than adding new to supplement loss of tennis provision at English Martyrs.

**Resident's comments** – The applicant has amended the scheme and reduced the number of dwellinghouses proposed together with reducing their height. The proposed landscaping is to include a hedge adjacent to the access road, and extra heavy set trees to the front of the dwellinghouses. Conditions relating to the protection of trees and wildlife are proposed, together with conditions relating to construction management, sustainable drainage, boundary treatments, and landscaping.

### **Conclusion**

The proposals would see the provision of four good sized family homes accommodated in a predominately residential area with parking for all units capable of accommodating electronic vehicles. The siting and massing of the proposed dwellings is comparable with surrounding properties (see below). Whilst the design is more modern than surrounding properties, there is no definitive style to properties surrounding the site, and the design proposed is of a high standard. As a result it is not considered that the proposal would have a detrimental impact upon the character of the area or existing levels of visual amenity. In addition to the above, given the siting of the proposal it is not considered that the proposal would give rise to undue harm to residential amenity or loss of privacy.



### Height comparison to existing properties

The proposed retention of trees surrounding the site, the planting of two new extra heavy set trees to the front of the proposed dwellinghouses and the proposed hedge planting contribute positively to the landscaping of the scheme and the character of this particular part of Whalley Range.

**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 polices of the Unitary Development Plan, the Head 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 approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation**      **MINDED TO APPROVE subject to Section 106 agreement for access gates to the tennis courts at Alexandra Park.**

### 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. In particular the scheme has been revised and reduced in line with officer's comments.

## Reason for recommendation

### Conditions to be attached to the decision

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:

Proposed street scene EMT/PL/106 rev01, received by email 10th July 2019;

Proposed roof plan EMT/PL/104 rev 01, received by email 10th July 2019;

Proposed second-floor plan EMT/PL/104 rev 01, received by email 10th July 2019;

Proposed first-floor plan EMT/PL/103 rev 01, received by email 10th July 2019;

Proposed ground-floor plan EMT/PL/102 rev 01, received by email 10th July 2019;

Proposed sun path diagram EMT/PL/101 rev 01, received by email 10th July 2019;

Proposed swept path analysis diagram EMT/PL/128 rev 01, received by email 10th July 2019;

Proposed property setting out drawing EMT/PL/127 rev 01, received by email 10th July 2019;

Proposed rear elevation EMT/PL/124 rev 01, received by email 10th July 2019;

Proposed front elevation EMT/PL/123 rev 01, received by email 10th July 2019;

Proposed side elevation EMT/PL/112 rev 01, received by email 10th July 2019;

Proposed side elevation EMT/PL/111 rev 01, received by email 10th July 2019;

Proposed front elevation EMT/PL/109 rev 01, received by email 10th July 2019;

Proposed rear elevation EMT/PL/110 rev 01, received by email 10th July 2019;

Proposed section through EMT/PL/108 rev 01, received by email 10th July 2019;

Proposed street scene EMT/PL/107 rev 01, received by email 10th July 2019.

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) Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and/or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policy DM1 of the Core Strategy and the requirements of the National Planning Policy Framework.

4) Before the development hereby approved commences, 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.

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 Manchester Core Strategy (2012).

5) Prior to the occupation of the development hereby approved, a Contaminated Land Verification Report shall be submitted to the City Council as local planning authority.

Reason - To confirm that appropriate remedial action has been taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Manchester Core Strategy (2012).

6) Above-ground construction works shall not commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how Secured by Design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and to reflect the guidance contained in the National Planning Policy Framework

7) The development shall be carried out in accordance with the details shown on drawing EMT/PL/128 rev 01 dated 21st May 2019. The approved details shall be implemented in full on occupation of the scheme hereby approved and be retained thereafter.

Reason - In the interests of public health and residential amenity and to insure that there is satisfactory refuse facilities prior to the commencement of the change of use pursuant to policies DM1 and SP1 of the Core Strategy.

8) Before first occupation the first floor windows in the eastern and western elevations of the proposed dwellinghouses shall be obscurely glazed 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.

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification) no part of any dwelling shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and 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 policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1, H6 and DM1 of the Manchester Core Strategy (2012).

10) Above-ground construction works shall not commence until details of the measures to be incorporated into the development to allow for the provision of electric vehicle charging points have been submitted to and approved by the City Council as Local Planning Authority.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy (2012).

11) Above-ground construction works shall not commence until a landscaping treatment scheme, including tree planting, boundary treatment and bin store design, has been 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 dwellings are first occupied. 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 Manchester Core Strategy (2012).

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), no extensions or additional development shall be erected under Part 1, Classes A (extensions), B (alterations to the roof) and E (outbuildings) of the Order without the prior written express consent of the City Council as Local Planning Authority.

Reason - In the interests of residential amenity and to safeguard the character of the area, pursuant to policies DM1 and SP1 of the adopted Core Strategy Development Plan Document for the City of Manchester.

13) Prior to the commencement of the development hereby approved or any phase thereof a Construction Environmental Management Plan must be submitted to and be approved by the City Council as local planning authority and thereafter implemented in accordance with those approved details. The Construction Environmental Management Plan must show how the main construction effects of the development are to be minimised, with include detailed mitigation measure such as:

1. details of construction and demolition waste management;
2. details of pollution prevention;
3. dust control measures;
4. details of any lighting scheme proposed during construction;
5. details of site access, working and safety zones, together with temporary fencing proposals for the site access and site perimeter.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 in the Core Strategy Development Plan Document.

14) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the



development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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.

15) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

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.

16) Prior to first occupation measures to incorporate bat and bird boxes within the development. The development shall be carried out in accordance with the agreed details.

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

17). 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.

18) No drainage shall be installed 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.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to Policy DM1 in the Core Strategy Development Plan Document and the policies and guidance within the NPPF and NPPG.

19) 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:

- a. Verification report providing photographic evidence of construction as per design drawings;
- b. As built construction drawings if different from design construction drawings;
- c. 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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to Policy DM1 in the Core Strategy Development Plan Document and the policies and guidance within the NPPF and NPPG.

20) Prior to the installation of any boundary treatment on site as identified on drawing reference EMT/PL/102 rev 01 details of the materials and finishes of all boundary treatments shall be submitted and approved in writing by the City Council as local planning authority. The details shall include measures incorporated into garden boundaries to facilitate the movement of hedgehogs across and around the site. The approved boundary treatments associated to each residential dwellinghouse shall be installed prior to the first occupation of that dwelling and thereafter be retained and maintained.

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 and to enhance the biodiversity of the site in order to comply with policies SP1, EN9 and DM1 of the 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: 121945/FO/2018 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:**

**Sport England**  
**Environmental Health**  
**Highway Services**  
**Parks, Leisure & Events**  
**Neighbourhood Team Leader (Arboriculture)**  
**Whalley Range Forum**  
**Greater Manchester Police**  
**Highway Services**  
**Environmental Health**

**Neighbourhood Team Leader (Arboriculture)**  
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**Neighbourhood Team Leader (Arboriculture)**  
**Whalley Range Forum**  
**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 :** Melanie Tann  
**Telephone number :** 0161 234 4538  
**Email :** m.tann@manchester.gov.uk



Application site boundary ● Neighbour notification  
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<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
123330/FO/2019	18th Apr 2019	25th Jul 2019	Baguley Ward

**Proposal** Erection of a four storey building to form 10 self-contained flats, with associated undercroft car parking

**Location** Land Adjacent to 303 Greenbrow Road, Manchester, M23 2UH

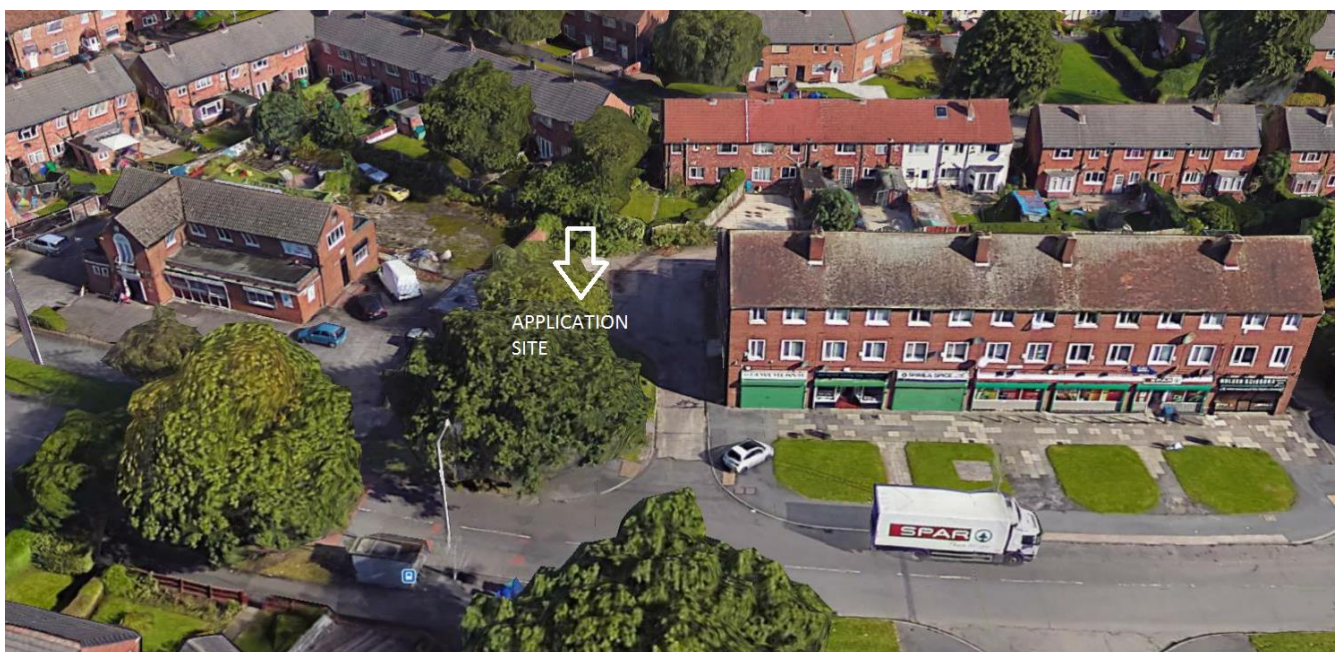
**Applicant** Mr Hassan Malekzadeh, SMN Design and Construction, 240 Station Road, Bamber Bridge, Preston, PR5 6TQ

**Agent** Ms Victoria Jane Saunders, Bernard Taylor Partnership Ltd, Elizabeth House, 486 Didsbury Road, Heaton Mersey, Stockport, SK4 3BS

### Description

This is an application for the erection of a four storey building which provides undercroft car parking for eight vehicles at ground floor, with an additional car parking space to the rear of the building to provide nine spaces in total for ten residential units. The building would provide four one bedroom apartments at first floor, two one bedroom apartments and one two-bedroom apartment at both the second and third floor.

The land is currently vacant, historically, it has had garages on the site which have been demolished. Immediately to the west of the site is an electricity substation to be retained, further to the west lies a day nursery accommodated in a former public house. To the north and south of the site lie residential properties in this predominately residential area. To the east lies a commercial parade with residential accommodation above that serves the residential area.



Following negotiations revised drawings have been received which result in:

- Alterations to the material palette;
- An increase in the separation distances to surrounding property;
- Obscure glazing to address the perception of overlooking;
- Accommodation of level access to the site;
- Alteration to addressing security concerns raised by Greater Manchester Police;
- The retention of the right of access to the property to the rear;
- Provision for a disabled car parking space;
- Facilities for electronic vehicle charging;
- An internal cycle store;
- More accessible waste storage area away from sensitive receptors; and
- Inclusion of tree and shrub planting.

## History

Planning permission was granted under reference 115380/FO/2017 for the erection of a four-storey building containing 9 x one-bedroom apartments, together with car parking in June 2017 on the site.

An earlier planning application referenced 080234/FO/2006/S2 for the erection of a 4 storey block to form 11 apartments with semi-basement parking and roof garden and relocation of electricity sub-station was Minded to Approve at Wythenshawe Area Committee on the 22<sup>nd</sup> February 2007 subject to the signing of a Section 106 agreement for environmental improvements which was never signed. The application was therefore Finally Disposed of on the 18<sup>th</sup> September 2008.

## Consultations

**Local Residents** - 4 letters of objection were received to the originally submitted drawings, the comments were as follows:

- The scale of the building at four storeys would provide overlooking and result in a loss of light to neighbouring property.
- Increase traffic to the site would increase noise disturbance.
- Traffic on Greenbrow Road is already hazardous and overcrowded.
- Would there be sufficient room for bin wagons and loading lorries to the adjacent parade of shops to manoeuvre. How would the access to the parade of shops be affected?
- A resident stated that they had a right of access to the rear of their property over the land for over 50 years. (Revised plans showed the retention of this access.)
- The development will impact upon the drains
- Loss of a gap between the nursery and the parade of shops which would remove a view to a property
- The development would adversely impact of resale prices of surrounding property
- The possibility of the loss of the oak tree would be unacceptable. (The oak to street is to be retained).

1 letter of objection has been received following the receipt of revised drawings, the comments are as follows:

- Residents request a Tree Protection order is placed on the oak. (The oak to the site frontage, which is not placed under pressure by the development proposals, is within the Highway and under the control of the City Council).
- The building is out of scale at 4 storeys in height and would provide overlooking and have an overbearing impact.
- Increase traffic to the site would increase noise disturbance.
- Would there be sufficient room for bin wagons and loading lorries to the adjacent parade of shops to manoeuvre. How would the access to the parade of shops be affected?
- Has the development got enough parking, what about parking for visitors?
- Is the development going to be used for a hostel?
- Is the right of way to the resident to the rear to be protected?

**Environmental Health** – Have reviewed the Air Quality Assessment and no mitigation is required. Therefore, for this development they recommend proposals for good practice principles for both the design and operational phases. They recommend conditions to agree refuse storage, external equipment insulation, acoustic insulation, a contaminated land watching brief and a construction management plan.

**MCC Flood Risk Management** – Suggest the imposition of drainage and drainage management conditions as did United Utilities.

**Highway Services** – Raise no objections to the scheme, they recommend a condition with regards to construction management. It is recommended that appropriate signage is implemented in order to direct traffic in a one-way movement, to the rear of the commercial units with egress onto Greenbrow Road.

**Neighbourhood Team Leader (Arboriculture)** – The Oak to the street is a healthy mature specimen with high visual amenity. (The oak to the street is to be retained).

**Greater Manchester Police** – Have inputted into the scheme and revisions have been made to the scheme to address concerns raised. They recommend the imposition of the Secured by Design condition to secure the recommendations contained within the Crime Impact Statement.

## **Policy**

**The National Planning Policy Framework (February 2019)** – The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

Paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

Paragraph 102 states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued.

Paragraph 105 states that if setting local parking standards for residential and non-residential development, policies should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

**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, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy EN 1, *Design Principles and Strategic Character Areas* – This policy states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes.

Policy H1, *Overall Housing Provision* – This policy states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors and goes on to state that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;
- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours.

Policy H7, *Wythenshawe* – The Council expects that Wythenshawe will accommodate only around 3% of new residential development over the lifetime of the Core Strategy. New high quality high density development will be encouraged within the district centres of Northenden, Baguley and Wythenshawe and upon small infill sites where it contributes to the stock of affordable housing and where it complements Wythenshawe's garden city character. There is also the potential for additional family housing for sale.

Policy EN19, *Waste* – States that developers will be required to submit a waste management plan to demonstrate how the waste management needs of the end user will be met.

Policy T2, *Accessible areas of opportunity and need* – Seeks to ensure that new development is easily accessible by walking/cycling/public transport; provided with an appropriate level of car parking; and, should have regard to the need for disabled and cycle parking.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, the most relevant of which in this instance are:

- 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.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity and landscape.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- 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)

Policy DC26 - Development and Noise. States that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise. Conditions will be used to control the impacts of developments.

As set out in the report this proposal is considered to accord with both national and local planning policy.

**The Manchester Green and Blue Infrastructure Strategy (G&BIS)** – The G&BIS sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is:

By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved

by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

**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. The ambitions of the City are articulated in many places, but none more succinctly than in the 'Manchester Strategy' (2016). The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been applied to an assessment of the size and quality of the proposed houses.

**Guide to Development in Manchester Supplementary Planning Guidance** – Adopted in 2007, the guidance states in paragraph 2.13 that the scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline.

Paragraph 2.14 states that it is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones.

Paragraph 2.15 states that although a street can successfully accommodate buildings of differing heights, extremes should be avoided unless they provide

landmarks of the highest quality and are in appropriate locations. In established residential areas, significant variation in height may not be appropriate.

### **Legislative requirements**

Section 149 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 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 of the Proposal** –The site comprises previously developed land (former garages) with an established access. An extant planning permission exists to redevelop this site to erect a four-storey building containing 9 x one-bedroom apartments, together with car parking under reference 115380/FO/2017. The predominant character of the area is residential and the proposal would provide a mix of accessible housing types in accordance with policies H1 and H7.

Notwithstanding this, detailed consideration must be given to the proposal's impact upon the existing levels of residential and visual amenity enjoyed in the locality of the site, particularly by those residents who adjoin the site.

### **Siting and Layout**

The drawings below show the proposed site layout plan, the previously approved layout is shown in a thick line.



To the west of the application site there is an electricity substation, the western elevation is located between 13 -18m from the side elevation of the existing nursery building. To the north the separation distance provided to property on Barnwood Road would be between 17 – 18m. a single car parking space outside of the undercroft car parking area would be located in this position, enclosed by gates as required by Greater Manchester Police. The undercroft car park is located to the east of the site adjacent to the access road to the development and to the adjacent parade of shops. The main entrance to the proposed development would be located to the south elevation facing Greenbrow Road. Cycle storage would be within the building on the ground floor just behind the main entrance. The bin store would be accommodated to the left hand side of the building when viewed from Greenbrow Road, accessed through an access gate.

The scheme proposed would be between c. 0 - 4m further away from the shared boundary to the west than the previously approved scheme at ground floor. The previous scheme had upper floor located on the shared boundary, the scheme now proposed does not, the upper floors are between c. 0.35m to 4.5 from the shared boundary. The scheme is no closer to this boundary and now has a more uniform footprint.

To the north the proposal would be c. 0.3 – 3.2m further away from the shared boundary than the proposed at ground floor. Bin storage has also been moved from this location. This is the location where the access gate for a resident is to be retained. The upper floors are c. 1.5m nearer than the approved scheme, however the separation distance is still c. 17-18m and there are now three obscurely glazed windows where there were nine windows on the approved scheme.

To the east the building is c. 0.3m nearer to the side gable of the parade of shops which lies beyond the access road.

To the site frontage the building line comes forward by between c. 1.6m to 3.75m at ground floor, but sits in the same alignment as the previously approved scheme with regards to the upper floors.

The land levels change within the site and ramps and retaining structure are included to maintain level access throughout the site.

### **Design, Scale and Massing**

The scheme proposals would match the height of the apex of the pitched roof to the commercial parade to the east of the site. The scheme includes a flat roof so it does not have a more dominant presence in the street scene than the commercial parade. The development would present a narrow frontage to Greenbrow Road, allowing a sense of space and separation to the buildings to the east (the commercial parade) and west (the day nursery).

The scheme would utilise blue brick at ground floor and in elements of the facade with red brick utilised for the predominant treatment. This would be appropriate use of materials having regards to the amount of red brick used in this area. The scheme that was previously approved utilised white render and timber cladding to the ground floor.

The design and appearance of the scheme now proposed represents an improvement over and above the scheme previously consented, in that it provides more modelling to the elevations, the elevations include more traditional materials and the built form has a better relationship to neighbouring buildings, the building sits more appropriately within its own boundaries and thus relates more appropriately to the street scene.

**Space Standards** – The City Council adopted the Manchester Residential Quality Guidance in December 2016 and within that document reference is made to the use of a combination of the Nationally Described Space Standards and the London

Housing Design Guide space standards to form Manchester's space standards (SS) for residential developments.

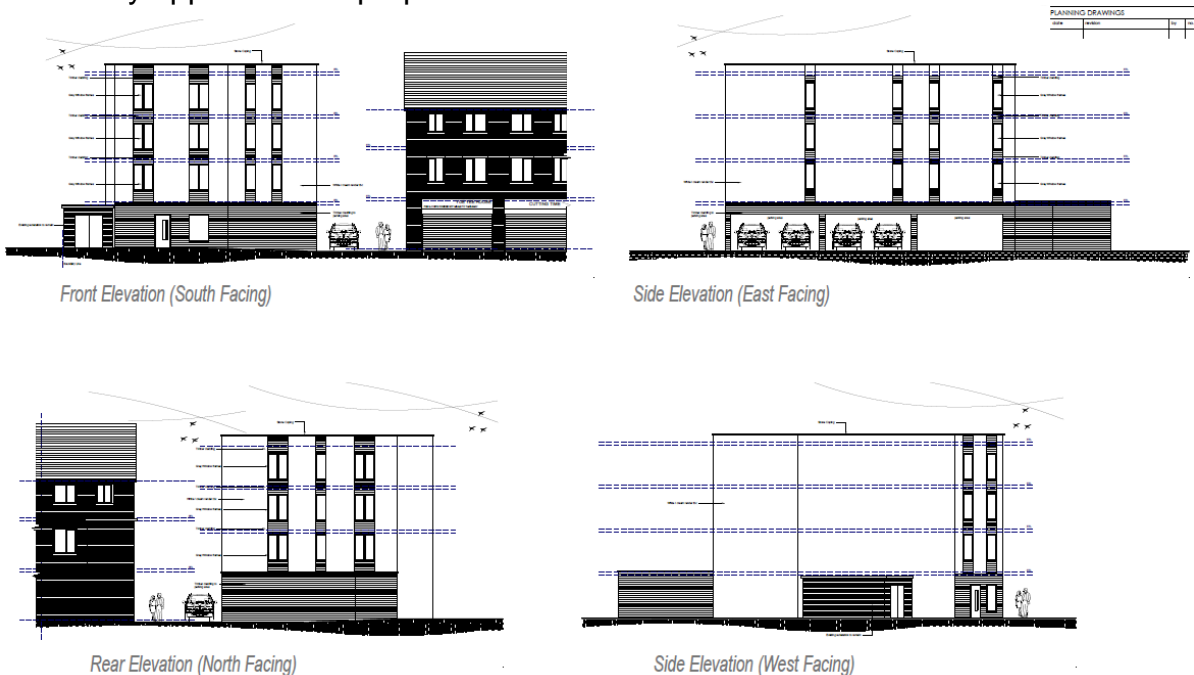
The amount of floor space proposed for each apartment would meet the required space standards as detailed below:

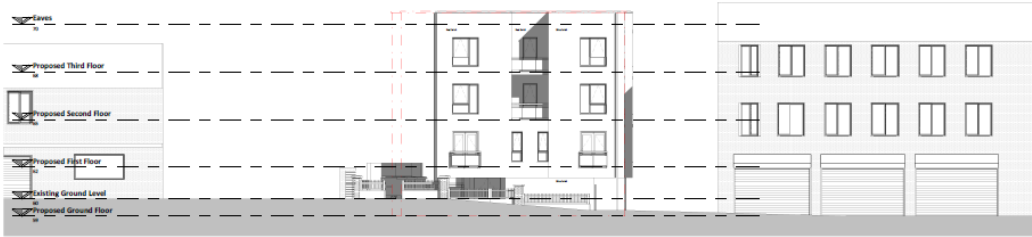
- Proposed first floor, 4 one bed one person apartments measuring between 37-41m<sup>2</sup> (SS requirement – 37m<sup>2</sup>)
- Proposed second floor, 2 one bed one person apartments measuring 39m<sup>2</sup> and 41m<sup>2</sup> and 1 two bed three person apartment measuring 80m<sup>2</sup> (SS requirement 37m<sup>2</sup> and 61m<sup>2</sup>)
- Proposed third floor, 2 one bed one person apartments measuring 39m<sup>2</sup> and 41m<sup>2</sup> and 1 two bed three person apartment measuring 80m<sup>2</sup> (SS requirement 37m<sup>2</sup> and 61m<sup>2</sup>)

### Boundary Treatments

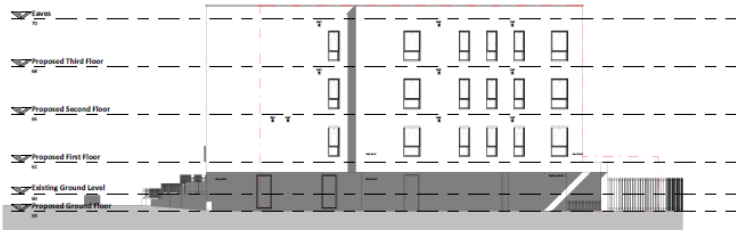
The scheme would include for 1.8m high close boarded timber fencing with a gravel board taking the total height to 2.1m high to neighbouring property. There would be a 2.1m high retaining brick wall to enclose the bin store and a 0.9m high brick wall to the site frontage with railings within. The boundary treatment is acceptable to Greater Manchester Police and is acceptable in design terms within this residential context.

Previously approved and proposed elevations

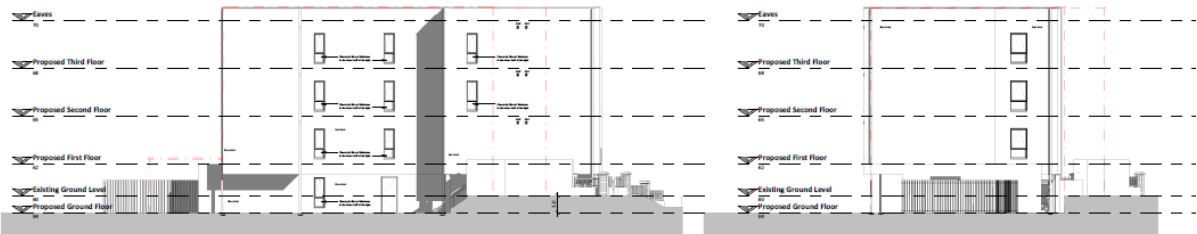




South Street Elevation  
1 : 100



East Elevation  
1 : 100



West Elevation  
1 : 100

North Elevation  
1 : 100



3D Visualisation in the street scene from Greenbrow Road

### Residential Amenity



Comments have been received from residents that the scheme would provide overlooking, remove light availability and provide noise disturbance associated with car parking.

### **Overlooking**

The west elevation is located between 13 -18m from the side elevation of the existing nursery building. Notwithstanding the plans submitted, which show obscurely glazed windows, the windows to the west elevation will be designed so as to prevent a view out towards the adjacent nursery use, except for the view out of a top opening light above a height of 1.7m.

To the north the separation distance provided to properties on Barnwood Road would be between 17 – 18m (3-7m from the boundary to the garden). The one line of three windows provided to this elevation would be to three bedrooms. Notwithstanding the plans submitted, these windows will be designed so as to prevent a view out towards the property to the north, except for the view out of a top opening light above a height of 1.7m. It must be noted that the consented scheme had 9 unobscured windows in this elevation and therefore it is considered that the scheme now proposed has less impact on the houses to the rear from potential overlooking than the consented scheme.

To the east the windows proposed looking towards the side elevation of the parade of shops would provide no further overlooking than from windows in the previously consented scheme and would provide natural surveillance to the service road.

To the south the windows would not provide any further overlooking by virtue of the width of Greenbrow Road and the screening offered by the retained oak tree and the trees to be provided.

### **Loss of light**

The scheme would not be any taller than the previously approved scheme for the site and the development proposed provided a greater separation distance to surrounding property. Having regard to the separation distances involved it is not considered that the development proposals would have any undue adverse impact upon light availability to neighbouring property.

The scheme is nearer to the proposed boundary than the previously approved scheme in two locations, to the north the upper floors are nearer to residential property on Barnwood Road by 1.5m and to the east the building line is 0.3m nearer to the side gable of the parade of shops. It is not considered that the building being nearer in these two locations would have any further undue impact with regards to loss of light to either properties to the north on Barnwood Road or to the shopping parade to the east, having regards to the separation distances involved and having regards to the impacts over and above the scheme that was previously approved.

### **Noise Disturbance**

It is not considered that the vehicular movements and general comings and goings associated with a residential use of this scale with car parking contained within an undercroft parking area away from any shared boundary with a sensitive receptor could create such a level of noise disturbance as would warrant the refusal of planning consent. The proposed apartments would be acoustically treated in relation to noise from Greenbrow Road and the electricity substation.

### **Car Parking**

8 spaces are provided at ground floor in the undercroft car parking area, one space is provided to the rear of the building, secured by a fence, as requested by Greater Manchester Police. There are 9 spaces in total for 10 units, which is considered to be acceptable. 9 spaces were included in the previous application for development of the site. There is access to local bus services.

The spaces would need to be available during the occupation of the development, which could be controlled by condition, a condition is recommended. Electric Vehicle Charging will be available within the development.

### **Cycle Parking**

Cycle Parking is provided inside of the building just inside of the main entrance at ground floor in a dedicated store that could accommodate 100% cycle parking.

### **Highways**

Residents have raised how the scheme works with regards to the manoeuvring of vehicles to the site and to the adjacent parade of shops. Highways have recommended that appropriate signage is implemented in order to direct traffic in a one-way movement, to the rear of the commercial units with egress onto Greenbrow Road, a condition is recommended in this regard.

### **Waste**

The applicant states that the kitchens can accommodate separate bins to enable recycling to take place. Separate general / recycle waste containers (to include provision for food waste) are to be provided within the designated external secure bin store to the front of the site which would be accessed and serviced from the front access. It would be the responsibility of the residents to take their refuse / recycle to the dedicated external refuse storage area. General waste and recycled goods would be collected on a weekly basis by a local operator from the designated refuse collection point from the front of the site, on Greenbrow Road. Collections would be between the hours of 07.00 – 16.00, on a day to be determined with the collection company. A condition is recommended so that the applicant can confirm these arrangements.

### **Access**

Level access is provided to the lobby access beneath the undercroft directly to the point where the lift provides access to all floors within the development. A disabled car parking space is provided in the undercroft parking area.

### **Security**

A crime impact statement has been provided, the applicant has altered the plans to address the recommendations made by Greater Manchester Police, namely the inclusion of gates to the car parking space to the rear of the development, security measures for the ground floor plant room, lighting to the building and CCTV.

### **Sustainability**

A fabric first approach, whereby the building is designed to maximise the performance of the components and materials that make up the building fabric itself is being taken. This would reduce energy consumption.

### **Air Quality**

During the construction phase of the development there is the potential for air quality impacts as a result of fugitive dust emissions from the site. Assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities was predicted to be not significant.

Potential impacts during the operational phase of the proposed development may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. Due to the low number of trips anticipated to be produced by the proposals, negligible impacts were predicted.

The scheme would provide for electronic vehicle charging and internal cycle parking for all apartments. It is also acknowledged that this site had access to local bus services.

### **Amenity Space**

The originally approved scheme did not provide for amenity space. The scheme now submitted represents an improvement over and above the previously approved scheme with Juliette balconies to the apartments to the front (south facing) elevation.

### **Affordable Housing**

Policy H8 which sets out the requirement for affordable housing is of relevance where 15 or more units are provided. The scheme is for 10 units and therefore there is no policy requirement for affordable units to be provided as part of this scheme.

### **Drainage**

The scheme is acceptable subject to the imposition of conditions relating to a Sustainable Urban Drainage scheme and the maintenance of the drainage scheme.

## **Contaminated Land**

Environmental Health have advised a condition relating to a contaminated land watching brief. There are no known contaminants on the site.

## **Landscaping and Tree Planting**

The scheme includes the retention of an Oak within the verge to the front of the development on Greenbrow Road, furthermore the scheme includes the planting of two large trees to the site frontage and shrubs (holly, berbaris and pyracanthus). The site as existing does not contain any planting and this would improve the green infrastructure for this particular site. A condition requiring the implementation of the landscaping is recommended.

## **Residents Comments**

Matters raised by residents have been addressed in the report. Notably the scheme responds to a request for an access to be maintained to a property at the rear of the site and improvements have been incorporated into the design of the building to minimise overlooking concerns.

## **Conclusion**

The site comprises previously developed land, would provide much needed housing and would not cause any undue adverse impact to the residential amenities of surrounding property subject to the imposition of appropriate conditions. The design, siting and scale of the proposed scheme would sit comfortably in its context.

It is also acknowledged that the proposed development represents an improvement over and above a previously approved and extant scheme. The developer has been amenable to negotiated improvement to the scheme which now utilises a higher quality material palette, has increased separation distances to surrounding property, provides for obscure glazing to address the perception of overlooking, performs more satisfactorily with regards to accommodating level access and addressing security concerns, retains the right of access to the property to the rear and provides for a disabled car parking space, facilities for electronic vehicle charging, an internal cycle store, a more accessible waste storage area away from sensitive receptors and includes tree and shrub planting to the site frontage.

**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 polices of the Unitary Development Plan, the Head 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 approval of the application is proportionate to the wider benefits of approval 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**

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. The proposal is considered to be acceptable and has been determined in a timely manner.

### **Reason for recommendation**

#### **Conditions to be attached to the decision**

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:

Location Plan 100.2 Rev 2  
 Proposed Ground Floor 105.2 Rev 2  
 Proposed Ground Floor (showing relationships) 105.2 Rev 2  
 Proposed First Floor 106.2 Rev 2  
 Proposed Second Floor 107.2 Rev 2  
 Proposed Third Floor 108.2 Rev 2  
 Proposed Elevations 109.2 Rev 2  
 3D Views 110.2 Rev 2  
 Boundary Details 102.2 Rev 2  
 Proposed Levels 104.2 Rev 2  
 Existing Levels 101.2 Rev 2  
 Removal Plan 103.2 Rev 2

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. Notwithstanding the plans submitted, prior to above ground works details of the window composition for the west and north elevation shall be submitted to and agreed in writing by the local planning authority. The approved scheme shall be implemented prior to the apartments being brought into use. The part of the window

marked obscurely glazed shall be obscurely glazed 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.

4. Final samples and specifications of all materials to be used on the external elevations of the development hereby permitted shall be submitted for approval in writing by the City Council, as Local Planning Authority prior to the erection of above ground structures. The approved materials shall then be used in the construction of the development.

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, EN1, H1 and DM1 of the Manchester Core Strategy.

5. The boundary treatment shown on plan Boundary Details 102.2 Rev 2 shall be completed before first occupation of the development and be retained at all times thereafter.

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 in order to comply with policies SP1 and DM1 of the Core Strategy.

6. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

7. In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the 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 agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this.

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. Prior to the commencement of above ground construction works a scheme for acoustically insulating the residential accommodation against noise from the local road network and the electricity substation shall be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be completed prior to the first occupation of the residential accommodation.

Reason - To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance pursuant to policy DM1 of the Manchester Core Strategy.

9. 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 noise level of 5dB (LAeq) below the existing background (LA90) at the nearest noise sensitive location.

The scheme should 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.

Reason - To secure a reduction in noise in order to protect future residents from noise disturbance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

10. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the first occupation of the development hereby approved. The car park shall then be available at all times 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.

11. Prior to the commencement of the development a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;

- o Hours of working;
- o Details of Wheel Washing;
- o Dust suppression measures;
- o Compound locations where relevant;
- o Location, removal and recycling of waste;
- o Routing strategy and swept path analysis;
- o Parking of construction vehicles and staff;
- o Hours of working;
- o Community Consultation strategy;

Development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents and highway safety, and avoid damage to or contamination of ground water including from wind blow, seepage or spillage at the site, pursuant to policies SP1, EN9, EN15, EN19 and DM1 of the Manchester Core Strategy.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any order revoking and re-enacting that Order with or without modification) none of the dwellinghouses or apartments shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

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.

13. Prior to the commencement of above ground development, details for the external storage of waste, including segregated recyclable waste (including details of a secure and ventilated bin store and details of the waste management contractor), shall be submitted to and approved in writing by the City Council as local planning authority. The approved bin store shall be retained in situ whilst the development is occupied and at all times thereafter.

Reason - In the interests of residential and visual amenity and public health pursuant to policy DM1 of the Manchester Core Strategy Development Plan Document.

14. No drainage shall be installed 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.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to Policy DM1 in the Core Strategy Development Plan Document and the policies and guidance within the NPPF and NPPG.

15. 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:

- a. Verification report providing photographic evidence of construction as per design drawings;
- b. As built construction drawings if different from design construction drawings;



c. 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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to Policy DM1 in the Core Strategy Development Plan Document and the policies and guidance within the NPPF and NPPG.

16. Prior to occupation further details of hard and soft landscaping treatment shall be submitted. Landscaping shall be implemented not later than 12 months from the date the buildings are first occupied. 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.

17. Prior to first occupation of the development the cycle parking shall be implemented in full and made available for use. The approved scheme shall remain available for use whilst the development is occupied.

Reason - To ensure there is adequate bicycle parking provision, pursuant to policies DM1, T1 and SP1 of the Manchester Core Strategy.

18. Prior to occupation of the development hereby approved details of appropriate signage shall be submitted to the local planning authority in writing. The signage is required in order to direct traffic in a one-way movement, to the rear of the commercial units with egress onto Greenbrow Road. This signage must be retained for as long as the site is in operation.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

19. The access gate to the neighbour to the rear at No. 33 Barnwood Road must remain available and unobstructed at all times.

Reason - To safeguard the amenities of a nearby resident, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

20. Above-ground construction works shall not commence until details of the measures to be incorporated into the development to allow for the provision of electric vehicle charging points have been submitted to and approved by the City Council as Local Planning Authority.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy (2012).

### **Local Government (Access to Information) Act 1985**

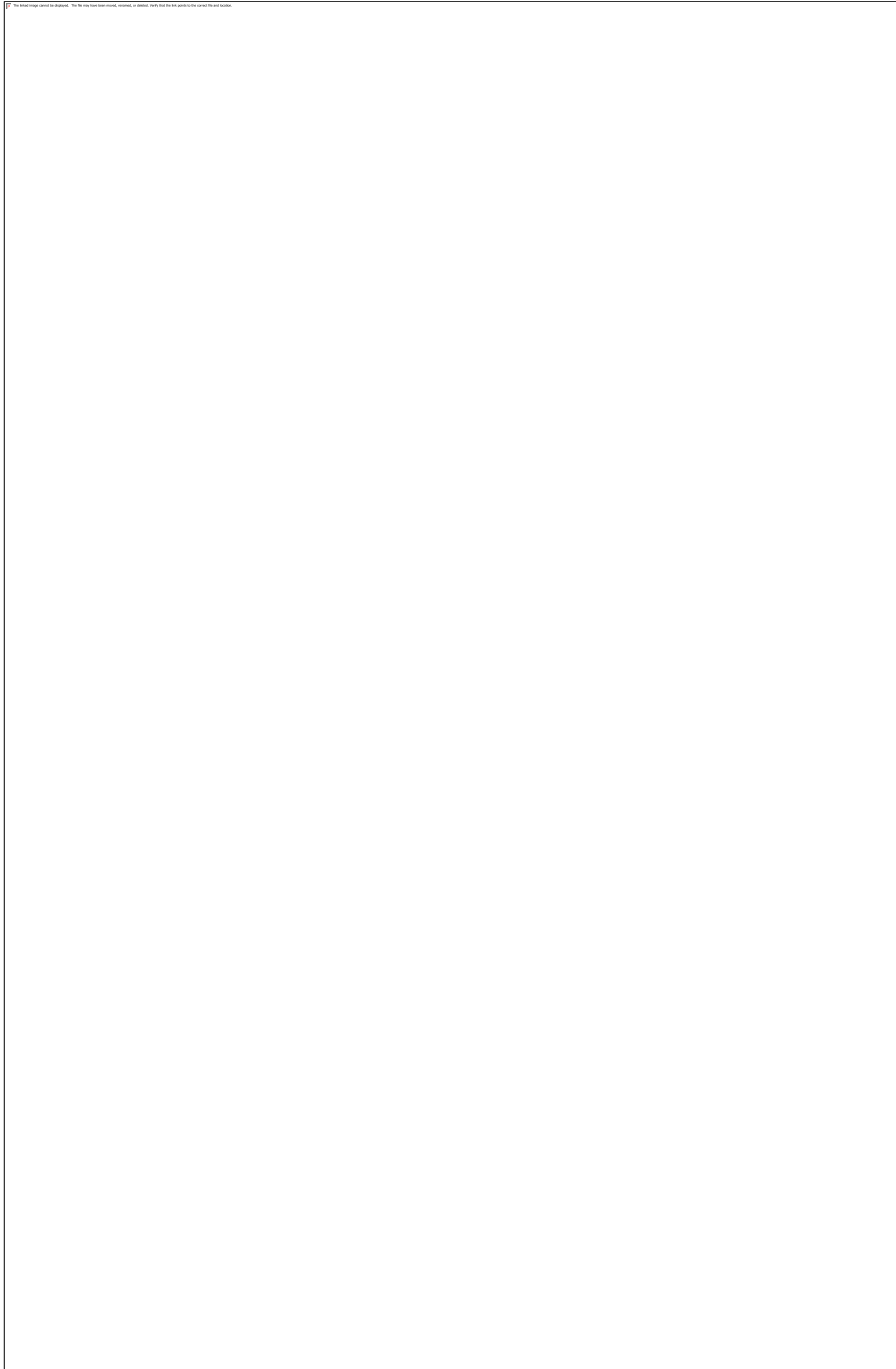
The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 123330/FO/2019 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions 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:**

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

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

**Relevant Contact Officer :** Linda Marciniak  
**Telephone number :** 0161 234 4636  
**Email :** l.marciniak@manchester.gov.uk



 Application site boundary  Neighbour notification  
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Application Number	Date of Appln	Committee Date	Ward
123437/FO/2019	2nd May 2019	25th Jul 2019	Piccadilly Ward

**Proposal** Demolition of existing buildings to facilitate construction of an 11 storey building with external terrace to form a mixed use development comprising office use (Use Class B1) and ground floor commercial units (Use Classes A1, A2, A3, A4, B1 and D2); creation of a new public square and associated landscaping, undercroft car and cycle parking, provision of plant and servicing and related access and highways' works and associated works.

**Location** 4 Angel Square, Corporation Street, Manchester, M4 4DU

**Applicant** NOMA (GP) Ltd, C/o Agent,

**Agent** Mr John Cooper, Deloitte Real Estate, 2 Hardman Street, Manchester, M3 3HF

## Description

The site is 0.68 ha, rectangular and bounded by Miller Street, Rochdale Road/A664 Ring Road, Munster Street and Beswick Row/Dantzig Street. It comprises two vacant industrial buildings of varying heights and the former Ducie Bridge public house which all front on to Miller Street. A hardstanding to the rear is used as a storage yard, temporary contractor parking and a car park



*Extent of the application site including layout and uses*

There is significant change in topography across the site. The lowest part is in the northern corner at the junction of Munster Street and Corporation Street. A further

drop of 1 metre occurs on the bend in the ring road where Corporation Street meets Aspin Lane. The highest part is at the eastern point where it interfaces with Angel Square. The difference in level is around 4.5 metres, which equates to a large storey height. There is a vehicular access from Miller Street via Beswick Row, which becomes one-way and connects to Munster Street and Oswald Street, which runs north to south through the Site.



*Existing view of the site and buildings with 1 Angel Square and Parkers Hotel in view*

The site is part of NOMA which comprises of large cleared sites and historic offices and warehouses, six of which are Grade II listed. When the Co-operative group moved to 1 Angel Square in 2013, many listed buildings became vacant. The re-use and repurposing of the historic estate has been an integral part of the regeneration strategy for NOMA.

This strategy is underpinned by a Strategic Regeneration Framework adopted in 2009 and updated in 2010, 2013 and most recently in 2015 which seek to create a commercially led, mixed use destination covering an area of approximately 20 acres.

The site is surrounded by a variety of uses and buildings in the NOMA estate, including 1 Angel Square, as well as residential and serviced apartments, public realm and landscaping at Sadler's yard and Angel Meadows. The site is close to Manchester Victoria Station and Shudehill interchange. There are temporary surface car parks nearby which should be developed as office led mixed use developments.

There are no listed buildings on site and it is not within a conservation area. However, there are listed building is close proximity and the Smithfield and Shudehill conservation areas are nearby. The buildings on the site have some interest.

### **The proposal**

The application proposes a 22,025 sq m Grade A office building. The accommodation would be flexible and could be sub-divided as necessary to attract larger and small occupiers. The massing aims to respond to adjacent building heights. The lower part of the building is 7 storeys with a 4 storey component above which twists about a central pivot point.

It will be necessary to provide a new primary substation on a site directly to the north of this site to facilitate future development at NOMA. This is the subject of planning application (123438/FO/2019). This is a critical piece of infrastructure that would be delivered as a standalone development.



*Indicative view of the proposal corner of Miller Street/Corporation Street*

The building would have a reconstituted stone concrete frame providing a solid appearance. It would have a two storey order, with each bay having a precast spandrel panel. The windows would be deeply recessed with dark grey aluminium frames.

An external roof terrace at level 10 would provide amenity space for employees. There would be 725 sqm of commercial floor space on the ground floor which could be subdivided and used for A1 (excluding food retail), A2, A3, A4, B1 of D2 (excluding gym uses) uses.



### *Proposed ground floor layout*

The basement would contain 57 car parking spaces including 4 disabled bays (7%) and 26 electric vehicle charging points (45.6%). There would be 212 cycle spaces, including showers long with a refuse area and plant rooms.

The proposal includes a colonnade, a public square and a landscaped service area. The service area would be accessed from Corporation Street in the same location as the existing junction with Munster Street. It would provide access to the basement for delivery, refuse and other servicing requirements.

This planning application has been supported by the following information:

- Supporting planning and tall buildings statement;
- Heritage report;
- Noise assessment;
- Design and access statement;
- Statement of consultation;
- Crime Impact Statement;
- Transport statement;
- Travel Plan;
- Flood risk and drainage strategy;
- Waste management strategy;
- Environmental standards statement (including BREEAM);
- Energy Statement;
- Ventilation strategy;
- Ecology and bat survey;
- Archaeology assessment;



- Wind assessment
- Daylight and sunlight assessment;
- Air Quality;
- Waste management;
- Demolition and construction management plan;
- Ground conditions report; and
- TV reception study.

## Consultations

### Local residents/public opinion

The proposal has been advertised as a major development and of being of public interest together with affecting the setting of a conservation area and a listed building. Site notices were displayed around the site. Notification letters were sent to 249 residents and businesses over an extensive area and no representations were received.

**Highway Services** - Traffic movements could be absorbed in the network. The vehicular access would require some highway modifications and improvement to the public realm. Further details would have to be agreed about a pedestrian crossing on Miller Street. A construction management plan should be prepared as part of the development and The travel plan framework should be developed into a full travel plan when the development is occupied.

**Environmental Health** – The waste management strategy is acceptable. The operating hours for the ground floor commercial uses shall be agreed along with details of fume extraction and acoustic insulation. Details of plant should be agreed by condition. Deliveries should be restricted to 07:30 to 20:00 Monday to Saturday and 10:00 to 18:00 on Sundays. Details of the lighting should be agreed. The measures outlined within the air quality report should be implemented. Further details are required in respect of ground conditions.

**Flood Risk Management** - Details of a surface water drainage scheme with a management regime and verification report are required.

**Neighbourhood Services (Trees)** – The planting scheme has some interesting specimens which is welcomed.

**Greater Manchester Ecology Unit** – An internal and external ecology survey found no evidence of bats but there were features within the building which could support crevice dwelling bats. A number of precautionary measures are recommended prior to demolition. This should include the slate of the building being removed by hand. If bats are found at any time during the works, it should cease immediately and appropriate advice sought. The buildings could support nesting birds and there should be no demolition during bird nesting season unless the site has been inspected by a competent ecologist. The proposal should include biodiversity improvement measures.

**Network Rail** – Consideration should be given to Network Rail’s crane guidance should one be required.

**Environment Agency** – The site appears to have been the subject of past industrial activity which poses a risk to pollution to controlled waters. Consultation should take place with the Councils own specialist in this regard.

**Greater Manchester Archaeological Advisory Service** – The site could contain remains dating back to the late medieval and post medieval period activity and settlement along Long Millgate. There is a possibility of remains relating to 18<sup>th</sup> and 19<sup>th</sup> century workers housing and commercial buildings which were cleared in the 20<sup>th</sup> century. The remaining buildings on the site date to this period. All of these poses archaeological interest but their significance is likely to be local and/or regional rather than national.

A condition should require a programme of archaeological work commencing with a historic building survey of the buildings to be demolished followed by a targeted evaluation trenching. Dependent upon the results of the evaluation this might then lead on to a programme of open area excavation.

**Manchester Conservation Areas and Historic Building Panel** – The panel felt that important smaller scale historic buildings, which contribute to the character of the area, were being replaced with much larger buildings to the detriment of the area. Non-designated heritage assets such as the Ducie Street Hotel are of intrinsic quality and form a subservient group with the listed Parker’s hotel providing group value. They make a valuable contribution and are being eroded and a development of this scale is a rather brutal intervention considering the context of smaller buildings. The applicant should look at retaining and repairing these buildings and complete the other side of the block with low rise development.

## **Policy**

### **The Development Plan**

The Development Plan consists of:

- The Manchester Core Strategy (2012); and
- Saved policies of the Unitary Development Plan for the City of Manchester (1995)

The Core Strategy was adopted in July 2012 and is the key document in the Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) and sets out the long term strategic planning policies for Manchester’s future development.

A number of UDP policies have been saved and 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 as directed by the National Planning Policy Framework (NPPF).

The NPPF requires application to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The relevant policies within the Core Strategy are as follows:

### **Strategic Spatial Objectives**

The Core Strategy contains a number of Strategic Spatial Objectives that form the basis of the policies contained therein, as follows:

**SO1. Spatial Principles** The development would be in a highly accessible location and reduce the need to travel by private car and therefore support the sustainable development of the City and help to halt climate change.

**SO2. Economy** The scheme would provide new jobs during construction along with permanent employment and facilities in a highly accessible location. The employment opportunities would support the City's economic performance, reduce economic, environmental and social disparities, and help to create inclusive sustainable communities.

**SO5. Transport** The development would be highly accessible, reduce the need to travel by private car and make the most effective use of public transport facilities. The use of sustainable transport networks would improve physical connectivity and enhance the functioning and competitiveness of the city and provide access to jobs, education, services, retail, leisure and recreation.

**SO6. Environment** The development would seek to protect and enhance the natural and built environment and ensure the sustainable use of natural resources in order to: mitigate and adapt to climate change; support biodiversity and wildlife; improve air, water and land quality; and, ensure that the City is inclusive and attractive to residents, workers, investors and visitors.

**Policy SP 1 (Spatial Principles)** - This sets out the key special principles which will guide the strategy. Development in all parts of the City should:

“Make a positive contribution to neighbourhoods of choice including: creating well-designed places that enhance or create character; making a positive contribution to the health, safety and wellbeing of residents; considering the needs of all members of the community regardless of disability; and, protect and enhance the built and natural environment”

The development would be highly sustainable and would deliver economic and commercial development within the Regional Centre. It would complement NOMA and be accessible by all forms of sustainable transport and therefore maximise the potential of the City's transport infrastructure. It would contribute to creating an attractive neighbourhood, create a well-designed place that would enhance and create character; re-use previously developed land; and, reduce the need to travel.

**Policy EC1 – Land for Employment and Economic Development** – The proposal would develop a highly accessible site within a key location for employment growth.

It would help to spread the benefits of growth across the City and thereby help to reduce economic, environmental and social disparities and help to create an inclusive sustainable community. The site is well connected to transport infrastructure and would encourage walking, cycling and public transport use.

The City Centre is a key location for major employment growth and the proposal would create new jobs during the construction phase and when in operation. The design would use the site efficiently and enhance the sense of place within the wider area. It would provide users and employees with easy access to a range of transport modes and create a safer place by reducing opportunities for crime.

**Policy EC3 The Regional Centre** – The development would be in an appropriate location within the Regional Centre which has excellent sustainable transport facilities. The scale and type of office development would not undermine delivery of employment space elsewhere within the City Centre.

**Policy CC1 – Primary Economic Development Focus (City Centre and Fringe)** - The proposals would deliver a high quality new office building, providing office floorspace within a part of the City Centre identified in Policy CC1 as a focus for primary economic development.

**Policy CC5 Transport** - The proposal would contribute to improving air quality by being accessible by a variety of modes of sustainable transport.

**Policy CC6 City Centre High Density Development** - The proposals would be a high density development and maximise the efficient use of land available within the challenging constraints of the site.

**Policy CC7 Mixed Use Development** – The proposal would create an active ground floor with the potential for A1, A2, A3, A4, B1 or D2 uses.

**Policy CC8 Change and Renewal** - The proposed development would create temporary employment during construction.

**Policy CC9 Design and Heritage** - The development would be of a high quality design. It would have an impact on the settings of nearby listed buildings and conservation areas. This is discussed in more detail later in the report.

**Policy CC10 A Place for Everyone** – The proposals would complement the ongoing wider regeneration of NOMA. It would be fully accessible.

**Policy T1 Sustainable Transport** – The proposal would encourage modal shift away from car travel to more sustainable alternatives and include improvements to pedestrian routes and the pedestrian environment which would prioritise pedestrian and disabled people, cyclists and public transport.

**Policy T2 Accessible Areas of Opportunity and Need** – The proposal would be easily accessible by a variety of sustainable transport modes and would help to connect residents to jobs, local facilities and open space.

**Policy EN1 Design Principles and Strategic Character Areas** - The proposal involves a high quality design, and would result in development which would enhance the character of the adjacent conservation area and the overall image of Manchester. The design responds positively at street level and would enhance the City's permeability. The positive aspects of the design of the proposals are discussed in more detail below.

**Policy EN3 Heritage** – The proposal would have an impact on the settings of the nearby listed buildings and conservation areas. This is discussed in more detail later in the report.

**Policy EN6** The development would be expected to comply with the target framework for CO2 reductions from low or zero carbon energy supplies. An Energy Statement, which sets out how it would comply with this policy.

**Policy EN8 - Adaptation to Climate Change** – A BREEAM Assessment and Sustainability Report, identifies measures that will ensure that the development would reach a target rating of “Excellent”.

**Policy EN15 - Biodiversity and Geological Conservation** – The site is not high quality in ecology terms and therefore no mitigation is required.

**Policy EN16 - Air Quality** The proposal would be highly accessible by all forms of public transport and reduce reliance on cars and therefore minimise emissions from traffic generated by the development. The proposal is not considered to compromise air quality. Car parking levels at the site are low and there is provision to encourage cycling together with electric car charging. Dust suppressions measures will be used during the course of the construction process.

**Policy EN17 – Water Quality** – An assessment of the site's ground and groundwater conditions shows the proposal would be unlikely to cause contamination to surface watercourses and the impact on water quality can be controlled by a condition.

**Policy EN18 - Contaminated Land and Ground Stability** - A desk study identifies possible risks arising from ground contamination and, as under Policy EN17 above, the impact could be controlled through a condition.

**Policy EN19 Waste** - The development would be consistent with the principles of waste hierarchy. A Waste Management Strategy sets out how waste production would be minimised during construction and operation. The onsite management team will ensure the various waste streams are appropriately managed.

**Policy DM1 Development Management** - This sets out the requirements for developments in terms of BREEAM 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.

These issues are considered full, later in this report.

### **Saved UDP Policies**

The following saved UDP policies need to be considered in relation to the application.

**DC18.1 Conservation Areas** – The proposal would maintain the character and appearance of the adjacent conservation area. This is discussed in more detail later in the report.

**DC19.1 Listed Buildings** – The proposal would have an impact on the settings of the nearby listed buildings. This is discussed in more detail later in the report.

**Policy DC20 Archaeology** – An archaeological desk based assessment concludes that the development would not have an impact on any significant remains.

**DC26.1 and DC26.5 Development and Noise** – The application is supported by acoustic assessments and it is considered that the proposal would not have a detrimental impact on the amenity of surrounding occupiers through noise. This is discussed in more detail later on in this report.

**Saved policy E3.3** states that the Council will upgrade the appearance of the City's major radial and orbital roads and rail routes. This will include improvements to the appearance of adjacent premises; encouraging new development of the highest quality; and ensuring that landscape schemes are designed to minimise litter problems. The IIR significant road route in the City. This proposal provides a building of the highest quality design which will provide new homes for this part of the City.

### **National Planning Policy Framework (2019)**

The revised NPPF was adopted in July 2018 and re-issued in February 2019. The document states that the '*purpose of the planning system is to contribute to the achievement of sustainable development*'. The document clarifies that the '*objective of sustainable development can be summarised as meeting the needs of the present*

*without compromising the ability of future generations to meet their own needs'* (paragraph 7).

In order to achieve sustainable development, the NPPF states that the planning system has three overarching objectives – economic, social and environmental (paragraph 8).

Section 6 '*Building a strong and competitive economy*' states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 80).

Section 8 '*Promoting Healthy and Safe Communities*' states that *planning policies and decisions should aim to achieve healthy, inclusive and safe places* (paragraph 91).

Section 9 '*Promoting Sustainable Transport*' states that '*significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health*' (paragraph 103).

Developments should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 109).

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations (paragraph 110).

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a

transport statement or transport assessment so that the likely impacts of the proposal can be assessed (paragraph 111).

Section 11 '*Making effective use of land*' states that '*planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions*' (paragraph 117).

Decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places. (paragraph 122)

Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

Paragraph 123 (c) states that Local Planning Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the NPPF. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Section 12 '*Achieving Well Designed Places*' states that '*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*' (paragraph 124).

Planning 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.

The NPPF is clear that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also 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). (paragraph 130).

In determining applications, great weight should be given to 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 (paragraph 131).

Section 14 '*Meeting the challenge of climate change, flooding and coastal change*' states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (paragraph 148).

Section 15 '*Conserving and Enhancing the natural environment*' states that planning decision should contribute and enhance the natural and local environment by protecting valued landscapes, minimising impacts on and providing net gains for biodiversity, preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability and remediating contaminated land.

Section 16 '*Conserving and enhancing the historic environment*' states that in determining applications, Local Planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation (paragraph 189).

In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness. (Paragraph 192)

In considering the impacts of proposals, paragraph 193 states that the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use (paragraph 195).

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197).

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 and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

**Guide to Development in Manchester Supplementary Planning Document (SPD) 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.

The SPD states that proposals should seek to ensure that the use of the building reflects their purpose and the place in which they are located. Development should enliven and define neighbourhoods and promote a sense of place. Development should have regard for the location of sustainable public transport and its proximity.

In relation to crime issues, the SPD requires that prevention measures should be demonstrated, and include the promotion of informal surveillance, CCTV, good lighting and stewardship.

**Manchester's Great Outdoors – a Green and Blue Infrastructure Strategy for Manchester (2015)**

*Adopted in 2015, the vision for the strategy is that 'by 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow'*

There are four objectives in order to achieve this vision:

1. Improve the quality and function of existing green and blue Infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment

The proposal will provide enhanced landscaping to the site in the form of new tree planting and shrubs which will provide for biodiversity improvements.

### NOMA regeneration framework (2010)

This regeneration framework covers the 20 acres of land surrounding the Cooperative headquarters. This considered in detail how the Cooperative group, together with the City Council, could achieve a new high quality City Centre district together with other long term strategies for the area.

The application site is located within the 'major office zone' where it is anticipated to offer large office floorplates which are limited in the city centre. This area can also take advantage of the proximity to the major transport hubs of Victoria and Shudehill.

The creation of a Grade A office cluster characterised by large floorplates (15,000+ sq ft) and high quality specification will be encouraged. With access to new public realm and existing parkland areas, supported by a new utilities network wholly powered by green energy, connected to a range of transportation and access options, while also linked to the core of the City Centre and the dynamic refurbished Listed Estate, this area will offer a unique combination of attractions. The Major Office Zone will therefore provide a new option into the Manchester and UK market, with a combination of assets and attractions not delivered anywhere else in the city.

### Lower Irk Valley – Neighbourhood Development Framework (January 2016)

The development framework has been prepared in order to help guide future development in the areas as part of establishing new development and supporting public realm, highways and other infrastructure as part of a residential led neighbourhood.

The framework establishes core principles that seek to complement adjoining regeneration areas and coordinate with the principles established within the frameworks of these areas. The idea of connectivity from the City Centre and NOMA to areas and existing communities of Collyhurst in the north together with New Cross to the east and Angel Meadow to the south is vitally important as part of improving connections, new development and high quality public realm.

### City Centre Strategic Plan 2015-2018 (March 2016)

On the 2 March 2016 the City Council's Executive approved the City Centre Strategic Plan which seeks to provide an up-to-date vision for the City Centre within the current economic and strategic context along with outlining the key priorities for the next few years for each City Centre neighbourhood. This document seeks to align itself with the Manchester Strategy (January 2016) along with the Greater Manchester Strategy. Overall the City Centre plan seeks to "*shape the activity that will ensure that the City Centre continues to consolidate its role as a major economic and cultural asset for Greater Manchester and the north of England*".

It should also be noted that the strategic plan approved by the Executive also endorsed an extended boundary of the City Centre upon which the strategic plan is based. This extended boundary includes the application site and the wider New Cross area.

Indeed the strategic plan states that the growth of the City Centre “*has contributed additional residential accommodation, commercial property and leisure destinations, and these locations (together with others including the Irk Valley and New Cross) have clear potential to contribute to the City Centre offer: their relationship with, and proximity to, existing concentrations of activity demands their inclusion with the City Centre boundary. The expansion of the City Centre boundary to incorporate edge of centre neighbourhoods and developments will increase a population that has already trebled over the last decade and subsequently further enhance the City Centre economy*”

It is therefore clear that from this document that the expansion of the City Centre boundary to include areas such as New Cross is vital in terms of delivering the City’s growth objectives for residential, commercial and population growth.

The City Centre plan particularly recognises the role that New Cross can play in terms of delivering residential growth and providing a higher quality residential offer in line with the regeneration framework. Indeed, the strategy recognises that by incorporating new areas such as NOMA, New Cross and the Irk Valley within the City Centre boundary it will allow for better linkages with the communities of North Manchester to the City Centre along with providing a catalyst that can drive further residential development in these areas.

As a result, one of the key priorities for the Northern Quarter is to “*explore options to develop connections to Ancoats/New Islington and New Cross, spreading the creativity of the Northern Quarter eastwards and also maximising the opportunities presented by the growing communities in those areas*”.

#### Manchester Strategy (January 2016)

The strategy sets the long term vision for Manchester’s future and how this will be achieved. An important aspect of this strategy is the City Centre and how it will be a key driver of economic growth and a major employment centre. Furthermore, increasing the centre for residential is fundamental along with creating a major visitor destination.

#### **Other legislative requirements**

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 (the "Listed Building Act") provides that "in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State 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"

Section 66 Listed Building Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving the setting. Members should consider whether there is justification for overriding the presumption in favour of preservation.

Section 72 of the Listed Building Act provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

### **Conservation Area Designations**

#### **Shudehill Conservation Area Declaration**

The Shudehill conservation area is bounded by Hanover Street, Riga Street, Mayes Street, Shudehill, Withy Grove and Corporation Street. It also includes one building on the north side of Hanover Street, fronting Corporation Street.

The west side of the conservation area is composed of large buildings constructed during the 20<sup>th</sup> century. These line the east side of Corporation Street and turn the corner up Withy Grove. The older, smaller scale properties which survive today are situated to the east side of the conservation area.

The small-scale commercial premises on Shudehill and Withy Grove date from the 18<sup>th</sup> century.

The conservation area is dominated by the buildings associated with the Co-operative estate. The main building, built between 1905 and 1906 lies on Corporation Street between Balloon Street and Hanover Street. There are other buildings in the vicinity which display the development of commercial architecture through the 20<sup>th</sup> century. The CIS building is immediately outside but adjacent to the conservation area.

#### **Smithfield Conservation Area Declaration**

Historically, the predominant building type was food markets. Few of these are still standing, and those that are have been converted to other uses. Principal amongst them is the retail fish market, which is now the craft village. This building, significant among indoor markets, was an extension to the original retail fish market constructed during the 1890s.

The Smithfield Market Hall on Swan Street is a two-storey stone building dated 1858. The detail around the main entrances takes its inspiration from the architecture of classical Greece, and each principal semi-circular arch has a bull's head carving on the central large key block. Originally a meat market, it soon became a vegetable market, and in recent years has been a training workshop for the Greater Manchester Youth Association.

No. 29 Swan Street is a Ruskinian Gothic-style building in orange-red brick with stone dressings. It has coloured bricks in the arches over the windows, with projecting stone hood-moulds, and also an overhanging oriel window at first floor level. Some of the stonework is richly carved in a leaf pattern, which forms both horizontal cornice banding and decorating near the windows.

#### **Issues**

## Principle of the redevelopment of the site and contribution to regeneration

Regeneration is an important planning consideration. The NOMA Strategic Regeneration Framework and masterplan seeks to create a commercially-led, mixed use destination at the northern gateway to the city centre. NOMA has already made significant progress in delivering its vision with around 6,000 people working there, bringing back historic buildings into active use, investment in public realm including the creation of 1 Angel Square and Sadler's Yard and other social and economic value objectives.

The site is identified in the masterplan as being suitable for a large floorplates office scheme to continue the process of economic growth in this area. This is essential to ensure that the city centre remains competitive and investment in Manchester continues.

The City Centre is the primary economic driver in the City Region and the City Centre must continue to provide office space that meets occupier requirements. This is by section 6 of the NPPF which states that *'significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'*

There is an acknowledged shortage of good quality office accommodation within the regional centre and, as occupational demand continues to grow, good quality products must be brought forward in sustainable locations such as this which have been specifically designated to accommodate such uses.

The proposal would continue the regeneration of NOMA and support economic growth, by delivering 22,025 sqm of Grade A office accommodation. This would create jobs, active ground floor uses and significant areas of public realm.

The site is in close to Victoria station and Shudehill interchange which makes it ideal for office use. Many amenities are nearby.

The former Ducie Bridge public house, Miller House (88a Miller Street) and 86 Miller Street would be demolished to facilitate the proposal. These buildings are not listed and are not located within a conservation area. Whilst they have some heritage interest, which is set out below, they have no formal designation as a heritage asset.

The Ducie Bridge public house ceased trading in August 2015 and has not operated since. It has been significantly remodelled and a large number of its original features have been removed. Whilst the loss of the public house would remove a building that has some social value, as well a local architectural interest, the loss of the building is outweighed by the creation of much needed high quality office accommodation in the city centre.

The proposal would create in the region of 2000 permanent jobs in a range of skills, together with temporary jobs during the construction period. There would be opportunities for local people to access employment during the construction period which would be agreed by a local labour agreement.

The investment made in delivering this next phase of the NOMA masterplan would act as a catalyst to unlock the wider masterplan thereby continuing the success, economic growth and job creation in this part of the city centre.

The design would be of the highest quality, energy efficient and provide further investment in the public realm which would enhance pedestrian connectivity to the city centre and around the northern gateway.

The development would therefore be consistent with the City Centre Strategic Plan and would complement and build upon the City Council's current and planned regeneration initiatives and as such would be consistent with sections 1 and 2 of the National Planning Policy Framework, and Core Strategy policies SP1, EC1, CC1, CC6, CC7, CC8, CC9, CC10, EN1 and DM1. As such, it is necessary to consider the potential impact of the development.

### **Visual amenity**

The main entrance would be on Miller Street providing clear visibility when viewed from the junction with Corporation Street, Dantzig Street and the new pedestrian link in between New Century Hall and House from Sadler's yard. A double height recess in the façade would give it prominence.

It would provide access to a large reception with access to one of the commercial units. There would be a secondary access to this unit from the colonnade. A separate office suite to the rear of the ground floor would be accessed from the main core and an additional retail unit accessed from the public square. Due to the topography of the site, the office suite is elevated above Corporation Street and the service yard.

A landscaped service area off Corporation Street provides access to the lower ground floor parking area, cycle and refuse stores.

The scale and appearance responds positively to this prominent site and the density and pattern of development in the area. Building heights vary with Number 1 Angel Square at 14 storeys whilst Angel Gardens (currently under construction) is part 7, part 35 storey. On the opposite side of Miller Street is the CIS tower and New Century Hall, whilst Parker Hotel on the opposite side of Corporation Street is ?. There is also New Victoria adjacent to Victoria Station where buildings of 26 and 21 storeys have been approved.

The 11 storey proposal would complement the scale and density which exists and is emerging. It would complement this 5-7 storey datum created by the much older buildings in the area with a 7 storey lower building form with a 4 storey block added on top which twists about a central pivot point on the north and south axis.

This shift enables the building to activate each corner of the site. The 7 storey element consists of a double height ground floor with the eastern edge parallel to Beswick Row pushed back to form a 6 metre-wide double height colonnade.



The elevations have been developed to express the building as two coherent interlocking forms. A proportioned grid and consistent palette of materials has developed from this.

All of the elevations of the building adopt a double storey grid which is commonly found in heritage buildings. This has been combined with the articulation of deep, shadowed and recessed fenestrations.

The façade is divided into rectangular bays 3 metre-wide with a 2 storey proportion formed from a precast concrete frame with a 500mm outer face. The use of a high quality reconstituted stone frame gives a solidity to the façade whilst the grid replicates the language of the nearby 1960s tower and New Century House as well as that at Angel Gardens.

At the base of the building, each two storey bay is precast concrete spandrel panel, set back 300mm from the face of the outer grid and in the same material. These solid spandrel panels help strengthen the building's solidity and act as a horizontal weave.

Above the solid spandrel panel, the two storey window has a dark grey aluminium frame approximately 100 mm deep, set flush with the spandrel panel. The frame has a central mullion which provides another layer of vertical articulation to the grid. The glazing is set back approximately 100mm from the face of the frame to increase the depth within the reveals which in turn provides an element of shading and shadow modelling.

The extent of glazing within each bay is maximised through the use of a single glass to glass joint.



*Typical bay detail*

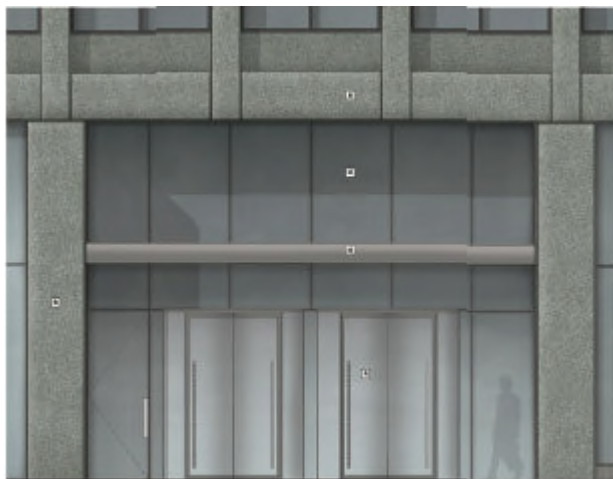
The colour of the façade reflects its context and the language found in the wider NOMA estate particularly around Sadler's Yard. The darker colour proposed would accentuate the grid format particularly the predominant glass façade of the building.



*View from Miller Street looking north west*

The ground floor would read as a single mass with 8 large columns clad in the same precast concrete forming the colonnade along the east elevation. The concrete grid at ground floor increases from 500mm to 1000mm wide across all four elevations. The increase in solid mass would help to ground the building and differentiate it from the office floors above.

The main entrance on Miller Street is recessed across 3 bays and measures approximately 1.7 m deep by 8 m wide by 6.4 m high. A solid canopy projects beyond the building line.



*Miller Street main entrance*

The north elevation would accommodate the servicing access along with some of the plant requirements for the building and the elevations would be more solid. The access to the lower ground floor car park is via dark grey roller shutters set within a continuous louvred wall providing ventilation. Above the louvred wall is a horizontal band of living green wall forming part of the retaining structure to the new square above.

Overall the design would provide an individual and distinctive piece of architecture. The scale of the building is appropriate in this location and the materials deliver a simple and effective façade treatment. Conditions of the planning approval will ensure that the materials are devised and undertaken to the highest standard.

### **Impact on the historic environment**

The site is not in a conservation area and does not contain any listed buildings. It is close to the boundaries of the Smithfield and Shudehill conservation areas and the following listed buildings: Parkers Hotel (Grade II), Ashton House (Grade II), New Century House (Grade II), former Co-op bank building (Grade II), CIS building (Grade II), Hanover building (Grade II) and City Buildings (Grade II).

Legislation and planning policy seek to preserve and enhance the character, appearance, and historic interest which heritage assets possess. Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

("P(LBCA)A 1990") require that 'special regard' be paid in taking decisions affecting listed buildings and their settings and conservation areas.

A heritage assessment has considered the impact of the proposal on the historic environment as required by paragraph 189 of the NPPF. The impact on the setting of the heritage assets and on key views has been assessed to allow the impact of the proposal to be understood and evaluated. The affected listed buildings and conservation areas form part of the wider character and view of the site and have been considered in detail. The heritage assessment has also considered the loss of the existing buildings. The proposal does not impact on the setting of the conservation area in any meaningful way.

The heritage assets have been considered within 6 key viewpoints and the impacts on each view point can be summarised as follows:

**View 1** – The is from the west side of Corporation Street, to the south of its junction with Miller Street and Cheetham Hill Road. The Grade II Old Bank building is seen to the right along with an element of the tower of the Grade II New Century House. Grade II Parkers Hotel is clearly seen on the northern corner of the junction as is the modern building at One Angel Square. The view demonstrates the variety of building heights, forms, massing's, styles and materials along with the local highway network.

The proposal would be highly visible in this view responding appropriately to its position on this major junction in the city centre. The form, bulk, massing and use of materials sits well within a context of large buildings, including the listed New Century House and 1 Angel Square. The height of the proposal would result in a minor degree of harm to the setting of the listed Parkers Hotel but it would remain legible in its setting.



*View 1 – west side of Corporation Street*

**View 2** – is experienced from the south side of Cheetham Hill Road. The view is dominated by the rear of the Grade II listed Parker Hotel with the grade II CIS tower and Grade II New Century House to the right. The upper section of 1 Angel Square is visible. Cheetham Hill Road also dominates with the 19<sup>th</sup> century Bridge across the railway and tram lines.

The proposal would add a substantial new feature to this part of the city centre, but it's scale and appearance appropriate given the tall building in this context. The fenestration and façade would complement existing buildings such as the CIS tower and New Century Hall whilst providing a high quality backdrop to the utilitarian rear elevation of Parkers Hotel.

The proposal would have a positive impact on the view and benefit the setting of the nearby listed buildings. The building would dominate the view of the rear elevation of Parkers Hotel, but would not be detrimental and the listed building would remain legible.

*View 2 – view along Cheetham Hill Road*

**View 3** – is from Aspin Lane, looking towards the site and the city centre along Corporation Street. The right hand side of the view is dominated by modern medium rise residential development and the retaining wall to the adjacent railway approaching Victoria Satation. The left hand side is part of the Grade II listed Ashton

House. The rear elevations buildings at the site and be seen with the listed New Century House and the Old Bank Building. There are also long distance views towards more modern developments in the city centre such as Hotel Indigo and the National Football Museum.

The proposal would dominate the view, but the Old Bank Building is legible with the more modern buildings. New Century Hall would no longer be seen and the existing buildings would be removed from the site. The development would have a positive impact as its scale complements the surrounding development and the view appears more cohesive. Its fenestration complements surrounding built form. The removal of a partially vacant site from this view would have a minor beneficial impact on Ashton House.



*View 3 – view from Aspin Lane*

**View 4** – is from Sadlers yard looking north. All of the buildings are listed and the yard area provides a setting to these buildings. Number 1 Angel Square can be seen in the distance. The image provides a clear view of the mixture of building scales and styles in this area.

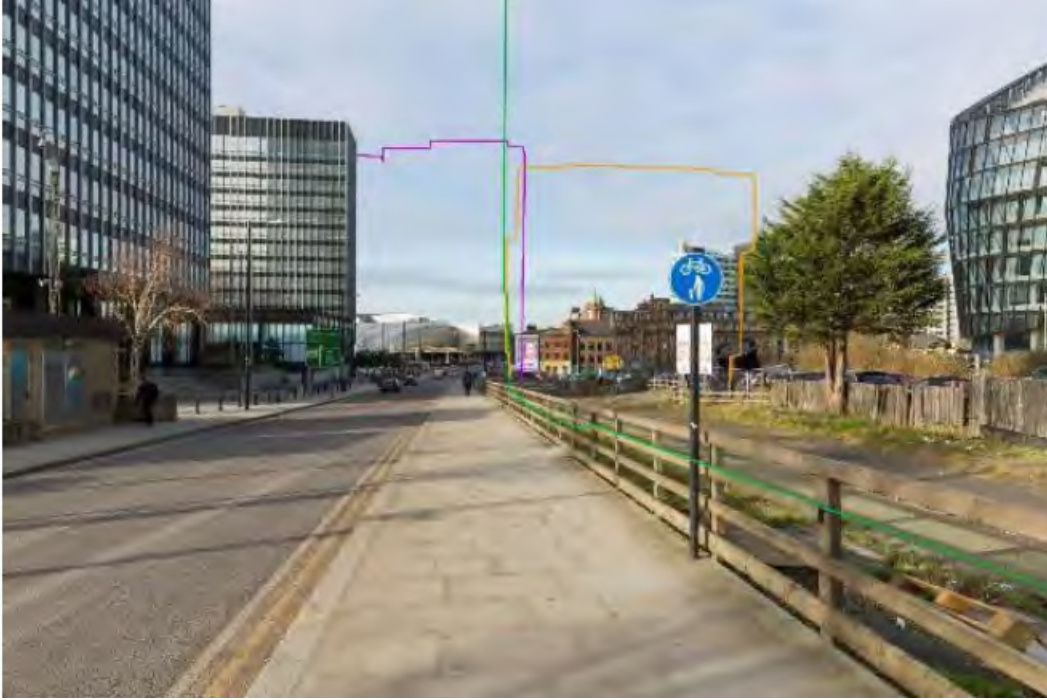
The proposal would be marginally visible in this view (shown as an orange wireline) and provide a contemporary backdrop to the listed building alongside 1 Angel Square. The scale, massing and fenestration of the development would respond with the details of the listed buildings and would not impact on the historic environment which will remain legible from the view.



*View 4 – view from Sadlers Yard*

**View 5** – is from Miller Street looking west. The view is dominated by the CIS and New Century House towers and New Century Hall. Number 1 Angel Square can be seen to the right and Parkers Hotel and the new roof to Victoria Train station are visible.

The proposal, in orange wireline, would complement the scale of the development in the area and would complement the listed buildings of New Century House and the CIS tower as well as 1 Angel Square together with removing a partially vacant site which has a negative impact on the setting of these listed buildings. The proposal would obscure the view of Parkers Hotel, however, the impact of this is considered to be minor given to a certain degree, it is obscured by the current buildings.



*View 5 – view from Miller Street*

**View 6** – is from the junction of Dantzig Street and Angel Street, looking towards the site. The view contains a number of listed buildings (New Century Hall, Old Bank and Parkers Hotel) but these are on the margins of the view which is dominated by the car park. Number 1 Angel Square is to the left of the view.

The proposal would dominate the view and complement the urban form. The proposal would complement the scale of New Century Hall. Whilst it would be taller than Parkers Hotel, the existing road network allows the listed building to remain largely understood and legible.





The site contains the former Ducie Bridge public house, Miller House (88a Miller Street) and 86 Miller Street. These buildings would be demolished. In considering the impact of the loss of these building, it is necessary to consider whether they have any historic value as defined by paragraph 197 of the NPPF which requires the *'effect of an application on the significance of a non-designated heritage asset to be taken into account in determining the application.*

Should the buildings be considered to be non-designated heritage assets then the NPPF requires *'a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*

The former Ducie Bridge public house was built between 1899-1901. The building has four floors including basement level and is constructed from red stock brick with red terracotta embellishments. The building has been extensively remodelled internally and externally and the original sash windows and doors have been lost, there is limited internal fabric with no fixtures and fittings of note with much of the interior being opened up by the removal of original walls and decorative features. The second floor and basement areas do retain the original plan layout, however, much of the original fabric has been removed.

In 2017, the public house was put forward for listing. However, this was rejected by Historic England who noted that all the windows have been replaced and the interior extensively remodelled which they judge to be a key factor when assessing 19<sup>th</sup> century public houses for listing. They found no evidence of *'high quality 1900 century bar furniture, plasterwork, tiling or other features that might be seen to be of potential special interest'*. Historic England concluded that the public house was *'fairly typical'* rather than of *'special interest'*.

The former Ducie Bridge public house, has some historic interest due to its architectural and communal value as a public house, but has low overall historic interest due to the lack of surviving fixtures, fittings and plan form.

Miller House was constructed in 1895 on the rear yard of the public house. The exterior of the property and consists of a rendered two storey brick building. The windows and doors have been replaced but the 1895 pediments over the upper window and entrance door can still be seen. The interior of the property does not contain any historic fixtures or fittings. Its condition together with the fact it has been substantially altered internally and externally and retains no historic features or fittings of note, means the heritage value of the property is low.

86 Miller Street was developed in three phases which is demonstrated by the long side elevation on Osmond Street. The narrow middle section to the middle forms the earliest part, dating to the late 18<sup>th</sup> century and originally a dwelling numbered 1 Oswald Street. The internal plan form and surviving chimney breasts/areas of original internal walls have been removed. The next phase can be seen to the left of the two bay dwellings, which was built as a commercial premises at some point during the 1830s. The third phase of the building is evident to the right which was built at some point between 1883 and 1891.

Internally, the floor plan of the building demonstrates the separate building phases. 19<sup>th</sup> Century columns exist and chimney breasts. The ground floor warehouse is also largely unaltered with original windows, painted brick walls and timber floorboards. The floorplan is repeated at first and second floors.

The building, due to its date, evidence of its former uses and historical development together with the survival of fixtures and fittings both internally and externally means that the building is of some local interest. However, it is not an exemplar of its type.

### **Impact Assessment**

The proposal would result in some instances of low level adverse impact on nearby listed buildings, particularly Parkers Hotel but the impacts would result in less than substantial harm and at the lower end of the scale. Any harm should be outweighed by the public benefits that would be delivered, in accordance with the guidance provided in paragraph 196 of the NPPF.

The existing buildings have been assessed for their heritage significance. The Ducie Bridge public house, has some architectural and social value, and was subject to a recent request for listing which was rejected by Historic England on the grounds on the quality of its interior and the fact that it was not an exemplar example of a public house of this era. Miller House is in a poor condition, both internally and externally, and therefore is no longer of any particular historical significance. 86 Miller Street is the most interesting of the 3 buildings, due to the phases of development which are evident and internal features which remain, but it is in a poor condition and not a particularly good example of its type.

These buildings are therefore not considered to be non-designated heritage assets as defined by the NPPF. Notwithstanding this, there are substantial public benefits

as a result of this proposal which outweigh any minor harm as a result of the loss of the existing buildings together with any minor harm to the surrounding listed buildings. These public benefits are considered in detail below.

Many buildings in the NOMA estate have been restored and re-used. In total, ten buildings have been restored, six of which were listed buildings.

In acknowledgment of the history of the existing buildings, and in line with the comments of GMAAS, the buildings should be subject to a historic building survey prior to their demolition.

There would be a minor degree of harm to the surrounding listed buildings as a result of the introduction of a tall building at this site, particularly to the setting of Parkers Hotel. This harm is less than substantial and at the lower end of the scale. In these circumstances, the NPPF requires that the public benefits should mitigate against this harm and these are considered in detail below.

The proposal would regenerate this partially vacant brownfield site within NOMA where change and development is expected to take place. The creation of high quality office accommodation would support economic growth and allow access to employment opportunities. The vacant buildings and car parking have a neutral impact on the setting and character nearby listed buildings.

This proposal would comprehensively develop the site and provide a development to the main street frontages as well as activating new areas of public realm which is a key requirement in NOMA. Large floorplate, grade A office accommodation is in demand in the City in close proximity to excellent public transport links.

The scale and appearance of the development would be appropriate and would complement surrounding development and respect the setting of 1 Angel Square and the nearby listed building, which remain clearly legible.

The development would be of a high quality and add positively to and complement the range of architectural styles found across the NOMA estate. The building would be a well detailed grid with deep window reveals and large amounts of glazing.

The level of harm would be less than substantial and it is necessary to assess whether the 'public benefits' would outweigh the identified harm. In assessing this, consideration must be given to para 8 of the NPPF which outlines the objectives to achieve sustainable development.

The public benefits are derived from redevelopment of a highly sustainable brownfield site within the NOMA masterplan area. The removal of the largely vacant site would allow a comprehensive high quality development which responds positively to all the surrounding streets.

The massing and elevational treatment would be high quality and follow many of the characteristics found on the nearby listed buildings. In particular, the creation of a cohesive, uniform development, and well detailed elevations including deep window reveals, would ensure a high quality development.

Over 22,000 sqm of Grade A office floor space would be created and the large floor plates would attract a variety of users. The floor plates are also flexible and can be adapted and subdivided. A flexible space on the ground floor which could be available to start-up businesses. The proposal would create in the region of 2000 permanent jobs in a range of skills, together with temporary jobs during the construction period. There would be opportunities for local people to access employment during the construction period which would be secured by a local labour agreement.

The investment made in delivering this next phase of the NOMA masterplan will also act as a catalyst to unlock the wider masterplan thereby continuing the success, economic growth and job creation in this part of the city centre.

The proposal would be energy efficient and provide further investment in the public realm which will enhance pedestrian routes, improving connectivity to the city centre and the northern gateway.

It is considered, therefore, that, notwithstanding the considerable weight that must be given to preserving the setting of the listed buildings and conservation areas as required by virtue of S66 and S72 of the Listed Buildings Act, and paragraph 193 of the NPPF, the harm caused would be less than substantial and would be outweighed by the public benefits of the scheme and meet the requirements set out in paragraph 196 of the NPPF.

### **Archaeology**

An archaeological assessment notes that archaeology may exist underground and that the existing building have some local significance. GMAAS consider that any remains and ground excavations should be recorded. They recommend that a survey of the buildings is carried prior to demolition. Following completion of the works, and depending on the quality of the archaeological investigations, there should be some form of commemoration of the remains. A condition should be imposed on the planning permission to this affect in order to satisfy the requirements of policy EN3 of the Core Strategy and saved policy DC20 of the UDP.

### **Ecology**

An ecological appraisal has concluded that there are no significant ecological constraints. There is some minor potential for disturbance of bat and bird habitats and Greater Manchester Ecology Unit have advised a condition that some precautionary measures take place prior to the demolition to minimise any disruption. The landscaping and street trees would enhance green infrastructure and biodiversity at the site and in the area in line with policy EN9 and EN15 of the Core Strategy.

### **Contribution to Improving Permeability, Public Spaces and Facilities and Provision of a Well Designed Environment**

A new pedestrian square would connect to the existing public realm at 1 Angel Square. The space would be active and used for pop up events and activities

managed by NOMA in a similar manner to Sadler's yard. There would be raised planters with trees, timber benches, bespoke lighting columns and a softened seating edge. The hard landscaping would include grey and red clay paving.

A pedestrian colonnade, comprising a covered walkway would lead from Miller Street to the square.



### *Landscape square and pedestrian colonnade*

The service yard would be landscaped with a central planter with pines and fern planting. Yorkstone paving would be provided to Miller Street and Corporation Street and a planting buffer to Miller Street, encased in a steel edging incorporating seating. 16 mature trees would be planted including large specimen pinus trees.

### **Effect of the development on the local environment and existing residents**

#### (a) Sunlight, daylight, overshadowing and overlooking

An assessment has been undertaken to establish the likely significant effects of the proposal on the amount of daylight and sun light received by properties which surround the site. Consideration has also been given to any instances of overlooking which would result in a loss of privacy. To assess the surrounding existing properties, the BRE guidelines have been used to provide a method for assessing daylight – Vertical Sky Component (VSC) and No Sky Line (NSL) methods. For the assessment of sunlight, the approach considers the Annual Probable Sunlight Hours (APSH) for a reference point on a window (i.e. if a window point can receive at least 25% APSH, then the room should still receive enough sunlight).

The residential properties which were assessed are as follows:

- Parker's Apartments (109-113 Corporation Street);
- Parker's Apartments (115 Corporation Street);
- Ashton House;
- 4 Aspin Lane;
- 83-85 Dantzic Street (Mansion Court); and
- Committed development, comprising proposed residential development at New Victoria.

A summary of the impacts is detailed below:

### **Daylight**

*Parker's Apartments (109-113 Corporation Street)* – A total of 100 windows, serving 67 rooms. 12 windows would experience a greater amount of daylight, 37 experience no change and the remaining 51 do not pass the initial VSC assessment. These 51 windows serve 31 rooms. Daylight distribution analysis demonstrates that 18 rooms out of 31 would retain levels of daylight distribution in excess of the 80% threshold. Whilst the remaining rooms would experience a degree of adverse impact given the urban context it is considered that the level of harm would not be sufficient to warrant refusal of this application.

*Parker's Hotel apartments (115 Corporation Street)* – There are 113 windows affected and all of the windows expect 3 pass the assessment with the overall impact being marginal and are affected due to existing balcony arrangements.

*Ashton House* – There will be limited impact on the windows of Ashton House. The daylight assessment shows that VSC levels post development are subject to limited reductions and that the residual VSC remains high for a city centre location.

*4 Aspin Lane* - There would be limited impact. VSC levels post development are subject to limited reductions and the residual VSC remains high for a city centre location.

*Manison Court (83-85 Dantzic Street)* – The post development VSC levels would either be subject to no change or very limited reductions and that residual VSC levels for the windows would remain high for a city centre location.

### **Sunlight**

*Parker's Apartments (109-113 Corporation Street)* – There would be a degree of impact on the south western end of the building. This impact is likely to be as a consequence of the New Victoria development. Without other committed developments in the area, where there are impacts on the level of winter sun, these generally remain above the BRE threshold. With committed developments, the results are marginally lower with regards to annual sunlight and winter sunlight. Of the 100 windows, there would be 31 which either previously enjoyed total sunlight hours in excess of the BRE threshold but which would fall below the threshold in the post development scenario.

*Parker's Hotel apartments (115 Corporation Street)* –There were 155 windows subject to analysis 9 which either previously enjoyed sunlight hours in excess of the BRE threshold and would not fall below this or previously fell below the threshold and would be subject to further reduction.

*Ashton House* – There will be one window within this building which will result in a slight reduction in sunlight which is considered moderate out of the 54 windows considered.

*Manison Court 83-85 Dantzic Street* – There will be a modest impact on sunlight hours within this development which will be further impacted on as a result of committed development in the local area. However, the changes are not considered to be detrimental with only a minor degree of impact where the BRE threshold will be reduced.

The impact on daylight to the windows in these buildings would be minor adverse. The area is generally occupied by dense blocks arranged around a tight street pattern and this inevitably means that impacts arise. These impacts are not unusual in this type of area and a balanced judgement has to be formed about the extent of the harm. The gap between the proposal and surrounding developments by the existing road network will assist in minimising any impacts. It is considered that the effects are acceptable in this context and do not warrant a refusal on this ground.

#### (b) TV reception

A TV reception survey has concluded that there is likely to be minimal impact on digital television services or digital satellite television services but should any arise it could be mitigated through antenna upgrade or realignment of the transmitter. A condition would require of a post completion survey to be undertaken to verify that this is the case and that no additional mitigation is required.

#### (c) Wind

A wind assessment has been undertaken to assess the impact of the development on the wind environment in and around the application site.

The proposal would result in suitable conditions for the intended users of the building. Entrances to the buildings, terrace area and public realm are all suitable for the intended uses. The proposal would improve several pre-existing safety issues outside of the site boundaries through the introduction of built form and deciduous and evergreen trees which form part of the landscaped strategy for the site.

Further consideration should be given the potential landscaping along the north side of the site which would further improve the wind environment around the application site and Parker Hotel. This should be explored further as part of the conditions of the approval.

#### (d) Air quality

An air quality assessment has considered whether the proposal would change the air quality during both the construction and operational phases of the development. The site is within an Air Quality Management Area (AQMA).

There would be dust for the construction process but this would be minimised as no demolition is required. A dust management plan would ensure that the dust and air quality impacts during the construction phase will not be significant and this should remain in place for the duration of the construction period.

The operational aspects would have limited impact on air quality. The majority of those working at the site would use public transport. There would be a low level of car parking at the development at 57 spaces. 26 car parking spaces would be fitted with an electric charging point. 212 secure cycle spaces are proposed along with shower facilities.

### **Fume extraction**

Fume extraction would be required for the commercial units if they are to be occupied by a food and drink use. A suitable scheme could be integrated into the scheme and a condition is recommended requiring details to be agreed.

### **Noise and disturbance**

A noise assessment identifies the main sources of noise would be from: plant and construction. The acoustic specification would limit noise ingress from external noise, particularly from nearby roads.

Construction noise would be acceptable provided that the strict operating and delivery hours are adhered to along with an acoustic site hoarding, equipment silencers and regular communication with nearby residents. This should be secured by a planning condition.

The office would operate on a 24 basis. The roof terrace would be used between 08:00 to 23:00 and the hours would be restricted by a condition.

The hours of the commercial units should be restricted to protect amenity and prevent unacceptable noise transfer. Acoustic insulation should be put in place and details of the plant equipment should be agreed for the entire building.

Provided that construction activities are carefully controlled and the plant equipment and residential and commercial accommodation are appropriately insulated the proposal would be in accordance with policy DM1 of the Core Strategy, extant policy DC26 of the UDP and the NPPF.

### **Waste management**

A waste management strategy details how waste would be managed. There would be a central collection point on each office floor for general and paper waste. The waste will be transferred to the basement refuse and recycling store. Waste from the retail and leisure uses will also be transported to the bin store area.



The waste store would have 23 bins. The following will be required for the office element of the scheme:

- 8 no. 1100 litre for non-recyclable
- 7 no. 1100 litre for dry mixed recycling
- 2 no. 1100 litre for glass recycling

The following will be required for the retail/leisure element of the scheme:

- 2 no. 1100 litre for non-recyclable
- 2 no. 1100 litre for dry mixed recycling
- 1 no. 600 litre for glass recycling
- 1 no. 240 litre for organic waste.

This requires a collection frequency of three times a week. Environmental Health have considered the waste management arrangements for the development to be acceptable and the implementation would be a condition.

### **Accessibility**

The proposal would be accessible. Four disabled car parking space would be provided within the basement car park in close proximity to the lift core. There is level access into the commercial units and office entrance lobby off Miller Street. All floors of the building are accessible by lift.

### **Impact on the highway network/car parking**

A transport statement has concluded that the number of trips generated would not have a detrimental impact on the local highway network. Access to the car and cycle areas will be via an access off Corporation Street. Highways services consider the layout of the entrance and car park to be acceptable.

The proposal requires some highway interventions including the introduction of a signalised junction at Corporation Street/Munster Street with priority Corporation Street. Footways would be improved as part of the upgrading of the public realm. Detailed discussions are progressing regarding a potential pedestrian crossing on Miller Street.

A draft travel plan encourages the use of sustainable forms of travel and conditions would require the production and implementation of a full travel plan. A draft construction management plan demonstrates that there would be minimal impact on the local highway network. A detailed plan would be produced as part of the conditions of any planning approval.

Overall, the development would have a minimal impact on the local highway network and there would be adequate car and cycle provision. Travel planning would take advantage of the sustainable location to further reduce the reliance on the car. The proposal therefore accords with policies SP1, T1, T2 and DM1 of the Core Strategy

### **Flood Risk/surface drainage**

The site is in flood zone 1 '*low probability of flooding*'. However, it is in a critical drainage area where there are complex surface water flooding problems from ordinary watercourses, culverts and flooding from the sewer network. These areas are particularly sensitive to an increase in rate of surface water run-off and/or volume from new developments which may exasperate local flooding problems. The applicant has prepared a drainage statement in support of their planning application. The Flood Risk Management Team require further details which should be secured by a condition together with verification and future management arrangements.

### **Sustainability and energy efficiency**

An energy and environmental standards statement demonstrates that the energy hierarchy has been applied and that low and zero carbon technologies would be used and would comply with part L (2010). In addition, a BREEAM pre-assessment has been submitted to support the application.

The BREEAM report demonstrates that the proposal can achieve a 'very good' rating with an opportunity to achieve 'excellent'. In addition, the proposal has the potential to deliver 21.75% CO2 reduction against Part L 2013.

Other measures are promoted to minimise water and energy demands. The use of public transport would be maximised through travel planning and cycle provision and landscaping would include biodiversity measures such as bird and bat boxes.

The overall energy performance would be satisfactory with an overall reduction in emissions as prescribed by policy EN6 of the Core Strategy. The development complies with the spirit of the Core Strategy with high quality building fabric and systems. The energy standards should be a condition of any approval.

### **Designing out crime**

The CIS recognises that the development would bring vitality to a partially derelict site and would present a more active frontage to improve natural surveillance. It is recommended that a condition requires CIS to be implemented in full in order to achieve Secured by Design Accreditation.

### **Ground conditions**

A ground conditions report notes that further information is required to inform the final remediation strategy. A verification report should confirm that the agreed remediation has been carried out.

### **Demolition and Construction management**

The work would take place close to homes and comings and goings from the site are likely to be noticeable. However, these impacts should be short in duration and predictable. A condition requires a construction management plan to be agreed which would include details of dust suppression measures, highways management plan and details of use of machinery. Wheel washing would prevent any dirt and debris along the road and beyond.

Limited information has been provided about routing but servicing vehicles are likely to use Miller Street/Corporation Street/Angel Street which should minimise disruption on the local network. There is unlikely to be any cumulative impact from construction activity. There is a large amount of activity in the local area but the proximity of the strategic road network should help to minimise disruption on the surrounding area.

Provided the initiatives outlined above are adhered to, it is considered that the construction activities are in accordance with policies SP1 and DM1 of the Core Strategy and extant policy DC26 of the Unitary Development Plan. However, it is recommended that a condition of the planning approval is that the final construction management plan is agreed in order to ensuring the process has the minimal impact on surrounding residents and the highway network.

## **Conclusion**

The proposal would help to regenerate a key site within NOMA providing much needed high quality office accommodation. It would develop a vacant, poor quality site on a key road junction in the city centre. Whilst a former public house and two former industrial buildings which have a degree of social and heritage value would be lost, the public benefits of the proposal would outweigh any harm.

The new building would be sustainable and high quality and contribute to NOMA through its materials, elevational treatment and how it addresses street frontages. Others benefits include job creation and public realm improvements.

The scale of the proposal would cause some a low level of harm to the significance of the nearby listed buildings, particularly Parkers Hotel. However, this would be outweighed by the public benefits delivered. There would be some localised impacts on amenity at nearby residents in terms of daylight and sunlight, but none are unusual for this urban context. .

The level of harm would be less than substantial and would be outweighed by the public benefits delivered. Notwithstanding the considerable weight that must be given to preserving the setting of the listed buildings and conservation areas as required by virtue of S66 and S72 of the Listed Buildings Act, the harm caused would be less than substantial and would be outweighed by the public benefits of the scheme thus meeting the requirements set out in paragraph 193 and 196 of the NPPF.

**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 polices of the Unitary Development Plan, the Head 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 approval of the application is proportionate to the wider benefits of approval 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**

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. Pre application advice has been sought in respect of this matter where early discussions took place regarding the siting/layout, scale, design and appearance of the development along with noise and traffic impacts. Further work and discussion have taken place with the applicant through the course of the application, particularly in respect of the highways matters and impact on the historic environment. The proposal is considered to be acceptable and therefore determined within a timely manner.

### **Reason for recommendation**

#### **Conditions to be attached to the decision**

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:

#### Drawings

stamped as received by the City Council, as Local Planning Authority, on the 3 August 2018.

#### Supporting information

stamped as received by the City Council, as Local Planning Authority, on the 3 August 2018

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) a) Prior to the commencement of the development, 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).

4) No soft-strip, demolition or development groundworks shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Manchester Planning Authority. The WSI shall cover the following:

1. A phased programme and methodology of investigation and recording to include:
  - archaeological building survey (Historic England level 2)
  - archaeological evaluation through trial trenching
  - dependent on the above, targeted open area excavation and recording (subject to a separate WSI)
2. A programme for post investigation assessment to include:
  - production of a final report on the results of the investigations and their significance.
3. Deposition of the final report with the Greater Manchester Historic Environment Record.
4. Dissemination of the results of the archaeological investigations commensurate with their significance.
- 5 Provision for archive deposition of the report and records of the site investigation.
6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: In accordance with policy EN3 of the Manchester Core Strategy and saved policy DC20 of the UDP, to record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publicly accessible.

5) Notwithstanding the details submitted

(a) the development shall not commence until a scheme for the drainage of surface water from that phase of the new development shall be submitted for approval in writing by the City Council as the Local Planning Authority. This shall include:

- Maximise use of green SuDS in design
- 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 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.
- Hydraulic calculation of the proposed drainage system;
- Construction details of flow control and SuDS elements.

(b) The development shall then be constructed in accordance with the approved details, within an agreed timescale.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

6) Notwithstanding the stamped as received by the City Council, as Local Planning Authority, on the, (a) before the development hereby approved commences, the following information shall be submitted for approval in writing by the City Council, as Local Planning Authority:

- Submission of the site investigation and updated final risk assessment;
- Submission of a remediation strategy.

One approved, the development shall then be carried out in accordance with the approved details.

(b) When 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 prior to the first occupation of the development.

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 – There is evidence of site contamination at the application site which requires further consideration and examination. In particular, details of outstanding gas monitoring is required to be submitted for consideration and an appropriate remediation strategy prepared. This is pursuant to policy EN18 of the Manchester Core Strategy (2012).

7) Prior to the commencement of the development, a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;

- Display of an emergency contact number;
- Details of Wheel Washing;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Routing strategy and swept path analysis;
- Parking of construction vehicles and staff; and
- Sheeting over of construction vehicles.

The development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents, highway safety and air quality, pursuant to policies SP1, EN16, EN19 and DM1 of the Manchester Core Strategy (July 2012).

8) Prior to the commencement of development, (a) a programme for the issue of samples and specifications of all material to be used on all external elevations of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority, the programme shall include timings for the submission of samples and specifications of all materials to be used on all external elevation drawings to illustrate details of full sized sample panels that will be produced. The panel to be produced shall include jointing and fixing details between all component materials and any component panels, details of any external ventilation requirements, details of the drips to be used to prevent staining and details of the glazing and frames, a programme for the production of the full sized sample panels and a strategy for quality control management;

(b) All samples and specifications shall be submitted to and approved in writing in accordance with the programme as agreed under part (a). The approved materials shall then be implemented as part of the development.

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.

9) Prior to the first occupation of the development, details of the implementation, maintenance and management of the sustainable drainage scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include:

- Verification reporting providing photographic evidence of construction;
- Management and maintenance plan for the lifetime of the development which shall include the arrangements 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 pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

10) (a) Prior to the first occupation of this development, details of hard and soft landscaping treatments (including tree planting, street tree planting, boundary treatments and appropriate samples of materials) shall be submitted to and approved in writing by the City Council as local planning authority.

(b) The approved scheme shall be implemented prior to the first occupation of the development. 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.

11) Prior to the first use of the development hereby approved, full details of the specification and locations of bat and bird boxes, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The bat and bird boxes shall be installed prior to the completion of the development and therefore be retained and remain in situ.

Reason - To ensure the creation of new habitats in order to comply with policy EN15 of the Manchester Core Strategy (2012).

12) The development hereby approved shall be carried out in accordance with the Environmental Standards and energy statement stamped as received by the City Council, as Local Planning Authority, on the. A post construction review certificate/statement shall be submitted for approval, within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority.

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 and the principles



contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

### 13) BREEAM

14) (a) Prior to the first use of the development hereby approved, details of any externally mounted ancillary plant, equipment and servicing shall be submitted for approval. For the avoidance of doubt, externally mounted 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 5 db (L<sub>aeq</sub>) below the typical background (L<sub>a90</sub>) level at the nearest noise sensitive location.

(b) The approved scheme shall be implemented and prior to the first use of the development, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason - To minimise the impact of plant on the occupants of the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

15) The development hereby approved shall be carried out in accordance with site waste management strategy with the design and access statement and drawing ?? stamped as received by the City Council, as Local Planning Authority, on the ???. The details shall be implemented prior to the first use of the development and thereafter retained and maintained in situ.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

16) Prior to the first use of the development, details of a scheme to extract fumes, vapours and odours from the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall then be implemented prior to the first occupation of the residential element and thereafter retained and maintained in situ.

Reason – To ensure appropriate fume extraction is provided for the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC10 of the Unitary Development Plan for the City of Manchester (1995).

17) The development hereby approved shall include a building and site lighting scheme and a scheme for the illumination of external areas during the period between dusk and dawn. Full details of such a scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority before the first

use of the development hereby approved. The approved scheme shall be implemented in full prior to the first use of development and shall remain in operation for so long as the development is occupied.

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 policies SP1 and DM1 of the Core Strategy.

18) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

19) The development shall be carried out in accordance with the Crime Impact Statement prepared by Design for Security at Greater Manchester Police stamped as received by the City Council, as Local Planning Authority, on the ?. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

20) The development shall be carried out in accordance with the interim travel plan stamped as received by the City Council, as Local Planning Authority, on the ?

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 working at the development;
- ii) a commitment to surveying the travel patterns of staff during the first three months of the first use of the building 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 occupation of the building, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted for approval 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 for occupants, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy (2012).

21) Prior to the first occupation of the residential building element, the provision of 212 cycle spaces, as indicated on drawing ? stamped as received by the City Council, as Local Planning Authority, on the ? shall be implemented prior to the first occupation of the residential element of the development hereby approved and retained and maintained in situ for as long as the development remains in use.

Reason – To ensure there is sufficient cycles stand provision at the development and the residents in order to support modal shift measures pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).

22) Prior to the first occupation of the residential element of the development hereby approved, the car parking layout, as indicated on drawing ? stamped as received by the City Council, as Local Planning Authority, on the ? shall be laid out, demarcated and made available. The car parking layout shall be retain and maintained for as long as the development remains in use.

Reason – To ensure car parking is available for the development pursuant to policies SP1, T1, and DM1 of the Manchester Core Strategy (2012).

??23) Prior to the first use of the residential element within the development hereby approved, a scheme of highway works and details of footpaths reinstatement/public realm in relation to shall be submitted for approval in writing by the City Council, as Local Planning Authority.(high quality materials yorkstone)

For the avoidance of doubt this shall include the following:

- Footway improvement and reinstatement works around the perimeter of the application site including provision of street trees. These footway improvements shall include details of materials, including natural stone or other high quality materials to be used for the footpaths and for the areas between the pavement and the line of the proposed building/public realm;
- Improvements to the junction radii at Radium Street/Primrose Street as indicated on drawing 75001-P01 stamped as received by the City Council, as Local Planning Authority, on the 19 December 2018
- Creation of vehicular entrance off Radium Street.
- Making Silk Street 'one-way' including alterations to footway in front of the application site by increasing its width to 2 metres as indicated on drawing 05004 P01 stamped as received by the City Council, as Local Planning Authority, on the 19 December 2018

The approved scheme shall be implemented and be in place prior to the first occupation of the residential element of the development hereby approved and thereafter retained and maintained in situ.

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) and in accordance with the NOMA masterplan.

24) Prior to the first occupation of the use of the development 26 electric car charging points shall be installed within the car parking area in accordance with a scheme submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall be implemented prior to the first use of the development and made available and thereafter retained for as long as the development is in place.

Reason – In the interest of promoting alternatives and minimising the impact of the development on air quality pursuant to policies EN16 of the Manchester Core Strategy (2012).

25) Notwithstanding the TV reception survey stamped as received by the City Council, as Local Planning Authority, on the ?, within one month of the practical completion of each phase of the development or before the residential element of the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the City Council as local planning authority in response to identified television signal reception problems within the potential impact area a study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception - In the interest of residential amenity, as specified in policy DM1 of Core Strategy.

26) Prior to the first use of the development hereby approved a signage strategy for the entire building shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved strategy shall then be implemented and used to inform any future advertisement applications for the building.

Reason – In the interest of visual amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

27) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the premises shall only be used for offices (Use Class B1) and for no other purpose.

Reason – In the interest of retaining the provision of office space within the development pursuant to policies EC1, EC4 of the Manchester Core Strategy (2012) and the NOMA masterplan.

28) The commercial units, as indicated on drawing ? stamped as received by the City Council, as Local Planning Authority, on the ? can be occupied as A1 (excluding convenience retail), A2, A3, A4, B1 and D2 (excluding gyms). The first use of the each commercial unit to be implemented shall thereafter be the permitted use of that unit and any further change of use may be the subject of the requirement of a new application for planning permission or subject to the requirements of the Town and Country Planning (General Permitted Development) Order 2015.

Reason - For the avoidance of doubt and in order to secure a satisfactory form of development due to the particular circumstance of the application site, ensuring the vitality of the units and in the interest of residential amenity, pursuant policy DM1 of the Core Strategy for Manchester.

29) The commercial units as shown on drawing ? stamped as received by the City Council, as Local Planning Authority, on the ?, shall remain as separate units and shall not be sub divided or amalgamated without the benefit of planning permission being secured.

Reason- In the interests of residential amenity and to ensure the future viability and vitality of the commercial units pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1, C5 and SP1 of the Manchester Core Strategy.

30) Prior to the first use of the development hereby approved, a servicing management strategy shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved strategy shall then be implemented as part of the development and remain in place for as long as the development remains in use.

Reason – In the interest of highway and pedestrian safety pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

31) When the development is first occupied, deliveries, servicing and collections including waste collections shall not take place outside the following hours:

Monday to Saturday 07:30 to 20:00  
Sundays (and Bank Holidays): 10:00 to 18:00

Reason – In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

32) Prior to the first use each of the commercial units, as indicated on drawing stamped as received by the City Council, as Local Planning Authority, details of the opening hours shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved opening hours shall then become the operating hours for the commercial units.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

33) hours of use of office

34) The roof terrace as shown on drawing stamped as received by the City Council, as Local Planning Authority, on the ? shall not be open outside the following hours:-

Monday to Saturday

No use of the property on Saturday and Sundays

There shall be no amplified music or sound on the roof terrace at any time.

Reason - In interests of amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

35) Prior to the first use of each of the commercial units as indicated on drawing stamped as received by the City Council, as Local Planning Authority, on the, details of any roller shutters to the ground floor of the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt the shutters shall be fitted internally to the premises. The approved details shall be implemented prior to the first occupation of each of the commercial units and thereafter retained and maintained in situ.

Reason – To ensure that the roller shutters are appropriate in visual amenity terms pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

36) The development hereby approved shall include for full disabled access to be provided to all areas of public realm and via the main entrances and to the floors above.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions Core Strategy policy DM1.

37) In the event that any of the commercial units, as indicated on drawing are occupied as an A3 or A4 use, prior to their first use the following details must be submitted and agreed in writing by the City Council, as Local Planning Authority. These details are as follows:

Management of patrons and control of external areas. For the avoidance of doubt this shall include:

\*An Operating Schedule for the premises (prevention of crime and disorder, prevention of public nuisance, Management of smokers)

\*Details of a Dispersal Procedure

\* Mechanism for ensuring windows and doors remain closed after 9pm

The approved scheme shall be implemented upon first use of the premises and thereafter retained and maintained.

Reason - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to policies SP1, DM1 and C10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

38) Prior to the first use of each of the ground floor commercial units, as indicated on drawing stamped as received by the City Council, as Local Planning Authority, on the, details of how the commercial units will be acoustically insulated and treated to limit the break out of noise (including roof terrace) shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include a noise study of the premises and a scheme of acoustic treatment. For the avoidance of doubt, where entertainment noise is proposed the Laeq (entertainment noise) shall be controlled to 10 db below the La90 (without entertainment noise) in each octave band at the façade of the nearest noise sensitive location.

(b) The approved scheme shall be implemented and prior to the first use of each of the commercial units, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason - To minimise the impact of plant on the occupants of the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

39) All windows at ground level shall be retained as a clear glazed window opening at all times and views into the premises shall not be screened or obscured in any way.

Reason - The clear glazed window(s) is an integral and important element in design of the ground level elevations and are important in maintaining a visually interesting street-scene consistent with the use of such areas by members of the public, and so as to be consistent with saved policy DC14 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

#### Informatives

- Any signage, wayfinding, banners or any other advertisements to be installed in and around the application site for the purpose of the promotion of the developments and routes to it may require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- Whilst the building to be demolished has been assessed as very low risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

### **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: 123437/FO/2019 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:**

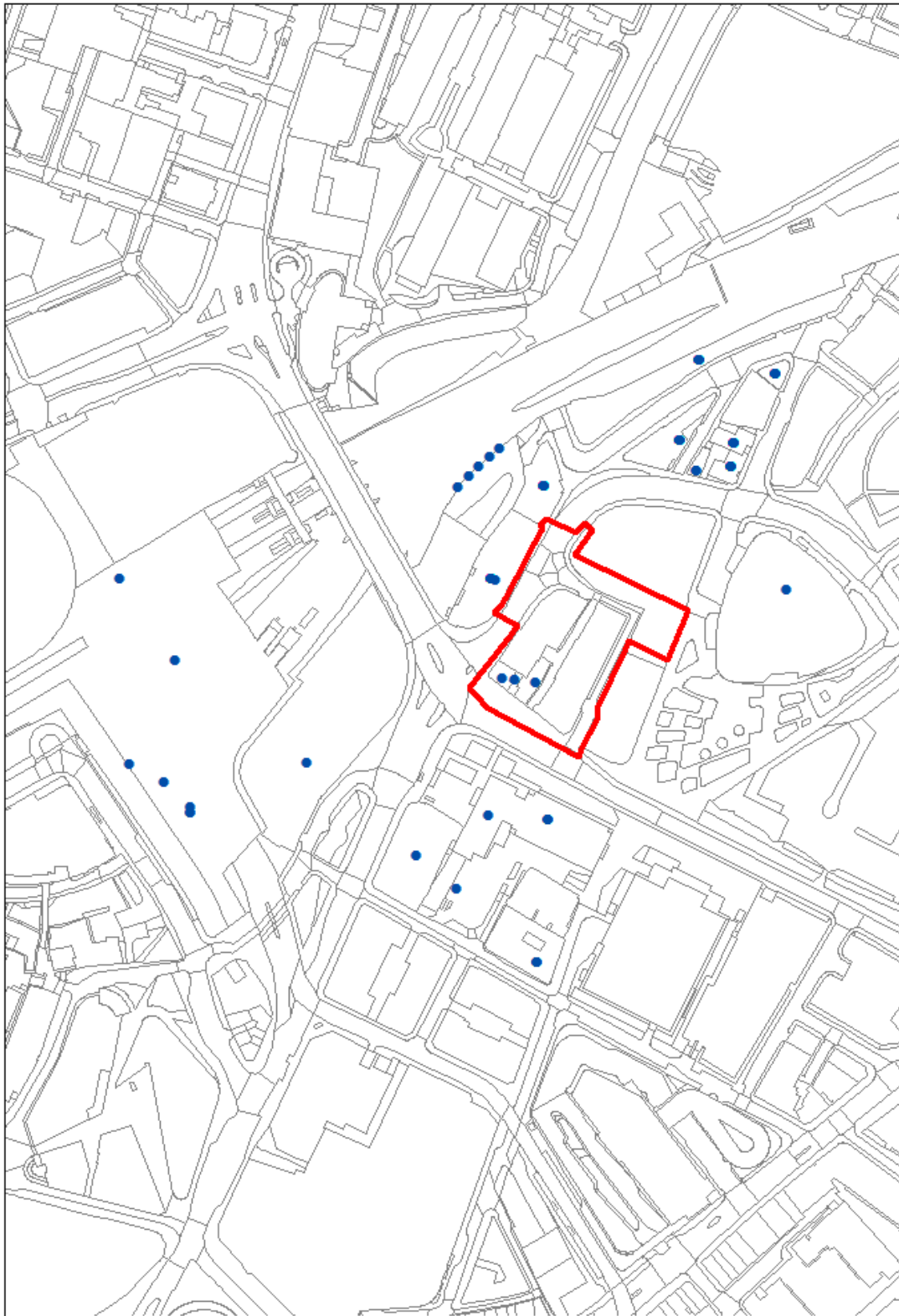
**Highway Services**  
**Environmental Health**  
**Neighbourhood Team Leader (Arboriculture)**  
**MCC Flood Risk Management**  
**Strategic Development Team**  
**Work & Skills Team**  
**Greater Manchester Police**  
**Historic England (North West)**  
**Environment Agency**  
**Transport For Greater Manchester**  
**Greater Manchester Archaeological Advisory Service**  
**Greater Manchester Ecology Unit**  
**Friends Of Angel Meadow**  
**Network Rail**

**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:**

<b>Relevant Contact Officer :</b>	Jennifer Atkinson
<b>Telephone number :</b>	0161 234 4517
<b>Email :</b>	j.atkinson@manchester.gov.uk





 Application site boundary  Neighbour notification  
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Application Number	Date of Appln	Committee Date	Ward
123215/FO/2019	8th May 2019	25th Jul 2019	Piccadilly Ward

**Proposal** Conversion of 56-58 Thomas Street (retention of facades, roof and some internal structural elements) and erection of a new part 3, part 4 and part 5 storey building comprising to create 26 room hotel/aparthotel (C1 use class) to the upper storeys with Class A1 (Shop), Class A3 (Restaurant and Café and Class A4 (Drinking Establishment) uses to the basement and ground floor following demolition of the remaining built fabric at 9 John Street and 52-54 Thomas Street including parts fronting onto Back Turner Street along with retrospective consent for the demolition works within the site carried out in September 2018.

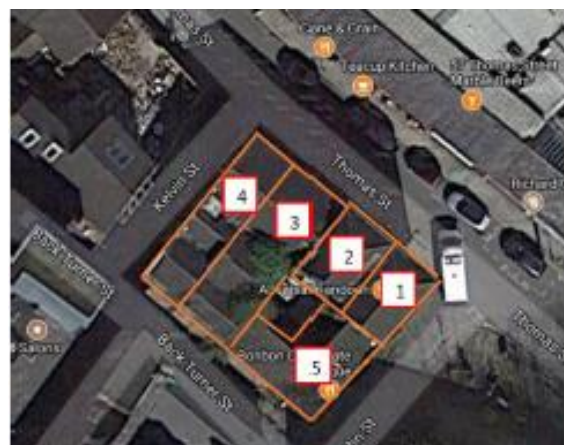
**Location** 52-58 Thomas Street, Manchester, M4 1EG

**Applicant** Braithwaite, Agecroft Investment Company Limited, 17 London Road, SK9 7JT,

**Agent** Mrs Ruth Jackson, Ruth Jackson Planning Ltd, Studio 3, 62 Bridge Street, Manchester, M3 3BW

### Description of site

This island site measures 0.34 hectares and is bounded by Thomas Street, John Street, Back Turner Street and Kelvin Street. It is located in a part of the City Centre known as the Northern Quarter. It comprises a partially cleared site, 52 – 58 Thomas Street and 9 John Street. The principal frontage is to Thomas Street which is a main route in the Northern Quarter.



In September 2018, 52 and 54 Thomas Street were identified as being at risk and were partially demolished to make them safe. Parts of the rear wall facing onto Back Turner Street were retained to assess whether they could be incorporated into any future development. Parts of the site are boarded up and Kelvin Street is temporarily closed off for safety reasons. The site's current condition is shown below.



The retained building at 55-58 Thomas Street at the junction of Thomas Street and John Street is the only historically coherent, surviving structure on the site, having been rebuilt during the late-19th century. It is three-storeys and has a low, double-pitched, slate, hipped-roof aligned perpendicular to Thomas Street and partially obscured by deep eaves and strong parapet.

Externally the building has the following notable features:

- Three bays to John Street and four bays, grouped in pairs, to Thomas Street;

- Red brick masonry construction laid in English-bond, with decorative courses of blue engineering-brick and yellow-brick string-course to the first and second floor levels;
- A simple form of decorative, through coloured brickwork ((rather than painted) defining the floor-levels at window cill level;
- A decorative pressed-brick frieze just below window-head level to each floor;
- Cut ashlar sandstone Window cills and lintels are of;
- Where retained late-19th century one-over-one timber sash windows with horns; and
- Some decorative, Art Nouveau-style stained-glass pattern (56 Thomas Street, at first-floor level).

At ground-floor level a modern shop-front obscures features of historic interest. Modest traces of early-shop signs to 56 survive in poor-condition, notably advertise a “sign-writer”. The rear areas of the surviving building are much-altered and obscured by the frontage components. They had originally enclosed a courtyard (although this had been absorbed into the building group by the 1880s.

56 to 58 Thomas Street is considered to be non-designated heritage asset due to its age and external architectural features. However, it is considered that it would be unlikely to meet the criteria for local listing.

A three-storey outrigger connects 56-58 Thomas Street with 9 John Street (2 storeys with sloping roof). The outrigger was truncated at parapet level following bomb damage which significantly damaged 9 John Street. This has been partly reconstructed but its windows, lintels and cills are similar but they do not have the decorative features of the corner part of the building. Given the degree of alteration to 9 John Street and the remnants of 52-54 Thomas Street they could be classed as non-designated heritage assets but would not meet the criteria for local listing. The previous buildings on the site at 52-54 Thomas Street were 3 storeys.

The site is within the Smithfield Conservation Area. To the north west is 7 Kelvin Street, a grade II listed 19C warehouse, and 42-46 Thomas Street a pair of 3 storey weaver’s cottage. In 2017 prior to the listing of 42-46 Thomas Street, Planning and Listed Building Consent (ref no’s 113475 and 113476) was granted for external alterations and repair and change of use of the upper floors 7 Kelvin Street and the erection of a linked 4/5 storey building following the demolition of 42 to 48 Thomas Street to provide 20 dwellings with ground floor and basement shops and restaurants.

The character of Thomas Street is varied with traditional 2-3 storey weaver’s cottages sitting alongside 4-5 storey Victorian and Georgian warehouses. Other notable adjacent buildings are the Margolis Building to the south west where a

contemporary 7 storey building wraps around a collection of refurbished weaver's cottages and to the south east the 5 storey NCP MSCP.

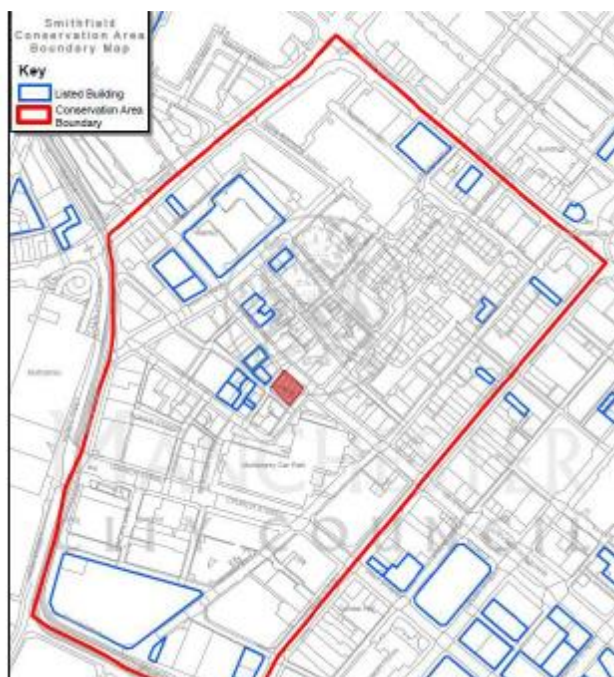


Fig 33. Aerial photograph of 1932. Signage advertising the Waldorf Restaurant can just be seen to the south elevation of the site, and the 'timber-framed' elevations of Kelvin Street are illustrated.

The unaltered roof-form of No. 9 John Street and the Back Turner Street roof-scape are also visible as being of three storeys. The adjoining buildings on Thomas Street and Turner Street rise to 4 and 5 storeys.



There are residential developments adjacent to the site including 4-6 Kelvin Street, 4-6 Union Street (13 units owned by a Housing Association), 25 Church Street, Bollin House 26 Edge Street and Agecroft House also Edge Street. Some apartments within 4- 6 Kelvin Street have views onto the site.



The following listed buildings are part of the setting of the site: 7 Kelvin Street: Grade II; 31-35 Thomas Street: Grade II; 42-46 Thomas Street: Grade II; 36 and 38 Back Turner Street : Grade II; 40 and 42 Back Turner Street: Grade II; 1 Kelvin Street: Grade II; and 30 and 35 Turner Street : Grade II;

A key characteristic of the Conservation Area is its dense urban environment. There is, however, a transition in scale along Church Street between the different character areas of the Conservation Area, from that of the commercial core to the smaller scale typical of other parts of the Northern Quarter such as this.

There is a variety of uses nearby including: digital, media and technology-based companies; creative and cultural industries; an established residential population that has grown over the past 20 years; more traditional offices, hotels and serviced apartments, retail units and a number of mainly independent bars and restaurants.

The Site is close to Victoria and Piccadilly Stations and Metro Shuttle Services, tram stops at Market Street and High Street and the Piccadilly and Shudehill Transport Interchanges making this a highly sustainable location.

It falls within Flood Risk Zone 1 (low risk) and is within a critical drainage area.

### **Description of the Proposals.**

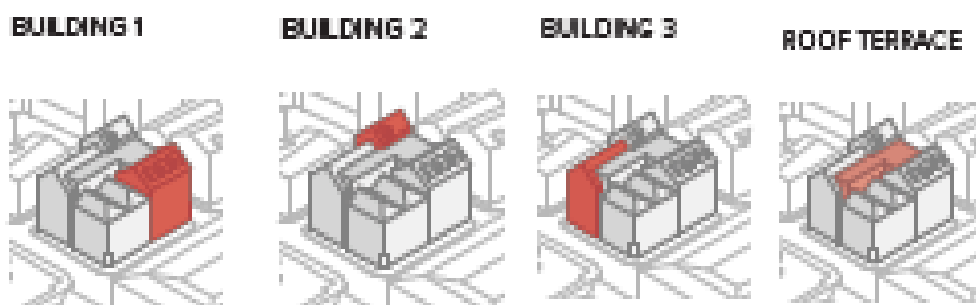
The application proposes the demolition of the remaining parts of 52-54 Thomas Street that face Back Turner Street, 9 John Street and the outrigger connecting it to 52-54 Thomas Street and the conversion of 56-58 Thomas Street including the retention of its facades, roof and some internal structural elements. This would be linked to a part 3, part 4 and part 5 storey building to create 26 hotel/aparthotel rooms (C1 use class) with Class A1 (Shop), Class A3 (Restaurant and Café and Class A4 (Drinking Establishment) at ground floor and basement. Retrospective consent is sought for the demolition works carried out in September 2018.

The hotel would be accessed via Kelvin Street. 6 hotel rooms would be interconnecting and suitable for families. 4 (15%) of rooms would be fully accessible. Back of house activities including secure service entries and secure bin stores would be located towards the rear of the building and serviced from Back Turner Street. This would allow the main frontages of Thomas Street and John Street to be active.

Access to the A1/A3 /A4 unit would be via the original entrance to 56-58 Thomas St. Further entrances would be at the rear door on John Street. The hotel reception within the ground floor would provide access via a lift and stairs to the upper floors. The 4<sup>th</sup> floor would have an external roof terrace and enclosed plant area.

Taxi drop-off would be from Thomas Street and during restricted movement periods on Thomas Street, on Oak Street.

The proposal has been designed to appear as 4 separate buildings which form a collection on an island site, reflecting the historical sub-divisions. The facades would principally be brick with deeply recessed window reveals. As well as the retained elements of 56-58 Thomas Street the development would comprise:



**Building 1** (former site of 52-54 Thomas Street) – a 3 storey building with hipped roof with dormers to its Thomas Street face with light brick façade to contrast with the existing and retained façade of 56-58 Thomas Street building; Inset window apertures and a Slate roof

**Building 2** (rear of former site of 52-54 Thomas Street) a 5 storey flat roofed building contemporary dark standing seam zinc cladding to contrast with the brick cladding to the adjacent building 1 & 3

**Building 3** (site of 9 John Street) a 4 storey building featuring a top storey set behind a gable / parapet wall with splayed window details; Turned brick pattern and window layout; zinc clad dormers; and a light brick façade to contrast with the existing and retained façade of the 56-58 Thomas Street building.

The roof terrace would have fixed and potted planting / foliage, loose and fixed seating, contemporary fixed floor finishes and would provide a green external space.

The accommodation would fall between 'standard' classifications, offering the flexibility of the serviced apartment, but with the option of accessing on site restaurants and support from staff on the premises.



The hotel will be run primarily as extended stay accommodation, geared towards business guests requiring accommodation for periods of 3 to 7 nights. The internal design would respond to the demands of guests attracted by the creative character of the Northern Quarter. It would be suitable for leisure/weekend visitors.

The independent operator has premises in London, providing serviced accommodation since 2012 for over 5,000 guests a year, with high satisfaction levels. .

The development would be expected to achieve a BREEAM rating of at least 'very good'.

Waste would be split into the following bins and would be collected on the following basis:

Hotel: General Waste 1 x1100l eurobin (every other day); Mixed recycling 1 x 1100l eurobin (weekly)

Ground floor / basement Commercial: General Waste 1 x1100l eurobin (every other day); Mixed recycling 1 x 1100l eurobin (every other day)

The total number of bins has been calculated from City Council document 'GD04 Waste Storage and Collection Guidance for New Developments V2.00 -0 Citywide Support - Environmental Protection (September 2014).

It is envisaged that visitors who arrive by car would use nearby car parks. A Framework Travel Plan has been prepared in support of the application.

The applicant has stated that the development would deliver the following benefits:

- The applicants are a family owned business and an established long-term investor and supporter of small and independent businesses in the Northern Quarter. This new proposal is the Company's current priority and a significant investment. It is evidence of their ongoing and long-term commitment to the Northern Quarter and Manchester.
- The proposal will deliver renewal of a key site in the Smithfield Conservation area. It will repair damage to the street scene caused by long term the vacancies and dereliction, and most recently loss of buildings following emergency demolition works.
- The design has been progressed over an extended period, in regular consultation with Manchester City Council and with local representatives, including with the Council's Conservation Panel and with the local community in January and February 2019.
- The proposed scheme design will deliver a high-quality replacement infill, working with the remaining façade of numbers 56 to 58 Thomas Street. The proposed mix of existing and contemporary design is appropriate in scale and massing. The arrangement of the building massing into four blocks reflects

the ad-hoc character of the previous mixed plot sizes, whilst allowing a larger modern building to be established. Use of brick and slate respond to the traditional context, whilst other materials, including aluminium windows and matt back stand seam and grey fibre cement cladding, deliver a sensitive, contextual yet contemporary response to the surrounding conservation area context.

- The overall impact of the proposal on the Smithfield Conservation area has been evaluated as 'low-beneficial' and, in the context of providing wider social benefits and delivering enhancements to the fabric and character of this part of the historic environment, cumulatively, the heritage impact has been evaluated as demonstrably beneficial.
- The proposed uses of hotel / bar / restaurant and or retail are entirely suitable and will add value to this vibrant cultural quarter of the City. Communities will benefit from access to new ground floor uses and will be safeguarded from amenity impacts through appropriate and sensitive design and responsible building management.
- Overall, this proposal has met with a broadly positive response from local stakeholders, where fears regarding scale and use have been addressed and design changes made in response to suggestions made. The proposal will support the continued economic prosperity of the Northern Quarter whilst wholly engaging with the Council's aspiration for high quality, characterful development supportive of independent retailers and cultural attractions.
- It is estimated that the construction expenditure would generate employment of some 56 workers full-time equivalent (FTE) over one year. Once operating, the proposed development is estimated to result in 6.5 full-time equivalent (FTE) posts in the hotel and 25 FTE posts in the retail/restaurant premises

This planning application has been supported by the following information:

Application forms and certificates and plans; Design and Access Statement; Heritage Assessment; Transport Statement and Travel Plan; Waste Management Strategy; Planning Statement; Statement of Consultation; TV Reception Survey; Phase 1 Ecological Survey; Energy Statement  
Crime Impact Assessment; Ground Conditions Statement;  
Archaeological Desktop Assessment; Ventilation Strategy; and Air Quality Assessment;

## **CONSULTATIONS**

**Publicity** – The occupiers of adjacent premises have been notified and the application has been advertised in the local press as a major development, affecting the setting of a listed building and the setting of a conservation area. Notices have been placed adjacent to the site.

1 letter of objection has been received which raises the following points:

Given the proximity of the refuse store to several bedroom and kitchen windows there is potential for adverse impact on the amenity of residents from noise associated with the servicing of the store and associated odours.

The emission of fumes from delivery vans and noise from staff of the drinking could also cause dis- amenity for residents.

1 letter which neither supported nor objected to the application stated a preference for the original renders with the uniform windows and higher amount of brick which they considered matched the existing vernacular more than the extremely dark cladding to the rear.

It also raised concerns that there did not appear to be any cycle storage in the basement, which is indicated in the transport plan stating that there should be at least 1 space per apartment, which should be secure and covered, as there are no parking facilities available.

**Manchester Conservation Area and Historic Buildings Panel (Commenting at Pre-application Stage)** - The Panel felt that the demolition of the remnants of 52-54 Thomas Street, 9 John Street and the outrigger would be acceptable if the replacement buildings were of good design and related well to the conservation area. The character of the conservation area had not been fully appraised to inform the proposal and they felt that buildings in the conservation area and Northern Quarter are ad hoc in character with similar massing but different in design.

The proposal is modest but is a rather formal response with uniform frontages, which 'watered down' the building. Key features such as overhanging eaves and pitched roofs were being lost and these were strong elements in the existing building and in the conservation area. The flat roof with boxes is not successful and pitched roofs are required particularly on the key corner elevations. They felt the proposed new building to the rear, on Back Turner Street, could be bolder in its approach and design.

The Panel considered that the proposal, with the loss of pitched roofs, will have an adverse impact on the character of the conservation area and adjacent listed buildings, particularly on Kelvin and Back Turner Street and were concerned that if approved, would set a bad precedent for further redevelopment of adjacent buildings on Thomas Street.

**Historic England** – Have stated that there is no need to notify or consult them on this application under the relevant statutory provisions.

**Head of Highways-** Have no objections and are satisfied that the scheme, is unlikely to generate any significant network implications. Impacts from construction and servicing can be addressed within Construction and Servicing Management Plans. Conditions are recommended in relation to Off-site Highways Works to include S278 and pavement reinstatement.

**Head of Regulatory and Enforcement Services**– (Street Management and Enforcement) - Has no objections but recommends that conditions are imposed relating to the acoustic insulation of the premises and any associated plant and equipment, fume extraction, any contaminated land mitigation requirements, the storage and disposal of refuse, the hours during which deliveries can take place and the management of construction.

**Greater Manchester Police (Design for Security)** – No objection subject to the recommendations contained in the Crime Impact Statement being implemented.

**Greater Manchester Ecology Group** – Have no objections and note that no significant ecological constraints have been identified.

**Flood Risk Management Team** – Conditions should ensure that the use of Suds is maximised and surface water drainage works are implemented in accordance with Suds National Standards and to verify their achievement.

**Environment Agency** – No comments received.

**United Utilities** will have no objection providing specific conditions ensure that no surface water from this development is discharged either directly or indirectly to the combined sewer network and that the site is drained on a separate system, with only foul drainage connected into the foul sewer.

**Greater Manchester Archaeological Unit** –Recommends that prior to any soft-strip, demolition or development ground works, a programme of archaeological recording is undertaken. They note that 52-58 Thomas Street appear to have been substantively rebuilt in both the late 19th century and as part of the post-world war II reconstruction and have suffered recent collapse and demolition. It seems likely that the later reconstructions made at least some use of 18th century cellarge and foundation lines. Whilst it is uncertain how much internal remodelling of the cellars may have taken place during this time it is most unlikely the 18th century fabric has been lost altogether.

## ISSUES

### Local Development Framework

The principal document within the framework is **The Core Strategy Development Plan Document 2012 -2027** ("the Core Strategy") adopted on 11July 2012 and is the key document in Manchester's Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) and sets out the long term strategic planning policies for Manchester's future development.

The proposals are considered to be consistent with the following Core Strategy Policies SP1, CC1, CC4, CC5, CC6, CC7, CC8, CC9, CC10, T1, T2, EN1, EN2, EN3, EN4, EN6, EN8, EN9, EN11, EN14, EN15, EN16, EN17, EN18, EN19, EC1, EC8, and DM1 for the reasons set out below.

### **Saved UDP Policies**

Whilst the Core Strategy has now been adopted, some UDP policies have been saved. The proposal is considered to be consistent with the following saved UDP policies DC 10.1, DC18.1, DC20 and DC26 for the reasons set out below.

Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. The Core Strategy has Strategic Spatial Objectives that form the basis of its policies:

SO1. Spatial Principles – This development would be in a highly accessible location, close to good public transport links, and would thereby reduce the need to travel by private car.

SO2. Economy - The hotel would help to improve the City's economic performance providing jobs during construction with permanent employment and facilities in the hotel. It would support business and leisure functions of the city centre and the region.

SO5. Transport – Improved connectivity through the development of sustainable transport networks would enhance the City's functioning and competitiveness and provide access to jobs, education, services, retail, leisure and recreation. The proposal is in a highly accessible location and would reduce the need to travel by private car and make the most effective use of public transport facilities.

SO6. Environment - The proposal would help to protect and enhance the City's built environment and ensure the sustainable use of natural resources, in order to: mitigate and adapt to climate change; improve air, water and land quality; improve recreational opportunities; so as to ensure that the City is inclusive and attractive to residents, workers, investors and visitors.

### **Relevant National Policy**

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to apply. It aims to promote sustainable development. 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:

"For decision- taking this means: approving development proposals that accord with an up-to-date development plan without delay" 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 proposed development is considered to be consistent with sections 5, 6, 7, 8, 9, 11, 12, 14, 15 and 16 of the NPPF

Paragraph 103 states that the planning system should actively manage growth to support these objectives. Significant development should be focused on locations

which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

Paragraph 122 - states that planning policies and decisions should support development that makes efficient use of land and includes a requirement to take into account local market conditions and viability and the desirability of maintaining an area's prevailing character and setting or of promoting regeneration and change.

Paragraph 124 states that 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.

Paragraph 127 confirms that planning decisions should ensure that developments: 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; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; 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); 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; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; 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.

Paragraph 131 states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design in an area, so long as they fit in with the overall form and layout of their surroundings.

NPPF Section 6 - Building a strong and competitive economy and Core Strategy Policy SP 1 (Spatial Principles), Policy EC1 - Land for Employment and Economic Development, Policy EC3 The Regional Centre Policy CC1 (Primary Economic Development Focus) Policy CC4 (Visitors, Tourism, Culture and Leisure) and CC8 (Change and Renewal) – The proposal would deliver economic development within a part of the City Centre identified in Policy EC1 and CC1 as a focus for primary economic development. The proposal would support the City's economic performance and help to reduce economic, environmental and social disparities and create an inclusive sustainable community. The site is well connected to transport infrastructure.

The City Centre is a key location for employment growth and the proposal would create jobs during the construction and operational phases. The hotel would use the site efficiently, improve a partially vacant site and building, enhance the sense of place within the area, and users and employees would have access to a range of transport modes and reduce opportunities for crime. The proposal would assist the

ongoing organic regeneration of the Northern Quarter complementing existing uses and its vibrant cultural offer.

The development would be highly sustainable with good access to all forms of sustainable transport. It would enhance the built environment, creating a well-designed place that would enhance and create character and reduce the need to travel. It would develop an underutilised, brownfield site. It would complement the well-established community and contribute to the local economy as guests could use local facilities and services.

A hotel would enhance the area and help to create a neighbourhood where people would choose to be. The hotel would support business and leisure functions, improve the range of accommodation options and be close to visitor attractions.

NPPF Section 7 Ensuring the Vitality of Town Centres and Core Strategy Policies SP 1 (Spatial Principles) and CC2 (Retail) – The Regional Centre is the focus of economic and commercial development, leisure and cultural activity and high quality city living. The proposal would help to create a neighbourhood which would attract and retain a diverse labour market. It would significantly increase activity, support business and leisure functions and promote sustained economic growth.

NPPF Section 9 Promoting Sustainable Transport, Core Strategy Policies CC5 (Transport), T1 Sustainable Transport and T2 Accessible Areas of Opportunity and Need - The highly sustainable location would give people choices about how they travel and contribute to sustainability and health objectives. The area is close to Piccadilly and Victoria Stations and Metro shuttle routes which should maximise the use of sustainable transport. A Travel Plan would facilitate sustainable transport use and the City Centre location would minimise journey lengths for employment, business and leisure activities. The proposal would help to connect residents to jobs.

CC7 (Mixed Use Development), and Policy CC10 (A Place for everyone) – This would be an efficient, high-density development in a sustainable location. As the City's economy continues to grow, investment is required in locations that would support and sustain this growth. The City Centre is the biggest source of jobs in the region and this proposal would provide accommodation to support the growing economy and contribute to the creation of a sustainable, inclusive, mixed and vibrant community. The hotel would support local businesses through supply chain arrangements and guests could use local restaurants, bars and retail facilities.

NPPF Sections 12 (Achieving Well Designed Places), and 16 (Conserving and Enhancing the Historic Environment), Core Strategy Policies EN1 (Design Principles and Strategic Character Areas), EN2 (Tall Buildings), CC6 (City Centre High Density Development), CC9 (Design and Heritage), EN3 (Heritage) and saved UDP Policies DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) - The design has been considered carefully and has been subject to consultation with a number of relevant key stakeholders. It would maximise the use of land and would be appropriate to its context. The building would be of a high quality. The location is appropriate, it would contribute to place making and would bring significant regeneration benefits. The design would respond positively at street level. The design is discussed in more detail below.

A Heritage Appraisal, which includes a Visual Impact Assessment, demonstrate that the proposal would result in transformative, beneficial change to the site and this part of the Smithfield Conservation Area. The design would complement the regeneration of the northern quarter, helping to re- establish a coherent and sustainable townscape. The impact of the development on designed heritage assets would be beneficial or negligible and more than balanced by enhancements of the urban context. . The development would not compromise the appreciation of any historic buildings.

The proposal would not result in demonstrable material or visual harm to nearby listed buildings, or other individual heritage assets. The impact of the development should, therefore, be considered against the public benefits, in accordance with NPPF paragraph 193.

The proposal would not, on balance, result in any significant harm to the setting of nearby listed buildings or the Smithfield Conservation Area and its quality and design would sustain the heritage value of the heritage assets. The development would have a beneficial impact on the surrounding area. This is discussed in more detail below.

The focus of the Government's planning policy guidance is to ensure that the desirability of sustaining and enhancing the significance of heritage assets is taken into account and that they are put to viable use, consistent with their conservation (NPPF paragraph 185).

Development within or adjacent to heritage assets could have some impact on their fabric or setting, and this could be either beneficial or harmful. The fundamental design objective is to ensure that the impact on heritage assets is demonstrably beneficial, minimising any negative impact on significance. Consequently, development must be justified by clear and convincing evidence of its impact. Compared with the current baseline situation the proposal would result in low to moderate beneficial impacts in terms of visual impact on the character and appearance of the conservation area and the setting of listed buildings.

Paragraph 193 states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) Grade II listed buildings, or grade II registered parks or gardens, should be exceptional;



b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Section 195 states that where a proposal will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Section 196 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 200 states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 201 states that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

The proposal would re-instate the built footprint which existed prior to the recent demolitions on what was regardless of those demolitions, previously an underutilised site. The remaining buildings on the site have been substantially altered internally and in the case of 9 John Street also externally following historical bomb damage. They are considered to have low evidential, historical, aesthetic and communal value.

Due to the age of 56-58 Thomas Street it does have some local historical and architectural interest and does contribute to the character of the Conservation Area and setting of the nearby Grade II listed buildings. However, the surviving building group, in particular 9 John Street and the remnants of 52-54 Thomas Street, is of

limited interest, when considered nationally and similarly, whilst the contribution of the building-group to the defining character and appearance of the Smithfield Conservation Area and the wider Northern Quarter is modest, and currently negative. The buildings would not meet the criteria for national listing and is unlikely to meet the criteria for local listing.

A Heritage Assessment has set out the alterations to the buildings that have occupied this site since the late 18<sup>th</sup> Century including a major periods of transformation up until approx. 1850. By this time the site had evolved into a distinctive building groupings. Since then, there have been substantial alterations to the original building fabric both internally, including the formation of linkages between buildings resulting in a complicated inter-linked collection of internal spaces, and externally, including the rebuilding of some levels had prior to the recent demolitions. This has significantly eroded the sites value as a heritage asset.

The open nature and semi-derelict condition of much of the site has a negative impact on the setting of nearby heritage assets and a good quality building that makes a positive contribution to the townscape could enhance their setting.

With the exception of 56-58 Thomas Street and to a lesser extent 9 John Street, the present condition of the site makes limited to no contribution to the townscape and has a largely negative impact on the setting of designated heritage assets. It is considered that the loss of the 9 John Street and the remnants of 52-54 Thomas Street would result in less than substantial harm to the setting of the adjacent Conservation Area and adjacent listed buildings as a whole and this needs therefore to be weighed against the public benefits to be derived from its loss and the proposed wider redevelopment of the application site.

For the reasons outlined later in this report, officers consider that the quality and design of the proposals would address the street block and would make a positive contribution to the townscape and enhance the setting and character of potentially affected heritage assets. This would sustain their value as there are substantial public benefits which would be derived from the proposal which would outweigh any harm to the setting which would be caused by the partial loss of the buildings and structures currently on the site. That harm is necessary both to secure those benefits, to fully realise the optimum viable use of the site and secure its wider potential in urban design terms.

The compliance of the proposals with the above sections of the NPPF is fully addressed in the report below.

Core Strategy Section 8 Promoting healthy communities - The creation of an active street frontage would help to integrate the site into the locality and increase levels of natural surveillance.

Saved UDP Policy DC20 (Archaeology) – There are likely to be areas of archaeological interest on the site (in particular in relation to the below ground cellars) which may be of local significance. A proper record should be made of these and remaining above ground building fabric.

NPPF Section 14 (Meeting the challenge of climate change, flooding and coastal change), Core Strategy Policies EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon) EN6 (Target Framework for CO2 reductions from low or zero carbon energy supplies), EN 8 (Adaptation to Climate Change), EN14 (Flood Risk) and DM1 (Development Management- Breeam requirements) -An Environmental Standards Statement demonstrates that the proposal is energy efficient and includes sustainable technologies at conception, feasibility, design and build stages and in operation. It would follow the principles of the Energy Hierarchy to reduce CO2 emissions. An Energy Statement sets out how the proposals would meet target framework requirements for CO2 reduction from low or zero carbon energy supplies.

Surface water drainage from the development would be restricted to a greenfield run-off rate if practical, and post development run-off rates would be reduced to 50% of the pre development rates as a minimum.

The drainage network would ensure that no flooding occurs for up to and including the 1 in 30-year storm event, and any localised flooding would be controlled for up to and including the 1 in 100-year storm event including a 20% increase in rainfall intensity. The surface water management would accord with the NPPG and DEFRA guidance in relation to Suds

NPPF Section 15 (Conserving and enhancing the natural environment), Manchester Green and Blue Infrastructure Strategy 2015,Core Strategy Policies EN 9 (Green Infrastructure), EN15 ( Biodiversity and Geological Conservation), EN 16 (Air Quality), Policy EN 17 (Water Quality) Policy EN 18 (Contaminated Land and Ground Stability) and EN19 (Waste) - Information regarding the potential risk of pollution from ground conditions, air and water quality, noise, vibration, waste and biodiversity demonstrates that there would be no significant adverse impacts. Surface water run-off and ground water contamination would be minimised

There is no conclusive evidence about the presence of any protected species on the site or nearby that would be affected. There would be no adverse effect on any statutory or non-statutory designated sites. The proposal would exploit opportunities to improve biodiversity / green infrastructure and this is discussed in more detail below. There would be no impact on blue infrastructure.

The development would be consistent with the principles of waste hierarchy and a Waste Management Strategy details measures that would minimise the production of waste during construction and in operation. The onsite management team would manage all waste streams throughout the building.

DC22 Footpath Protection - The ground floor activity and repaving would improve pedestrian routes.

Policy DM 1- Development Management - Outlines general issues that all development should have regard to and of these, the following issues are of relevance to this proposal:

- appropriate siting, layout, scale, form, massing, materials and detail;
- design for health;

- 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 above issues are considered in detail in below.

### **Other Relevant City Council Policy Documents**

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. It seeks development of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones. For the reasons set out later in this report the proposals would be consistent with these principles and standards.

Manchester City Centre Strategic Plan- The Strategic Plan 2015-2018 updates the 2009-2012 plan and seeks to shape the activity that will ensure the city centre continues to consolidate its role as a major economic and cultural asset for Greater Manchester and the North of England. It sets out the strategic action required to work towards achieving this over period of the plan, updates the vision for the city centre within the current economic and strategic context, outlines the direction of travel and key priorities over the next few years in each of the city centre neighbourhoods and describe the partnerships in place to deliver those priorities

The application site lies within the area identified in the document as the Northern Quarter. This identifies the importance of the areas non-mainstream offer as being important for any global city and giving the Northern Quarter a unique identity within both the city and, to some extent, the UK. The areas growing reputation and attraction to a high number of visitors, is identified as providing an important contribution to the economy of the city centre.

Because of its nature, the regeneration within the Northern Quarter area is described as having been organic and incremental and therefore, more subtle and ultimately less predictable than in other parts of the city centre. The aim of activity within the area is to bring about change in a way that retains the area's distinct identity. This can be done by building on the area's strengths to produce a creative and cultural destination, with a high-quality built environment attractive to businesses and residents, and providing opportunities for private sector investment. It is considered that the proposals would be in keeping with these objectives. The proposed

commercial units and the hotel offer would complement existing uses within the Northern Quarter Neighbourhood and help to build on the successes of the area's evening economy by promoting usage as a daytime destination.

The Greater Manchester Strategy, Stronger Together-This is the sustainable community strategy for the Greater Manchester (GM) Region. The proposal will deliver the comprehensive refurbishment and redevelopment of an underutilised site within the City Centre in order to bring a new hotel brand to the City. The proposal will therefore help to achieve a number of key growth priorities set out within the GM strategy including the reshaping of the economy to meet global demand, building Manchester's global brand and improving international competitiveness

The Greater Manchester Strategy for the Visitor Economy 2014 – 2020 – This strategy sets out the strategic direction for the visitor economy from 2014 through to 2020 and is the strategic framework for the whole of the Greater Manchester city-region. It outlines how Manchester will seek to secure its share of the global tourism industry, not just with mature markets but also in the emerging markets of Brazil, Russia, India and China. It also sets out the potential for business tourism to make a considerable contribution to the prosperity of Manchester stating that the attraction of national and international conferences not only contributes directly to the local economy, but also supports wider city objectives of attracting talent and investment in key industry and academic sectors. The proposed hotel product and target market of the hotel operator would provide an alternative more intimate experience for independent business tourists seeking an alternative to larger national and international hotel brands.

Destination Management Plan (DMP) – This is the action plan for the visitor economy for Greater Manchester that aligns to the tourism strategy, 'The Greater Manchester Strategy for the Visitor Economy 2017 - 2020'. The plan identifies what needs to be done to achieve growth targets by 2020. The activity includes not only the plans of the Tourist Board, Marketing Manchester, but also those of other stakeholders and partners including the ten local authorities of Greater Manchester, Manchester Airport, other agencies and the tourism businesses themselves. The DMP is a partnership document which is co-ordinated and written by Marketing Manchester but which is developed through consultation with all the appropriate stakeholders through the Manchester Visitor Economy Forum. The Forum comprises senior representatives from various visitor economy stakeholders' or The DMP has 4 Strategic Aims:

- To position Manchester as a successful international destination
- To further develop Manchester as a leading events destination
- To improve the quality and appeal of the product offer
- To maximise the capacity for growth

The proposed hotel would align with these aims in particular in terms of improving the quality and appeal of the product offer. The proposed development will complement the availability of the majority of the existing accommodation which has more extensive added services and facilities. It will provide a small and more personal scale offer, appropriate to the finer grain of the Smithfield Conservation

Area. It will appeal to more independent travellers who are drawn by the Northern Quarter's mix of individual bars, restaurants and retail outlets.

## **Conservation Area Declarations**

### **Smithfield Conservation Area Declaration**

The Smithfield conservation area lies on the north-eastern edge of the city centre of Manchester. It is one of a group of three in this vicinity designated by the City Council in February 1987; the others are Shudehill and Stevenson Square, which lie to the north-west and south-east respectively.

The area is bounded by Swan Street, Oldham Street (a common boundary with the Stevenson Square Conservation Area), Market Street, High Street and Shudehill (a common boundary with the Shudehill Conservation area).

Historically, the predominant building type was food markets. Few of these are still standing, and those that are have been converted to other uses. Around Turner Street and Back Turner Street, there are some very small-scale houses dating from the Georgian period, subsequently converted or used for commercial purposes. These streets and the buildings defining them create a rich tapestry of spaces and built form located hard up to the back of pavement. This character contrasts with that of the buildings to the south of the conservation area, closest to the commercial heart of the regional centre along Oldham Street, Market and Church Street, which are larger and of later date than the rest of the area. A number of sites have been left vacant where buildings have been demolished. Many of these are used as temporary car parks, which detract from the visual appeal of the area.

The Conservation Area Brochure contains specific advice on the parameters that are appropriate in terms of an approach to Development Management and achieving improvements and enhancements to the area. Whilst this is only advice it does reflect the expectations set out in the City Council's Design Guide SPD and Core Strategy in respect of new City Centre developments particularly within Conservation Areas. This is summarised below as far as it relates to this development:

- The main criterion in urban design terms in this area relates to the need to fit into the established street pattern and to ensure that the scale of development proportions and materials relate to the immediate context.
- Development management aims to encourage development and activity which enhances the prosperity of the area, whilst paying attention to its special architectural and visual qualities
- Demolition of existing buildings of architectural or townscape merit should be seen as a last resort and a coherent and complete justification made in line with government guidance on the issues relevant to each case must be made.

- Quality is the overriding aim in any new proposal, and this can be provided in either sensitive refurbishment of existing buildings or the appropriate design of new buildings
- The urban design context is vital in this conservation area. The height, scale, colour, form, massing and materials of new buildings should relate to the existing high quality buildings and also complement their character. Designers of proposed buildings should take account of this rather than evolving a design which has no clear relationship with buildings nearby. This does not mean a debased copying of historical forms which serve only to devalue the genuinely historical buildings nearby. It does mean acknowledging the characteristics of massing, proportions, elevational subdivision, colours and materials of adjacent buildings in the design of the modern additions.
- Both the larger and smaller buildings within the conservation area exhibit a great variety in style, but also a common unity which designers of new and refurbished buildings should acknowledge. However, superficial copies of historic buildings do not make a positive contribution to the historic character of the area and each building should have a vitality of its own.
- Designers should be aware of proportion and rhythm in their buildings and also differentiate a ground floor, middle portion (where there is sufficient height to do so) and a top part which creates a varied skyline, in order to enhance the area.
- In line with other parts of the city centre, new development proposals should generally be aligned to the back of pavement, in order to preserve the linear character of the streets.
- The corner emphasis characteristic of Manchester buildings is evident in Smithfield, and its use in new developments will therefore be encouraged
- In terms of building materials brick, stone and stucco, brick with stone dressings predominates and solid, traditional materials should be used in preference to large expanses of cladding, concrete and glass.
- In new buildings, windows should be set back from the wall faces in order to create deep modelling on the facades.
- One of the aims of improvement is to restore the rich tapestry of spaces and built form located hard up to the back of pavement which characterises the small scale older 18th century buildings within the area.

## **Other National Planning Legislation**

### **Legislative requirements**

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

S149 (Public Sector Equality Duty) 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 among the protected characteristics

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

**Environmental Impact Assessment. The proposal does not fall within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and National Planning Practice Guidance (2017).**

The proposal does not fall within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations.

### **The Schemes Contribution to Regeneration**

The regeneration of the City Centre is an important planning consideration as it is the primary economic driver of the region and is crucial to its longer term economic success. The proposals would underpin and support the distinctive identity of the Northern Quarter and would continue the incremental change that has improved the character, legibility and value of the area over the past 25 years.

Different options including a variety of uses with different levels of intervention have been considered for the site in addition to this proposal, which involved either offices or apartments at the upper levels. Only the submitted scheme would provide the level of return on investment and the scale of development that would be contextually appropriate. Although this is below a traditional viable proposition, the applicant has other properties in the Northern Quarter and are prepared to look at this as part of their wider longer term investment in the area.

The regeneration of the Northern Quarter has created a high quality mixed use neighbourhood and this proposal would continue this process. The size and location of the hotel would provide accommodation that is different to that offered by the



larger hotels and brands. This more intimate and bespoke accommodation (similar to the Abel Heywood on Turner Street) would add to the range of hotels in the City. It would support the role of the Northern Quarter and the City Centre as a tourist destination. It would create employment during construction, along with permanent employment within the commercial uses and hotel management.

The commercial uses would provide services and facilities for NQ residents, creating an enhanced street scene and providing a level of vitality to a part of Thomas Street which has been lacking for some time. The applicant aims to attract independent operators which would complement the Northern Quarter retail and leisure offer. The main activities at ground and basement levels would be on Thomas and John Streets, away from neighbouring residential communities.

The proposal would use the site efficiently and effectively in a high quality building in line with Paragraph 118(d) and 122 of the NPPF. It would improve the environment around the site, be in a sustainable location due to proximity to a number of major transport hubs and would promote sustainable economic growth.

56-58 Thomas Street makes a positive contribution to the Conservation Area, but overall, the site has for some time had a negative impact on the street scene, the Smithfield Conservation Area and the Northern Quarter. These impacts have been exacerbated by the recent demolitions. The site presents a poor appearance and fragments the historic built form that characterise the area. This creates a poor impression compared with the more vibrant streetscapes nearby, including on adjacent parts of Thomas Street. Currently Kelvin Street is closed to traffic and pedestrians adjacent to the site which has a negative impact on permeability within the area.

The proposals would improve this part of Thomas Street and help to establish a sense of place and stronger identity for this site improving the legibility of Thomas Street as a key route in the Northern Quarter. The increase in ground level activity and the improvements to connectivity across the site would integrate the site with the urban grain.

The proposals would reinstate the historic building line and form, repair the street-frontages and respond positively to its context and the areas heritage. This requires the site to be developed comprehensively and with alteration to the interior of 56-58 Thomas Street and the demolition of 9 John Street and the remaining on-site structures. The justification for this in terms of the buildings significance, is set out in detail below.

The development of brownfield sites is consistent with a number of the GM Strategy's key objectives, including the Strategy for the Visitor Economy. The hotel would support the City's growth as a visitor attraction and business destination. The site is well suited for this use given its location, prominence on a key pedestrian route and its proximity to Piccadilly and Victoria Stations. Manchester is second most visited city in England for staying visits by domestic residents and third for international visitors. It is the third busiest UK city destination for international visitors after London and Edinburgh and 23% staying visitors are international. Whilst the

supply of hotel rooms has increased significantly in the City over the past five years, it has been exceeded by greater demand.

The estimated value to Greater Manchester of the Visitor Economy is over £7.5 billion annually supporting around 92,000 FTE jobs. Marketing Manchester estimated that 4.5 million visitors stay in Manchester every year generating 10.3 million overnight stays annually. The target is to increase this to 13.7 million by 2020, and additional rooms are required to serve this future demand. Marketing Manchester state that occupancy rates averaged 80% for 2017. Around 1,650 rooms were added to the city centre *stock* during 2018, with 1,963 to be delivered across 2019 and 2020.

### **Design Issues, relationship to context and the effect on the Historic Environment.**

The Core Strategy seeks to ensure that new development complements the City's building assets, including designated and non-designated heritage assets. The impact on the local environment, the street scene and how it would add to its locality is also important. The proposal would enhance and complement the character and distinctiveness of the area and would not adversely affect established valued townscapes or landscapes, or impact on important views.

The fragmented nature of the site created by the recent demolition harms the character of the Smithfield Conservation Area and the setting of nearby listed buildings as well as the quality and character of the townscape. However, the condition of the site was poor and in need of investment prior to demolition. The condition of the site over a number of years has weakened the character and appearance of the area, has created a poor impression and has lacked street level activity. This has eroded the street pattern and interrupts the prevailing building line. There is therefore an opportunity to enhance the character of the Conservation Area, and preserve the setting of adjacent listed buildings and the wider street and townscape in line with the Planning Act, NPPF and Core Strategy as well as sections 66 and 72 of the 1990 Listed Buildings Act.



Fig 8. View across Thomas Street from the roof of the car-park (November 2018) showing the variety of the roofscape across the conservation area and the uniformity on the north side of the street.

The Smithfield Conservation Area contains buildings of different ages, sizes and types. There is a distinctive and tight grain in the north east where the application site is located where buildings are generally lower.

The character of Thomas Street is varied with 2-3 storey weaver's cottages sitting alongside 4-5 storey Victorian and Georgian warehouses. Other notable nearby buildings are the 7 storey Margolis Building to the south west a contemporary development adjacent to converted former Weavers cottages.

The north side of Thomas Street has a constant level, lined with traditional weaver's cottages. The southern side has more varied height and architectural styles. This was created by economic need within the area. The grand Georgian plan for the area was pushed aside by the need of the Victorian industrial revolution for mills and weaver's cottage developments. This resulted in the grand developments at Shudehill with weaver's cottages towards Tib Street. The materials used reflect this with the Georgian developments showing grandeur with details in brick and stone, with the weaver's cottages being simplistic, having been constructed from cost effective materials. Red brick, white stone, white and black render feature heavily along the street.



Fig. 11. View looking south-east along Thomas Street, November 2018, showing the contrasting scale of the two sides of the street. The north-side is book-ended with a cleared site and shows the gable of the 'domestic-scale' 3-storey properties which line this side of the street.



Fig. 12. Looking west along Thomas Street (Nov.18), showing the contrasting commercial-scale buildings beyond Oak Street. The corner unit on the island-site forms a book-end to the south side of the street, with its John Street frontage exposed by the late-20<sup>th</sup> development of the adjacent 5-storey car-park.

The development of Thomas Street over time has created a varied streetscape. The rhythm of the street has a strong vertical emphasise broken down into a number of terraced buildings. The width of the terraces varies with single fronted terraces alongside double and triple bay buildings. The massing of the proposal seeks to respond to this varied building rhythm.

The design was discussed widely at pre-application with a range of stakeholders, including residents, to ensure that it is viable and deliverable, of a high quality and appropriate to context. The importance of retaining the distinctive external character of 56-58 Thomas Street, including it's the double-pitched roof-form, has been a key design driver that has emerged from that process. The retention of the corner-unit would ensure that its role as a visual anchor is retained. This would help to ground the development in its context. Appropriate conservation repairs and refurbishment of the retained elements would ensure that it is detailed appropriately.

The interiors of the buildings are of no significance and in very poor condition. There would be no loss of significant historic fabric and its removal is considered on balance to be acceptable. The re-use of the retained fabric of 56-58 Thomas Street

would allow it to be fully brought back into use, as a component of the redeveloped site.

#### 4.5 CONTEXT ELEVATIONS



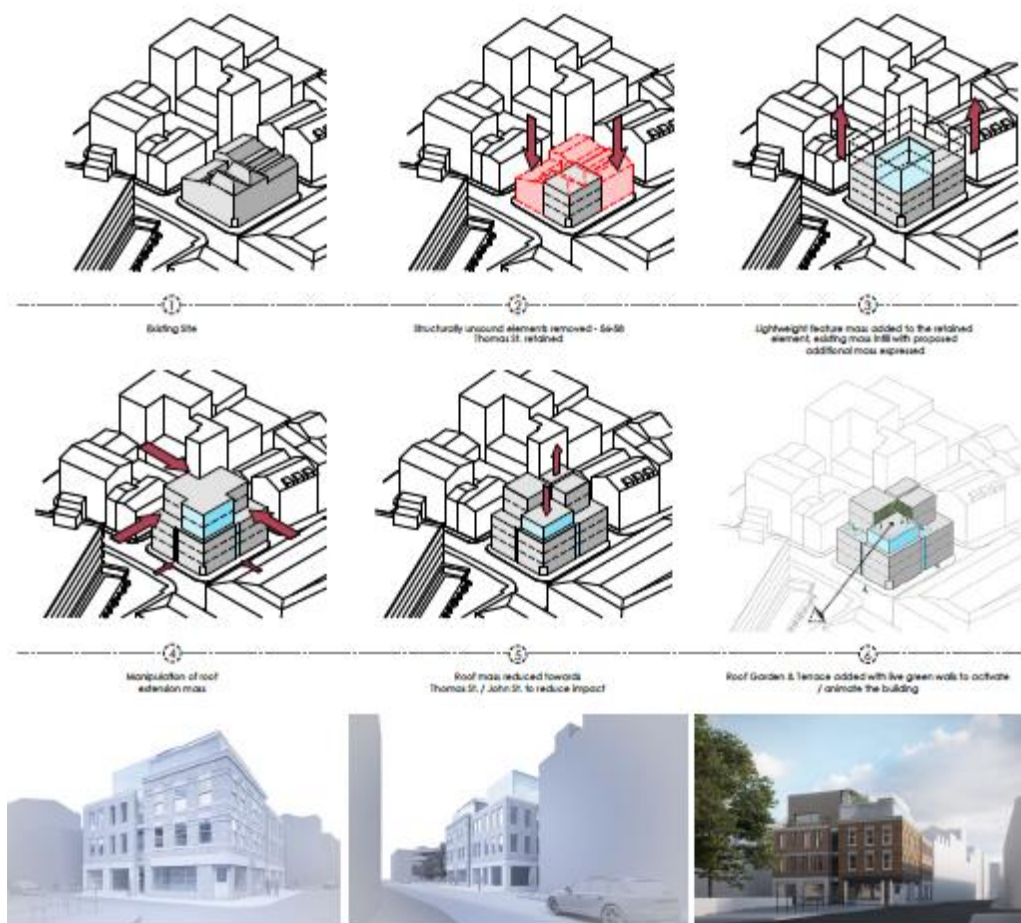
The proposal for the remainder of the site emerged preparation of a contextual analysis and the preparation of the Heritage Assessment, which have been submitted to support the application. A series of design parameters emerged which have informed and are realised within the proposals as follows:

- The new-build elements would consolidate the island-site while re-expressing its historic visual division into inter-connected quadrants, so that the block is read as a cohesive collection of distinct components;
- Additional height has been focused on the John Street and Back Turner Street parts of the site to respond to the scale of the adjacent city blocks and retain the coherence of the retained Thomas Street frontage;
- The materials and detailing would complement the colours, textures and architectural rhythms of the wider conservation area;
- The new-build form would express the architectural diversity of the site with different but complementary exterior materials which would reflect the evolutionary 'patch-work' character of the wider conservation area;
- The development would emphasise the eaves-line and/or roofscape, particularly along Thomas Street and John Street;
- The expression of the corners would be proportionate to the status of each street and would emphasise the asymmetry of the city block;
- The proposals would reference the strong tripartite order within the wider streetscape, with base, middle and top. The retail element would create a

strong and individual base order. The regular and ordered window arrangement would make an elegant middle section with roof forms and window apertures creating the top element.

- The different roofscape forms would allow the site to be read as a collection of complementary but distinct elements and provide a contemporary interpretation of the buildings that occupied the site; and
- The ordered approach to the windows in the area has been reinterpreted in a modern way. Deeply recessed and vertically proportioned windows would be consistent with the historical context and create depth and movement in the facades.

Operators initially required around 40 rooms but this would have produced a development that was too large. The massing proposed which is considered to be appropriate in terms of scale and impact on the surrounding context would provide 26 rooms. The diagrams below demonstrate the process of the first emergent scheme which incorporates 26 rooms.



The proposal would provide a series of strong street level frontages with emphasis to Thomas Street and John Street as the main active frontages. The position of the

hotel entrance from Kelvin Street has been drawn from the concept of reinstating the historic ginnel.

The proposal responds to the massing, proportions, elevational subdivision, colours and materials found in the area in a contemporary manner. It is a high quality design which would respect the historic site layout and complement the diverse architectural forms within the Conservation Area. It would improve Thomas Street and help to establish a sense of place.

The heritage impacts and effect of the proposal on key views, has been considered in more detail as follows:



### **Demolition of the remnants of 52-54 Thomas St & the Back Turner St properties.**



The condition of the site requires attention. The heritage values of the remnants of the much-altered components at the site are considered to be of low significance.

The surviving parts of the building group are of limited architectural or historic interest. This remaining built fabric detract from the character and appearance of the Smithfield Conservation Area. Their removal as part of redevelopment would conform to the broad historic character of the site which has continually evolved. The proposed demolition would retain the most authentic surviving elements and would not remove any significant building components. The demolition would bring about positive change allowing development, consolidation and a minor enhancement of the values of the Smithfield Conservation Area and adjacent listed buildings. The restoration of the townscape cohesion would make a small, but beneficial difference to the ability to appreciate the values of the heritage assets. The physical impact is on components which have limited significance and sensitivity.

The physical and visual impact would be low-beneficial through a minor enhancement of the overall character of the Smithfield Conservation Area and the setting of adjacent listed buildings.

### **Alteration of the retained units at 56-58 Thomas St.**



The proposed development would retain and restore the units which enclose the corner of Thomas Street and John Street. The works include the retention of the double-pitch roof and the fenestration pattern and the elevation details of the facades. This level of alterations would ensure that the surviving historic building fabric would continue to be read as a distinctive component of the block and enable its reuse.

It is considered therefore that the alterations to 56-58 Thomas Street would be positive and would preserve the values of this component of the Conservation Area. The internal alterations would make no demonstrable impact on the townscape cohesion.

The physical and visual impact would be low-beneficial as it would preserve and enhance, to a minor extent, the appreciation and overall character of the conservation area.



### **Restoration of the coherence of the island site as a townscape component.**

The proposal would restore the coherence of the block as a component of the densely-developed townscape. The expression of the block as a collection of complementary but distinctive units would be retained. These would address each street-elevation in a manner that is proportionate to their historic status. The focus of architectural detailing would be on Thomas Street and John Street which were higher status elevations which historically defined the character of the streetscape. The Back Turner Street and Kelvin Street elevations would retain their more functional and distinctive characters as ancillary frontages.

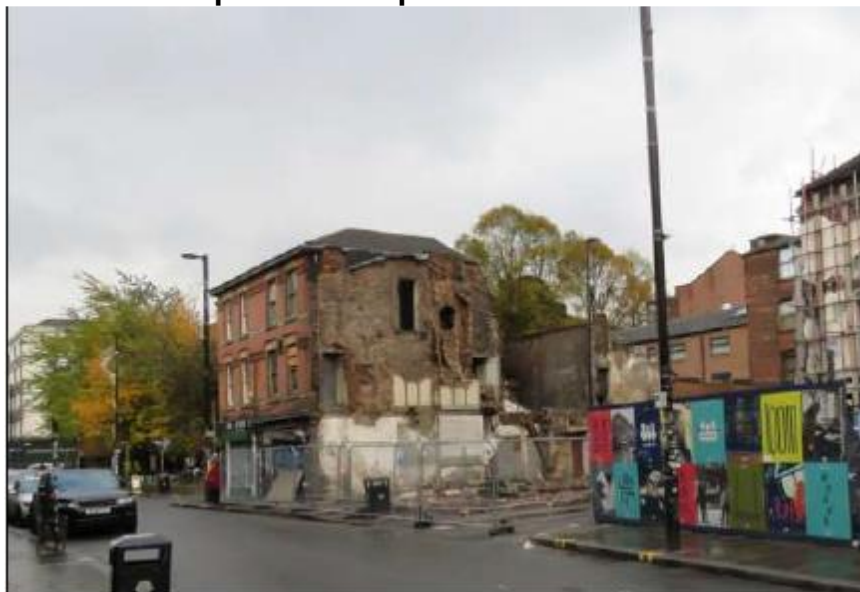
This would result in positive change that would consolidate and to a minor extent enhance the values of this part of the Smithfield Conservation Area.

The restoration of the townscape cohesion would make a significant, beneficial difference to the appreciation of the values of the block and the wider, diverse character of the heritage assets and would result in a minor beneficial heritage impact.

The physical and visual impact would be low-beneficial as it will enhance, to a minor extent, the appreciation and overall character of the Smithfield Conservation Area.

### **Viewpoint 1. Looking south-east along Thomas Street.**

#### **Baseline viewpoint – viewpoint 1.**



This view toward the site along Thomas Street and reveals the extent of dereliction which the development seeks to address. The streetscape is dominated by the clearance and the evident need for regeneration. However, although it does give visual clues to the diversity of the building form which characterised the site.

The streetscape is dominated by the lost commercial units to Kelvin Street, while the clearance of much of 52-54 Thomas Street emphasises the island nature of the

small city block. 56-58 Thomas Street has an artificially-prominent focus in the streetscape, following this demolition and appears as an isolated remnant.

The wider streetscape has been diminished by this change and does not reveal or define the character of the conservation area. The view presents glimpses of the exposed and reconstructed properties on Back Turner Street and the gap site further along Thomas Street which resulted from the clearance of former warehouses to accommodate the Church Street car-park. The cleared site at 48-50 Thomas Street and the scaffolded 7 Kelvin Street can be seen. These are not within this site and are indicative of the regeneration issues which face the street.

### **Comparative value of viewpoint 1.**



This view is of low-value. The site and the remaining built fabric, artificially holds the focus of the view along Thomas Street because of the partial clearance. It is clear that its cohesion as a small city-block would still be read and appreciated in the view, should an appropriately scaled redevelopment take place.

### **Indicative proposed viewpoint 1.**

The proposal would re-establish a contextually appropriate vibrant city-block that would make a positive contribution to the streetscape and the conservation area.

The site would be read as a collection of distinctive components by the expression of the former buildings. The scale would be slightly taller but would reflect the context of the wider street scene including the buildings to the rear. The development includes a 56-58 Thomas Street whose ground floor units have re-established proportions, complemented by the contemporary at 52-54 Thomas Street.

The proposal would result in the positive reinstatement of the build form and the re-introduction of vitality of the street-frontage thus enhancing the heritage value of this part of the conservation area.

The visual impact on the heritage values of this part of the historic environment would be appreciably positive change, enhancing the experience and appreciation of the defined values of the conservation area's streetscape.

### **Conclusion viewpoint 1.**

The changes would make an *appreciable difference* to the understanding of the defined heritage assets. The impact would be beneficial. The proposal would impact on building components of low-significance and sensitivity which contribute to a potential streetscape of moderate heritage value.

The overall visual impact would be moderately beneficial as the development would enhance the physical fabric of the designated heritage asset and the appreciation of the regenerated character of the Smithfield Conservation Area.

### **Viewpoint 2. Looking north-west along Thomas Street.**

#### **Baseline viewpoint – viewpoint 2.**



This view toward the site along Thomas Street slightly obscures the extent of dereliction by focusing on 56-58 Thomas Street and the John Street junction. The streetscape further down the street is characterised by the lost commercial units at Kelvin Street and the foreground on John Street. 56-58 Thomas Street have an artificially-prominent focus in the streetscape, as a result of the poor context.

The surviving units appear as isolated remnants of an area which was historically densely-packed with terraces of industrial workshops and residential properties. The streetscape is in transition and in need of regeneration. The background properties illustrate the diversity of building form which characterised the site.

The streetscape has been considerably diminished by change and does not define the character of the conservation area. There are glimpses of the exposed and

reconstructed properties on Kelvin Street and further late-C19th properties along Thomas Street which provide an architectural contrast. The cleared site at 48-50 Thomas Street is outside of this site and indicates the need for positive change on Thomas Street

### **Comparative value of viewpoint 2.**

This view of low-value. Focussing on the remaining elements of the block. The site has been the focus of the view since the clearance of the adjacent site in the in the 1970s and it is clear that its cohesion as a small city block and its architectural scale and mass would still be read and appreciated in the view, once regenerated.

### **Indicative proposed viewpoint 2.**



This view, which includes the previously consented scheme on the adjacent site, illustrates how the proposal would re-establish a small city-block read as a collection of complementary units. The cumulative impact would be a positive addition to the streetscape and the conservation area.

The proposal creates a contextually appropriate vibrant city-block that contributes positively to the streetscape and the conservation area and would enhance its heritage values. The impact on the heritage values from this view would appreciably be positive and enhance the experience and appreciation of the values of the conservation area's streetscape.

### **Conclusion viewpoint 2.**

The changes would make an *appreciable difference* to the understanding of the Smithfield Conservation Area and the impact would be beneficial. The proposal would impact on building elements components of relatively low-significance and sensitivity which contribute to a potential streetscape of moderate heritage value.

The overall visual impact from this view would be moderately beneficial as the development would enhance, to a clearly discernible extent, the designated heritage asset's physical fabric, and the appreciation of the character of the Smithfield Conservation Area.

### **View along Union Street towards the site**



**This view illustrates how the scale of the proposal fits in with the street context.**

Conservation and enhancement of the Conservation Area and setting of adjacent listed buildings would be achieved by removing the blight without compromising the essential character or appearance of the area.

The scale, alignment and positioning of the proposal would be acceptable and would add positively to the vitality of the streetscape. The buildings would be seen from some parts of the conservation area and in views of listed buildings but the impact would not be harmful. Overall, the proposal would have a beneficial impact on heritage assets and the townscape. Where the proposal appears more prominent its quality and the significance of the heritage assets remain fully appreciable, or the urban decay and dereliction is stitched back together. The proposal combines sensitive infill and dynamic city regeneration and would remove the adverse impact of the site on the street scene, on adjacent listed buildings and on the Smithfield Conservation Areas.

### **Significance of the existing and previous buildings on the site and the case to Support Demolition (including removal of fabric from 56-58 Thomas Street)**

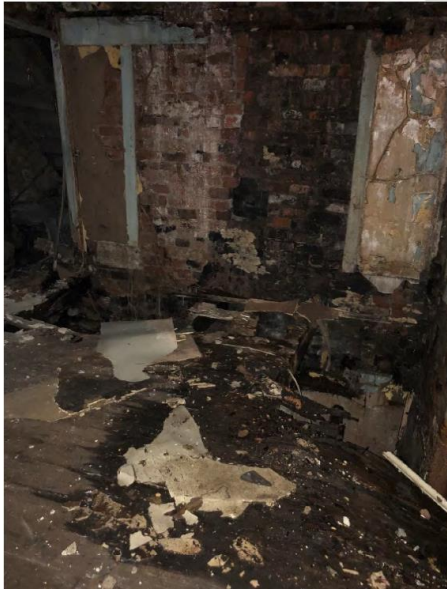
The architectural and historic interest of the site makes a positive contributor to the character of this part of the conservation area. However, its condition and context gives it a great prominence which detracts from the cohesion of the townscape and the character and appearance of the Smithfield Conservation Area).

56-58 Thomas Street, 9 John Street and the remains of 52-54 Thomas Street have been assessed against the statutory criteria for listing to determine if they have any special interest. This assessed their evidential, historical, aesthetic and communal value.

Prior to the 2017 localised building collapse and subsequent demolition, parts of the buildings on the site had deteriorated to an extent which is likely to have contributed to that localised building collapse (as evidenced in material submitted in support of the application).

The group of buildings which previously stood on the sites were much altered, and substantially rebuilt the late 19<sup>th</sup> Century, with original windows replaced. The 1930's Art Nouveaux windows have been salvaged for reuse.







### **Images of Interior condition of 52-54 Thomas Street prior to demolition (above)**

Neither the surviving building-group nor the previous buildings at 52-54 Thomas Street have or had listed status and none of the remaining fabric would meet the requirements in the listing guidance. The site has differing degrees of streetscape significance with Thomas Street of considerable significance whilst Kelvin Street and Back Turner Street were of lower significance. The John Street facade is of low significance where composed of No. 9 John Street and of considerable significance where composed of No. 58 Thomas Street. The only features considered to be of higher significance were the decorative stained-glass windows as detailed above.

The historic interest in the buildings, including 52-54 Thomas Street, has been much diminished by the extent to which they have been altered

The site has changed significantly over time and its recent poor condition is such that whilst there may be some documentary and physical evidence of past human activity



below-ground, very little tangible evidence is likely to survive. Consequently, the buildings within the site are considered to be of low evidential value.

In the late 18th and early 19th centuries a wide range of residential, craft, light-industrial uses and retail uses occupied the site and the buildings were subject to extensive and repeated alterations to facilitate these uses. This is typical of development in the area. The use of site in the later 19th and early 20<sup>th</sup> Century as a restaurant is of some historic interest, especially as this use is supported and evidenced by a range of historic documentation. However, the uses do not illustrate any particularly significant aspects of the area's evolution or the nation's history, nor do they have any substantiated historical associations. Consequently, the buildings on the site are considered to be of low historical value.

56-58 Thomas Street has been afforded higher prominence as a consequence of changes in the streetscape and now anchors this part of it. This is the most architecturally intact part of the site and retains some distinctive late-19th century decorative details, most, notably the early-20th century Art Nouveau stained-glass windows which survive to the first floor. The 18th and 19th century brickwork, sash windows, decorative stone and brick details and rooflines are attractive and typical of the character of the conservation area. Internally few features of architectural quality survive and what does is of no significance or in a very poor condition, and the external features are, in comparison to other parts of the Northern Quarter very modest in nature. It is, therefore, considered that the surviving buildings on the Thomas Street frontage of the island-site are of low aesthetic value.

The attached return to John Street and onto Back Turner Street has been extensively rebuilt most recently post-WWII and the remnants of 52-54 Thomas Street have been altered to such a degree that this building group is of no aesthetic significance.

The status of much of the site as former dining rooms, chop house and pub, one of the earliest such in the city, and its potential contribution to the fabric and vitality of the Northern Quarter, gave the site some social value but the long-vacancy of the building group has significantly eroded any likely contribution to the collective memory of the area. The building group is primarily valued as a building-block of the tightly-grained, loose-grid which characterised the development of the area in the 18th and 19th centuries and which frames the area's diverse and vibrant character. It is, therefore, considered that the communal value of the site is inherently of low

The evidential, historical, aesthetic and communal heritage values of site were prior to demolition and more so currently, considered to be of low heritage significance and the site in its current condition has a negative impact on the Smithfield Conservation Area.

The group of buildings which previously stood on the sites were much altered and substantially rebuilt by the late 19<sup>th</sup> Century, including the replacement of original windows, insertion of modern shop fronts, a series of further late 20<sup>th</sup> Century alterations and the absorption of a former courtyard into the buildings.

The proposed demolition and previous demolitions have retained the most authentically surviving elements of the site and the proposals would not result in the loss of any significant building components. The loss of the build fabric proposed would have a negligible impact on the character and appearance of the Conservation Area and the setting of adjacent listed buildings. The proposed demolition would allow a development that would overall have a beneficial impact on the character of the Smithfield Conservation Area and the setting of adjacent listed buildings.

### **Consideration of the merits of the proposals within the National and Local Policy Context relating to Heritage Assets**

Section 66 of the Listed Buildings and Conservation Areas Act 1990 requires members to give special consideration and considerable weight to the desirability of preserving the setting of listed buildings when considering whether to grant planning permission for proposals which would affect it. Section 72 of the Act requires members to give special consideration and considerable weight to the desirability of preserving the setting or preserving or enhancing the character or appearance of a conservation area when considering whether to grant planning permission for proposals that affect it. Development decisions should also accord with the requirements of Section 16 of the National Planning Policy Framework which notes that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance. Of particular relevance to the consideration of this application are paragraphs 192, 193, 194, 196, 197, 200 and 201.

The NPPF (paragraph 193) stresses that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation whether any harm would be substantial, total loss or less than substantial. Significance of an asset can be harmed or lost through alteration or destruction or by development within its setting. As heritage assets are irreplaceable, any harm or loss should clearly and convincingly justified.

This proposal involves the demolition of non-listed building fabric, and effects the setting of adjacent Listed Buildings and the character of the Smithfield Conservation Area. The harm caused would be less than substantial. Paragraph 196 of the NPPF states that any less than substantial harm, should be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of a heritage asset. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 7). Public benefits may include heritage benefits, (Para 20 of the NPPF Planning Practice Guidance). The public benefits arising from the development, would include:-

#### Heritage Benefits

It is considered that the proposal would secure the optimum viable use of an underutilised island site in line with paragraph 196 of the NPPF. The demolitions would allow the repurposing of the site and retain fabric, ensuring the long term conservation of the key areas of significance within the site. In order to deliver a viable development there is a need for some increase in height to the rear of the site

compared with the scale of the current and previously demolished buildings. However, any harm from this height is on balance outweighed by the substantial benefits of the scheme which would improve the townscape, including legibility, the character of the Smithfield and the setting of adjacent Listed Buildings.

#### Wider public benefits

These are set out elsewhere in this report and include:

- Putting a site which has a negative effect on the townscape, back into viable, active use;
- Regenerating a site containing vacant buildings some of which are of limited architectural and historical interest;
- Establishing a strong sense of place, enhancing the quality and permeability of the streetscape and the architectural fabric of the City Centre;
- Optimising the sites potential to accommodate and sustain an appropriate mix of uses whilst adding to the variety of the hotel accommodation offer within the part of the City Centre;
- Responding to the local character and historical development of the area, delivering an innovative and contemporary design which reflects and complements both the wider area and local context;
- Creating a safe and accessible environment;
- Contributing to sustained economic growth;
- Providing equal access arrangements for all into the building;
- Increasing activity at street level through the creation of an 'active' ground floor providing overlooking, natural surveillance and increasing feelings of security within the city centre.

Officers consider that the benefits of the proposal would outweigh the level of harm caused to the affected heritage assets, and are consistent with paragraph 196 and 197 of the NPPF and address sections 66 and 72 of the Planning Act in relation to preservation and enhancement.

The quality and design would sustain the value of the key heritage assets. There are substantial public benefits which would outweigh the harm caused by the partial loss of the buildings on the site. That harm is necessary to secure those benefits, to fully realise the optimum viable use of the site and secure its wider potential in urban design terms

The elements of building fabric that would be demolished are of low value contribute little to the character of the Smithfield Conservation Area and setting of the adjacent Listed Buildings. The demolition would result in some instances of "less than substantial harm" however the heritage assets and their setting would not be fundamentally compromised and the less than substantial harm would be outweighed by the public benefits.

#### Architectural Quality

The key factors to evaluate are the buildings scale, form, massing, proportion and silhouette, materials and its relationship to other structures. The quality of the detail, including window recesses and interfaces between the different components are key to creating a successful scheme

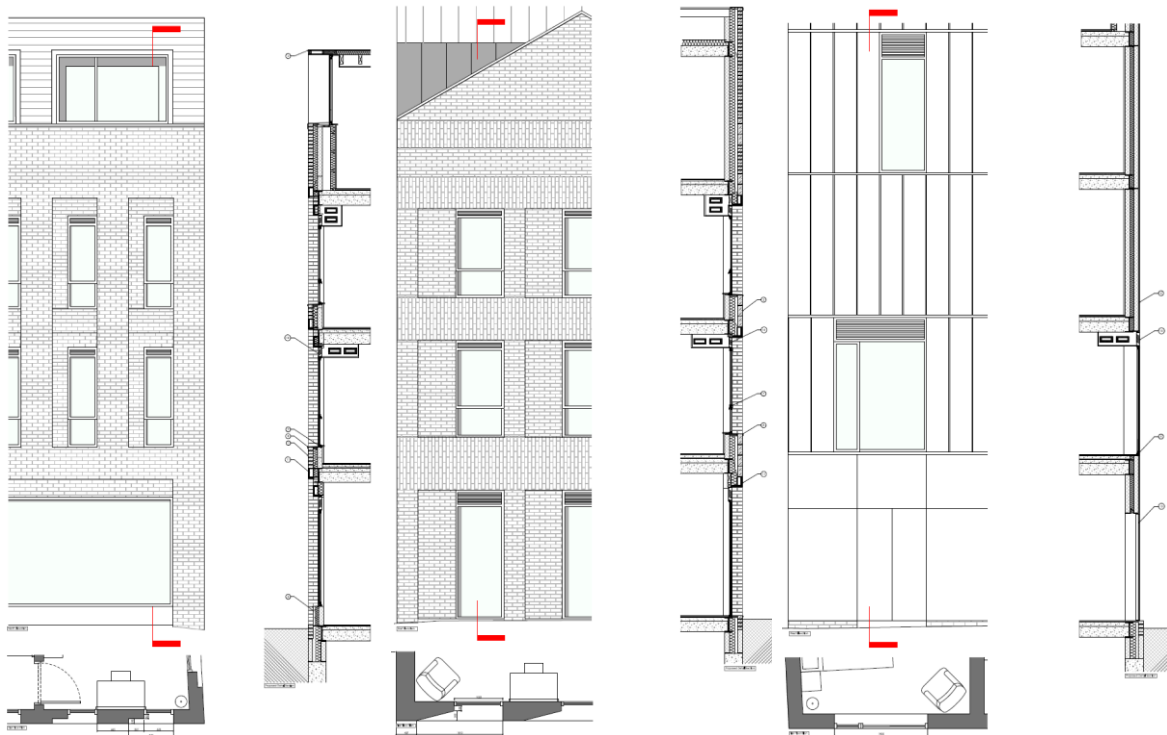


The scheme has been designed to reflect the terrace-like quality of Thomas Street and the Northern Quarter, where each unit is an individual property with its own design approach, materials and scale. This addresses the local character and historical development of the area and reflects the eclectic nature of the area in terms of its identity, building style and materials. The proposal balances the design of the new-build element with the retention of the heritage components.

The variety of building materials used in the Northern Quarter is quite diverse, but is more rugged in character than other parts of the city centre due to its industrial heritage. Stone, brick and slate are used extensively. Brickwork would be the primary material as it relates to the retained heritage asset and the surrounding context. However, the new development would be a contemporary response and not a pastiche of the adjacent buildings.

The proposed materials are appropriate and with the right detailed design would deliver a high quality scheme. Their colour and texture would reflect those found within the wider area.

The layout would animate the street and would improve the streetscape considerably. The high quality contemporary design would add to the quality of the locality and enhance legibility.



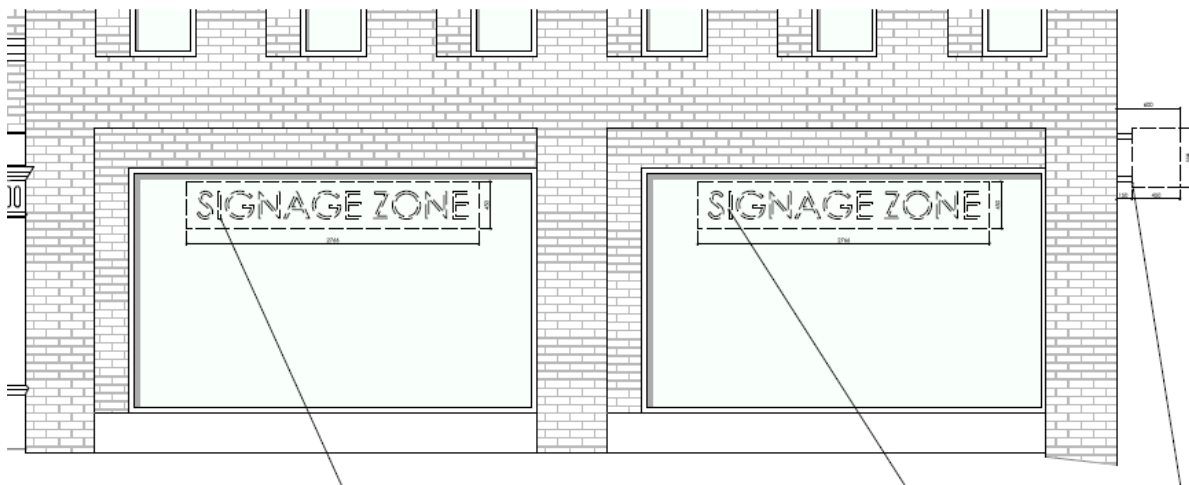
The main facades have deep reveals and definition to relate to the vertical rhythm of 56-58 Thomas St and other buildings along the street. The zinc clad dormer elements adds a contemporary element to a traditional form. Deep and splayed windows reveals add further interest to the façade.

Dark standing seam cladding would provide a contrasting material, and signify a change in buildings. The dark colour relates to the Margolis building. The standing seam also adds a further contemporary element and contrasts with the heritage surroundings.

The roof garden would create some green space. It would have timber decking with fixed and loose seating and a mix of native planting.

The quality of the detail, including the corner interfaces, window recesses and interfaces between the different components are key to creating a successful development. The layering, detailing and highly modelled design should ensure that the building responds well to its context. The variety and different tones of the materials and the quality, and variety of brick patterning and modelling, would add richness to the façades.

The principle construction would be traditional bricks. A condition requiring samples of materials and details of jointing and fixing details and a strategy for quality control would be attached to any permission granted. This should result in high quality building that would be appropriate to its context.



Relationship to Public Transport Infrastructure (Parking, Servicing and Access, Green Travel Plan / Cycling Provision/ Parking (including Disabled Parking provision) – This highly accessible location would encourage the use of more sustainable forms of transport. The proximity to shops, restaurants, bars and visitor attractions mean that many guests would access these facilities by walking.

The hotel would be marketed as a car-free but parking space is available within nearby car parks including the adjacent MSCP. No dedicated cycle parking is provided due to space constraints and the marginal viability of the scheme. However there are 11 cycle parking stands at the junction of John Street and Thomas Street opposite the site and as such this is considered an acceptable alternative to onsite provision in this instance.

A condition would require a Travel Plan to be agreed prior to occupation with implementation to be monitored and revised within 6 months of occupation.

Servicing to the building would be from Back Turner Street from a servicing bay on Thomas Street. Taxi drop off would be on Thomas Street or Oak Street (depending on the restrictions in place on Thomas Street in relation to vehicle movements). Highways are satisfied that the proposal is unlikely to generate any significant impact in terms of highway safety.

A condition would require details of a Servicing Management Strategy to manage all refuse use and delivery requirements. A scheme of highway works to include footway improvements needs to be agreed and would be secured through a condition.

The development would be based around sustainable transport modes which would reduce CO2 emissions and the proposal would not produce a significant increase in traffic flow/ loading requirements on surrounding streets.

### Sustainability

An Energy Statement (ES) sets out measures that could be incorporated across the lifecycle of the development to ensure high levels of performance and long-term viability and ensure compliance with planning policy. The requirements for CO2 reductions set out within the Core Strategy would be met through minimising energy demand and meeting any demand efficiently through adopting the lean, clean and green energy hierarchy. The sites highly sustainable location should reduce its impact on the environment.

The development would accord with a wide range of principles that promote energy efficiency. It would integrate sustainable technologies from conception, through feasibility, design and build stages and also in operation. The development would aim to achieve a BREEAM 'Very Good' rating. It would aim to minimise CO2 emissions by reducing the need for energy and providing some renewable/sustainable means. Issues such as water, waste and biodiversity are also addressed. Preliminary assessments suggest that the hotel would achieve an 18.49% reduction in CO2 emissions can be found over the Part L 2010 target and that there is potential to provide up to 22.45% of the on-site demand through the use of renewable technologies.

Good design can minimise energy use by improving the efficiency of the fabric including its thermal performance and air tightness above Building Regulations requirements. Energy reducing and low carbon technologies would be applied. The Energy Strategy aims to improve the building thermal envelope, increasing the efficiency of the M&E services and incorporating a suitable LZC technology (CHP)

The design utilises improved fabric parameters and high efficiency LED lighting in conjunction with on-site renewables (7.5%) via a Variable Refrigerant Flow (VRF) system, which utilises Air Source Heat Pump (ASHP) technology.

The refurbishment and replacement of the existing buildings, provides the opportunity to progress a modern, efficient building which would provide enhanced levels of climate change mitigation.

### **Effects on the Local Environment/ Amenity**

Sunlight and overshadowing, air quality, noise and vibration, construction, operations and TV reception.

### Privacy and Overlooking

Small separation distances between buildings is characteristic in the area and is consistent with a dense urban environment. The buildings that previously occupied the site were built to back of pavement and historically had windows close to those within adjacent blocks.

### Daylight, Sunlight and Overshadowing

The need for high density developments in the City Centre means that amenity issues, such as daylight, sunlight and the proximity of buildings to one another have to be dealt with in an appropriate manner. Historically this was a commercial area with Victorian warehouse buildings built in close proximity to each other. Recent regeneration of the area has seen a number of these warehouses converted to office or residential use. Streets are narrow and expectations for daylight need to be balanced against the benefit of regeneration to this area of central Manchester

An assessment of daylight, sunlight and overshadowing has been undertaken, using specialist computer software to measure the amount of daylight and sunlight that is available to windows in a number of neighbouring buildings. The assessment made reference to the BRE Guide to Good Practice – Site Layout Planning for Daylight and Sunlight Second Edition BRE Guide (2011).

This type of assessment is not mandatory but is generally accepted as the industry standard and local planning authorities use it to assist consideration of these impacts. The guidance does not have 'set' targets and is intended to be interpreted flexibly. It acknowledges that there is a need to take account of locational circumstances, such as a site being within a town or city centre where higher density development is expected and obstruction of natural light to buildings is sometimes inevitable.

Residential developments at 6 Kelvin Street and 54 Back Turner Street have been identified as residential receptors which could potentially be affected by the proposal. The baseline is the site prior to demolition.

### **Daylight Impacts**

The BRE Guidelines provides methodologies for daylight assessment. The methodologies are progressive, and can comprise a series of 3 tests.

Firstly, the guidance advises an assessment of how much Daylight can be received at the face of a window which is generally referred to as the Vertical Sky Component (or VSC). This measures the percentage of the sky that is visible from the centre of a window. The less sky that can be seen means that the daylight available would be less. Thus, the lower the VSC, the less well-lit the room would be. In order to achieve the daylight recommendations in the BRE, a window should attain a VSC of at least 27%. However, in relation to higher density environments, within the guidelines if a window already receives less than 27% VSC, then a reduction in the existing value of up to 20% (i.e. 0.8 x) is considered to be acceptable on the basis that such a reduction is unlikely to be noticed by the room's occupants.



An assessment known as 'No Sky Line' (NSL) measures daylight distribution and assesses how the light is cast into the room, and examines the parts of the room where there would be a direct sky view and the parts that would not have direct sky view. Daylight may be adversely affected if, after the development, the area in a room which can receive direct skylight is reduced to less than 0.8 times its former value as this would be noticeable to the occupants.

The Guidance states that a reduction of VSC to a window more than 20% or of NSL by 20% does not necessarily mean that the room would be left inadequately lit, but there is a greater chance that the reduction in daylight would be more apparent. Under the Guidance, a scheme would comply if figures achieved are within 0.8 times of baseline figures. For the purposes of the sensitivity analysis, this value is a measure against which a noticeable reduction in daylight and sunlight would be discernible and is referred to as the BRE target.

The Average Daylight Factor (ADF), assesses how much daylight comes into a room and its distribution within the room taking into account factors such as room size and layout and considerations include: the net glazed area of the window in question; the total area of the room surfaces (ceiling, walls, floor and windows); and the angle of visible sky reaching the window(s) in question. In addition, the ADF method makes allowance for the average reflectance of the internal surfaces of the room. The criteria for ADF is taken from the British Standard 8206 part II which gives the following targets based on the room use:

Bedroom – 1% ADF; Living room – 1.5% ADF; Kitchen – 2% ADF

Where a room has multiple uses such as a living kitchen diner (LKD) or a studio apartment, the highest value is taken so in these cases the required ADF is 2%.

A key factor to be considered in relation to the 2<sup>nd</sup> and 3<sup>rd</sup> tests is that these assess daylight levels within a whole room rather than just that reaching an individual window. The assessment submitted with this application has considered the VSC and NSL for daylight assessment.

The VSC level diminishes rapidly as building heights increase relative to the distance of separation. As such, the adoption of the 'standard target values' is not the norm in a city centre and the BRE Guide recognises that different targets may be appropriate. It acknowledges that if a building stands close to a common boundary, a higher degree of obstruction may be unavoidable. This is common in urban locations in particular. If the guidance were to be applied rigidly in city centres, very little development would be able to be built

For the purposes of this analysis only the VSC and NSL tests have been carried out.

**54 Back Turner Street:** This is a mixed use property with commercial & circulation space at ground floor level. First & second floors are flats, both having a kitchen & bedroom included in the assessment. In the baseline condition 7/12 (56%) of residential windows are compliant for VSC. With the proposed development in place 2/12 (17%) windows would be comply. The majority of affected windows which do not pass (8/12) are to bedrooms, bathrooms or circulation spaces where there is a

lower expectation of daylight levels. The compliant windows are to a living room / kitchen/ diner as are the 2 remaining non-compliant windows.

In the baseline condition 1/4 (25%) of the habitable rooms meet the NSL criteria. 2 of the rooms are bedrooms, bathrooms where there is a lower expectation of daylight levels. The remaining room is a living room / kitchen/ diner.

### **6 Kelvin Street:**

This is believed to be residential property with one assessed room on each of its four floors. In the baseline condition 2/12 (17%) of windows are compliant for VSC. With the proposal in place 0/12 (0%) of the windows would comply. Each room is served by three windows. In each case two windows comfortably meet the BRE Target for VSC while one falls short. When these three windows are considered together the rooms they serve would remain well-lit.

All of the rooms assessed within this property comfortably meet the BRE guidance for daylight distribution.

### **Sunlight Impacts**

The BRE Guide explains that sunlight tests should be applied to all main living rooms and conservatories which have a window which faces within 90 degrees of due south. The guide states that kitchens and bedrooms are less important, although care should be taken not to block too much sunlight. The BRE guide states that sunlight availability may be adversely affected if the centre of the window

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March;
- Receives less than 0.8 times its former sunlight hours during either period; and
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours (APSH)

As with daylight, a sunlight reduction of over 20% does not automatically mean that sunlight to that room would not be sufficient, but it would be more noticeable.

When assessed against the APSH (Sunlight criterion) all of the affected rooms within 54 Back Turner Street and 6 Kelvin Street are compliant with the targets.

### Overshadowing

There are no open amenity spaces in the vicinity of the Development site that justify the need for a permanent shadowing and sunlight hour's appraisal

### Conclusion Daylight and Sunlight Impacts

The scale of development proposed is not significantly taller than the existing / previous buildings. They are located within a densely developed part of the City Centre where lower levels of daylight and sunlight are a characteristic yet many people have chosen to live in converted buildings. Any reduction to the scale of the development could make it unviable.

It is considered that the above impacts have been tested and perform to an acceptable level against the BRE guidelines

### Air Quality

An Air Quality Assessment notes that during construction dust and particulate matter may be emitted into the atmosphere but any impact would be temporary, short term and of minor significance and minimised through construction environmental management techniques. A Construction Management Plan would require contractors' vehicles to be cleaned and the access roads swept daily.

The site is within an Air Quality Management Area (AQMA), which could potentially exceed the annual nitrogen dioxide (NO<sub>2</sub>) air quality objective. The principal source of air quality effects would be from more vehicle movements. The hotel would be car free and would not significantly affect air quality. A condition would ensure that emissions from energy and/or heating plant would not impact on local air quality.

The development would not result in any significant air quality issues subject to any mitigation in discharge of conditions to be attached to any consent granted

### Noise

During construction, there is potential for short-term major adverse noise impacts especially during the demolition, piling and excavation phases. However, the adoption of appropriate noise and vibration monitoring and management should ensure all impacts are minimised as far as reasonably practicable. The applicant and their contractors would work with the local authority and local communities to seek to minimise disruption.

There are no amenity issues that would impact on surrounding residential properties over and above those expected in the city centre. There would be no noticeable increases in traffic. All fixed plant and equipment and operational noise from commercial activities would be specified to meet the City Councils noise criteria. The glazing would create acceptable internal noise levels. The level of noise and any mitigation measures required in relation to the operation of the ground floor bar and restaurant any plant and ventilation should be controlled through a condition.

The main ground floor unit will be accessed at the corner of John and Thomas Streets, with the hotel access taken from Kelvin Street. Secondary access to the ground floor will also be provided onto John Street, facing on to the existing NCP car park. This positioning of key access points will direct all public footfall away from the residential areas to the rear. Smoking by hotel customers will be limited to the roof garden area and smoking by other customers will be limited to a designated smoking area on John Street.

The implementation of 'best practicable means' would minimise noise and vibration during construction such as observing hours of construction, selection of appropriate plant and equipment, the use of barriers and enclosures and the implementation of on-site management and monitoring of noise and vibration levels. The contractors would be required to engage directly with local residents and a Construction Management Plan would be required through a condition.

#### TV and Radio reception

A baseline TV Reception Survey based off field work including inspection of buildings within the shadow zone notes that there are no satellite dishes or antennas facing the Winter Hill transmitter. Given the scale of the proposal there is unlikely to be any impacts but this report provides baseline data against which any impacts post completion of during construction can be benchmarked and a condition could require the applicant to mitigate for such impacts. Suggestions are provided within the Report in relation to appropriate mitigation.

#### Crime and Disorder

Increased footfall and improved lighting would improve security and surveillance. Greater Manchester Police confirm that the scheme should achieve Secured by Design accreditation and a condition is recommended.

#### Archaeological issues

Greater Manchester Archaeological Unit have identified potential archaeological interest of local importance, in particular the cellars beneath the former site of 52-54 Thomas Street. They have recommended that prior to any soft-strip, demolition or development, a programme of archaeological recording is undertaken. This should commence with an internal survey of the cellars of 56-58 Thomas Street. There will then be an excavation of the cellars of 52-54 Thomas Street.

GMAAS recommends that the archaeological interests should be secured through a condition.

#### Waste and Recycling

There would be dedicated recycling and refuse areas in the ground floor. The hotel, retail, bar/restaurant unit have their own individual dedicated secure bin store located on Back turner Street. Each bin store provides 2 types 1100L Euro bins, 1 for general waste and 1 for recycling.

Each operator would be responsible for arranging their waste collection. The frequency as per the vast majority of operators within the Northern Quarter, this is likely to be daily.

The number of bins for each waste stream Complies with MCC standards and bins for each type would be clearly marked.

#### Floor Risk and Drainage Strategy

The site lies within Flood zone 1 and is low risk site for flooding. It is in the Core Critical Drainage Area in the Council Strategic Flood Risk Assessment and requires a 50% reduction in surface water run-off as part of brownfield development. Major planning applications determined from 6 April 2015, must consider sustainable drainage systems.

A Drainage Strategy explains that surface water run-off would be minimised and reduced to a greenfield rate if practical, and the post development run-off rates would be reduced to 50% of the pre development rates.

Conditions would require the investigation of measures that maximise the use of SUDS for both water quantity and water quantity and would be confirmed upon completion of a feasibility review. The proposal would not increase impermeable area and surface water runoff restricted to the permitted flow granted by United Utilities plus a 30% allowance for climate change.

Surface water drainage opportunities on the constrained island site are limited. It is intended to connect to the existing drainage network. Roof-top landscaping, including planters will contribute to a modest reduction in run off rates. Limited external works are proposed and the building line is to the back of the public footpath leaving no space for swales or filter trenches. The perimeter footpath is public highway and therefore would not be altered to permeable paving.

Any increase in foul water discharge would be insignificant in flood risk and drainage terms with foul and surface water flows discharged into existing combined sewer.

#### Biodiversity and Wildlife Issues/ Contribution to Blue and Green Infrastructure (BGIS)

The proposals would have no adverse effect on statutory or non-statutory sites designated for nature conservation. There are no examples of Priority Habitat and no invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) are present within the site. The presence of bats is reasonably discounted.

Despite the urban location and poor potential for wildlife activity, the introduction of the roof garden provides the opportunity to attract birds and insects. The planting would include insect friendly flowers and herbs and pesticides will be avoided as far as practical.

The buildings are considered to have low suitability for roosting bats given the number of external potential roosting features but poor surrounding habitats. A precautionary pre-commencement bat presence / absence survey is required in order to determine if bats are roosting within the buildings prior to the start of works on site. The survey should be undertaken by an appropriately licensed ecologist during the bat survey season, May to September inclusive.

#### Contaminated Land Issues

A phase 1 Desk Study & Phase 2 Geo- environmental Report conclude that site remediation is not necessary. A watching brief should monitor the situation during

the site preparation process. The site presents a low to medium risk to future users and construction workers.

Given the history of bomb damage on the site, there is moderate potential for unexploded bombs. Prior to any demolition a radar survey would be performed prior to any demolition works taking place, once the ground had been cleared sufficiently to enable safe working in the area. A requirement for this investigation can be secured via a condition attached to any consent granted.

If ordinance is found, a specialist UXB team would be engaged to assess next steps and to draw up risk assessments for any continuing works which would be carried out in accordance with provide best practice guidance for the industry (CIRIA).

Disabled access – All floors would be accessible via the passenger lift and the stairs are designed to be ambulant standard. Both the lift and stairs are clearly located and easily accessed within the building, corridors on the upper floors run straight along the building length and are easy to navigate along. The lift car is sized to be capable of carrying 8 persons, and will have an internal dimension to accommodate wheelchair manoeuvring with adequate turning space in the lift lobby.

4 of hotel rooms are fully accessible and have been designed with accordance to wheelchair space standards set out within Part M. All spaces within the rooms allow for minimum turning circles, including around fixed furniture.

Although no dedicated disabled parking is proposed to serve the hotel, the following provision is close by:

Thomas Street – 1 space, approx. 10m (opposite site)  
 Edge Street – 1 space, approx. 75m (at junction with Oak Street)  
 High Street – 3 spaces approx 100m  
 Copperas Street – 2 spaces approx 150m (by NQ restaurant)

There are 6 spaces allocated for disabled badge holders only, in the Tib St MSCP Park, adjacent to the Tib St entrance approx. 120m from the site along Thomas St.

Local Labour - A Local Labour Agreement document confirms that opportunities would be maximised and this would be secured by planning conditions. The Council's Work and Skills team would agree the detailed form of the Local Labour Agreement.

S149 (Public Sector Equality Duty) of the Equality Act 2010 - The proposed development would not adversely impact on any relevant protected characteristics.

### **Social Value from the Development**

The proposal would support the creation of a strong, vibrant and healthy community. In particular, the proposal would:

- Attract new visitors to this part of the City Centre, which would increase local expenditure and in particular, in the independent cafes, bars, restaurants and shops close to the Site;

- The proposal would not cause harm to the natural environment and would reduce carbon emissions through the building design. It would provide job opportunities for local people through the agreement required to discharge the local labour agreement condition that would be attached to any consent granted.
- Will provide access to services and facilities via sustainable modes of transport, such as through cycling and walking. The proposed development is very well located in relation to Metrolink, rail and bus links;
- Will not result in any adverse impacts on the air quality, flood risk, noise or pollution and there will not be any adverse contamination impacts;
- Will not have a detrimental impact on protected species; and
- Will regenerate previously developed land with limited ecological value in a highly efficient manner

#### Response to Public Consultation

The primary feedback from the public consultation as detailed within the submitted Statement of Community Consultation was as follows:

- Retention of the historic building facades is pleasing
- The project if moved forward will be a benefit to the local neighbourhood
- Dark zinc cladding provided a good contrast to the brick
- Dark brick on the Thomas Street Elevation should be changed
- More greenery / planting should be incorporated into the scheme
- Roof terrace is a great addition to the street
- Hotel should not be low budget
- Hotel to be well sound proofed to ensure no noise complaints
- Proposed A1/ A3/A4 unit should be an independent operator

From reviewing the comments supplied through the feedback forms and general discussion from the consultation evening, it was felt that the main negative feature of the proposal was the use of dark brick to the Thomas Street elevation. The submitted design response was therefore to revise the proposal and lighten the brickwork to a stone colour taken from the original brick frieze on the retained corner building.

#### Response to Panel Comments

Pre application comments from the Panel have informed the final design.

The submitted concept was based on historical maps. The site was historically split into 4 key quarters with further sub divisions. The historic ginnel would be reinstated as the hotel entrance and act as a division between two of the proposed 3 new buildings. Each of the 3 new buildings will have its own identity to recreate the ad hoc nature of the site and reflect the vernacular of the Northern Quarter.

### Responses to objections

The majority of the comments have been dealt with above, however the following is also noted:

The adjacent residential accommodation lies within part of the City Centre which historically has been a mixed use area with commercial premises and therefore residents within the area would be used to some impacts from the comings and goings of such premises including deliveries and refuse collections. Conditions attached to any consent granted would control the hours during which such activities would take place in order to limit such impacts.

### Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations dictate otherwise. The proposals have been considered in detail against the policies of the current Development Plan and taken overall are considered to be in compliance with it.

The proposals would be consistent with a number of the GM Strategy's key growth priorities. It would deliver a high quality building and regenerate a site which is principally characterised by a poor quality environment. The site is considered to be capable of accommodating a building of the scale and massing proposed whilst avoiding any substantial harm to the setting of adjacent listed buildings or the Smithfield Conservation Area.

There would be a degree of less than substantial harm but the proposals represent sustainable development and would deliver significant social, economic and environmental benefits. It is considered, therefore, that, notwithstanding the considerable weight that must be given to preserving the setting of the adjacent listed buildings and the character of the conservation area as required by virtue of S66 and S72 of the Listed Buildings Act within the context of the above, the overall impact of the proposed development including the impact on heritage assets would meet the tests set out in paragraphs 193, 196 and 197 of the NPPF and the less than substantial harm would be outweighed by the benefits of the development.

Feedback from pre-application consultation events held by the application has informed the submitted designs and it is considered that potential impacts on adjacent residents have been fully considered and as appropriate will be mitigated through compliance with conditions relating to hours of operation, management of customers, hours during which deliveries can take place, construction management (including consultation with residents and contract details for residents' complaints) acoustic insulation and the extraction of fumes.

**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 Head 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 approval of the application is proportionate to the wider benefits of approval 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**

Officers have worked with the applicant in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. This has included on-going discussions about the form and design of the developments and pre application advice about the information required to be submitted to support the application.

### **Conditions to be attached to the decision**

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:

(a) Site Location Plan L(-1)000, Site Plan as Existing L(-1)010 and Site Plan as Proposed L(-1)011;

(b) Basement as proposed L(-2)-11, ,Ground floor Plan as Proposed L(-2)001, First floor Plan as Proposed L(-2)011, Second floor Plan as Proposed L(-2)021, Third floor as proposed L(-2)030, Fourth floor as proposed L(-2)041 and Roof Plan as Proposed L(-2)051;

(c) Section AA as Proposed L(-3)001, Section BB as Proposed L(-3)011, Section CC as Proposed L(-3)021, and Section DD as Proposed L(-3)031;

(d) North elevation as Proposed L(-4)001, East elevation as Proposed L(-4)011 South elevation as Proposed L(-4)021 Rev 01 and West elevation as Proposed L(-4)031 Rev 01;

- (e) Detailed Elevational Study North L(-3)041, Detailed Elevational Study East L(-3)042, Detailed Elevational Study South L(-3)043, Detailed Elevational Study West L(-3)044;
- (f) Signage Zone Elevations North, East L(-4)071 and Signage Zone Elevations North, West L(-4)072;
- (g) Context elevations as Existing North / South L(-4)040, Context elevations as Existing East / West L(-4)050  
Context elevations as Proposed North / South L(-4)041 and Context elevations as Proposed East / West L(-4)051;
- (h) Servicing Strategy Route L(99)011;
- (i) Existing Building Retention Study L(99)0001;
- (j) Measures detailed within CWC 52-58 Thomas Street, Manchester, Part L2A 2013 Assessment and Energy Hierarchy 14.03.2019  
1843 - R003 Rev 1:
- (k) 52-58 THOMAS STREET Air Quality Assessment Prepared for: Agecroft Investment Company Ltd by SLR Ref: 427.09586.00001 Version No: V00 February 2019;
- (l) Watts Environmental Audit 52 - 58 Thomas Street Manchester, M4 1EG, Version B, Report Date 29 March 2019; and
- (m) Agecroft Investment Company LTD Operating Statement stamped as received on 02-04-19;
- (n) Ruth Jackson Planning e-mail dated 10-07-19 in relation to food retail, independent operators, taxi drop off and re-use of windows:
- (o) Ruth Jackson Planning e-mail dated 15-07-19 in relation to Disabled Rooms; and
- (p) Ruth Jackson Planning e-mail dated 16-07-19 in relation to window set backs.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy SP1, CC3, H1, H8, CC5, CC6, CC7, CC9, CC10, T1, T2, EN1, EN2, EN3, EN6, EN8, EN9, EN11, EN14, EN15, EN16, EN17, EN18, EN19, DM1 and PA1 saved Unitary Development Plan policies DC18.1 DC19.1, DC20 and DC26.1.

3) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the building works for the redevelopment of the site has been made, and evidence of that contract has been supplied to the City Council as local planning authority.

Reason - In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following demolition of the existing

building pursuant to saved policy DC18 of the Unitary Development Plan for the City of Manchester, policies SP1, EN3 and DM1 of the Core Strategy and the National Planning Policy Framework.

4) (a) Notwithstanding the details submitted with the application, prior to the commencement of development the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

A programme for the issue of samples and specifications of all material to be used on all external elevations of the development and drawings to illustrate details of full sized sample panels that will be produced. The programme shall include timings for the submission of samples and specifications of all materials to be used on all external elevations of the development to include jointing and fixing details, details of the drips to be used to prevent staining and details of the glazing and a strategy for quality control management; and

(b) All samples and specifications shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above.

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.

5) a) Before the development hereby approved commences, 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 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.

6) Prior to the commencement of the development a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;

- \*Display of an emergency contact number;
- \*Details of Wheel Washing;
- \*Dust suppression measures;
- \*Compound locations where relevant;
- \*Location, removal and recycling of waste;
- \*Routing strategy and swept path analysis;
- \*Parking of construction vehicles and staff;
- \*Sheeting over of construction vehicles;

Mitigation against risk of accidental spillages into watercourses

- \*Communication strategy with residents and local businesses which shall include details of how there will be engagement, consult and notify them during the works;
- \*Mitigation measures for potential UXB's.

Development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012).

7) a) Prior to the commencement of the development, 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).

8) Before development commences a scheme for dealing with the discharge of surface water and which demonstrates that the site will be drained on a separate system, with only foul drainage connected into the foul sewer, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be implemented in full before use of the hotel first commences.

Reason - Pursuant to National Planning Policy Framework policies (PPS 1 (22) and PPS 25 (F8))

9) No development shall take place until surface water drainage works details have been submitted to and approved in writing by the Local Planning Authority in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards.

\*Maximise use of green SuDS in design;

\*Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within Critical Drainage Area;

\*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 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;

\*Hydraulic calculation of the proposed drainage system;

\*Construction details of flow control and SuDS elements.

If there is no clear adoption policy in place to take over the proposed drainage system after construction, we suggest the following construction and maintenance condition to be considered by the LPA:

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to Core Strategy policies EN08 and EN14.

The development shall be constructed in accordance with the approved details within an agreed timescale.

10) 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:

- (a) Verification report providing photographic evidence of construction as per design drawings;
- (b) As built construction drawings if different from design construction drawings;
- (c) 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. This condition is imposed in light of national policies within the NPPF and NPPG and local policies EN08 and EN14.

11) Prior to the commencement of development a programme for submission of final details of the following shall be submitted and approved in writing by the City Council as Local Planning Authority. The programme shall include an implementation timeframe and details of when the following details will be submitted:

- (a) Details of the materials, including natural stone or other high quality materials to be used for the footpaths and for the areas between the pavement and the line of the proposed building on all site boundaries;
- (b) Details of measures to create potential opportunities to enhance and create new biodiversity within the development to include consideration of bat boxes and bricks, bird boxes and appropriate planting; and
- (c) A management strategy for the rooftop garden area including opening hours;

The approved scheme shall be implemented not later than 12 months from the date the proposed building is first occupied.

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) and to ensure that a satisfactory measures to enhance biodiversity are incorporated within the development in accordance with policies R1.1, I3.1, T3.1,

S1.1, E2.5, E3.7 and RC4 of the Unitary Development Plan for the City of Manchester and policies SP1, DM1, EN1, EN9 EN14 and EN15 of the Core Strategy.

12) Prior to occupation of the development a scheme for the acoustic insulation of any externally mounted ancillary equipment associated with

- (a) the hotel / aparthotel accommodation; and
- (b) each commercial unit;

to ensure that it achieves a background noise level of 5dB below the existing background (La90) at the nearest noise sensitive location 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 equipment. The approved scheme shall be completed before the premises is occupied and a verification report submitted for approval by the City Council as local planning authority and any non-compliance with the above noise standards suitably mitigated in accordance with an agreed scheme prior to occupation. The approved scheme shall remain operational thereafter.

Reason - To secure a reduction in noise in order to protect future occupiers and adjacent residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy and saved UDP Policy DC26.

13) Before the development commences a scheme for acoustically insulating and mechanically ventilating (a) the hotel / aparthotel and (b) any A3 or A4 uses against noise from adjacent roads and any noise transfer from the A3 / A4 uses to the hotel/ aparthotel rooms above, shall be submitted to and approved in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively

The approved noise insulation scheme shall be completed before each of the approved uses commence. Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in adjacent residential accommodation arising directly from the proposed development shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non-compliance shall be suitably mitigated in accordance with an agreed scheme.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26.

14) No soft-strip, demolition or development groundworks shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Manchester Planning Authority. The WSI shall cover the following:

1. A phased programme and methodology of investigation and recording to include:
  - i) archaeological building assessment and recording of cellars at 56-58 Thomas Street
  - ii) -archaeological (machine assisted) excavation and recording of the cellars at 52-54 Thomas Street
2. A programme for post investigation assessment to include:
  - production of a final report on the significance of the below-ground archaeological interest.
3. Deposition of the final report with the Greater Manchester Historic Environment Record.
4. Dissemination of the results of the archaeological investigations commensurate with their significance.
5. Provision for archive deposition of the report and records of the site investigation.
6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason - In accordance with NPPF Section 12, Paragraph 199 - To record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publicly accessible.

15) The development shall be carried out in accordance with the Crime Impact Statement Version A dated 28-02-19. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework

16) Before development commences details of the following:

(a) locations within the building for the relocation of the salvaged stained glass windows from 52-54 Thomas Street;

(b) Detailed schedule of all external repairs and specification for all of the repair works to the external elevations (including specification for mortar and stone repair / replacement)

(c) A strategy for the location and detailing of all building services including electrics and plumbing, telecommunications, fire/security alarms, communal tv/satellite connections and aerials CCTV cameras (and associated cabling and equipment);



(d) Cleaning of external elevations;

(e) Details of any removals, repair or refurbishment of original doors and windows (Such works should not include for the removal or replacement of any original windows unless otherwise approved in writing by the City Council as local planning authority and any such proposal shall be accompanied by a full justification for such works, including a structural survey, details of why repair and refurbishment of such windows is not viable and provide details, including materials and cross sections, for any proposed replacement windows)

(f) Any proposed structural works; and

(g) Details of making good parts of the building that are to be the subject of removals and / or demolition;

shall be submitted to and approve in writing by the City Council as Local Planning Authority.

Reason: All of the above shall be implemented in accordance with the approved details before the development is first occupied: and

Reason - In the interests of visual amenity and because careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC18.1 of the Unitary Development Plan for the City of Manchester.

17) No externally mounted telecommunications equipment shall be mounted on any part of the building hereby approved, including the roofs other than with express written consent of the Local Planning Authority.

Reason - In the interest of visual amenity pursuant to Core Strategy Policies DM1 and SP1

18) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'very good'. Post construction review certificate(s) shall be submitted to, and approved in writing by the City Council as local planning authority, before the development hereby approved is first occupied.

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, policy DP3 of Regional Spatial Strategy for the North West (RSS), and the principles contained within The Guide to Development in Manchester SPD (2007), and the National Planning Policy Framework.

19) Prior to implementation of any proposed lighting scheme details of the relevant scheme (including a report to demonstrate that the proposed lighting levels would not have any adverse impact on the amenity of occupants within this and adjacent

developments) shall be submitted to and agreed in writing by the City Council as local planning authority:

Reason - In the interests of visual and residential amenity pursuant to Core Strategy policies SP1, CC9, EN3 and DM1 of the Core Strategy.

20) No part of the development shall be occupied unless and until details of a parking management strategy for hotel guests has been submitted to and approved in writing by the City Council as Local Planning Authority. Any approved Strategy 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 and to secure a reduction in air pollution from traffic or other sources in order to protect existing and future residents from air pollution, pursuant to policies SP1, T2 and DM1 of the Core Strategy, the Guide to Development in Manchester SPD (2007) and Greater Manchester Air Quality action plan 2016.

21) Before the development hereby approved is first occupied a Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority as detailed within the Croft AGECROFT INVESTMENT COMPANY LTD Framework Travel Plan June 2019. 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 guests or employees of the development
- ii) a commitment to surveying the travel patterns of guests or employees 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.

22) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, Sunday/Bank Holiday deliveries etc. shall be confined to 10:00 to 18:00

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

23) Before any part of the development hereby approved is first occupied details of the following shall be submitted and approved in writing by the City Council as Local Planning Authority.

A service management plan to detail final arrangements in relation to both refuse collection and deliveries. This should cover the frequency and dimensions of vehicles requiring access to the site, along with final details of the location for loading/unloading.

The development shall thereafter be fully implemented in accordance with these details.

Reason - In interests of highway safety pursuant to Policy DM1 of the Core Strategy.

24) Prior to the first use of the hotel hereby approved commencing, a scheme of highway works and details of footpaths reinstatement shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved scheme shall be implemented and be in place prior to the first occupation of the hotel element within the final phase of the development hereby approved.

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).

25) The development hereby approved shall include for full disabled access to be provided to all publically accessible communal areas of the hotel and identified accessible rooms via the main entrances and to the floors above via lifts.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions Core Strategy policy DM1

26) No infiltration of surface water drainage into the ground on land affected by contamination is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - To prevent pollution of controlled waters from potential contamination on site. Infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

27) Before any use of the ground floor A3 or A4 use hereby approved commences details of the proposed opening hours shall be submitted to and approved in writing by the City Council as local planning authority. The units shall be not be operated outside the hours approved in discharge of this condition.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

28) Final details of the method of extraction of any fumes, vapours and odours from the hotel / restaurant kitchen shall be submitted to and approved in writing by the City Council as local planning authority prior to commencement of those uses. The details of the approved scheme shall be implemented prior to occupancy and shall remain in situ whilst the use or development is in operation.

Defra have published a document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (withdrawn but still available via an internet search). It describes a method of risk assessment for odour, guidance on minimum requirements for odour and noise control, and advice on equipment selection. It is recommended that any scheme should make reference to this document (particularly Annex B) or other relevant guidance. Details should also be provided in relation to replacement air. The applicant will therefore need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy

29) Following commencement of construction of the hereby approved development, any interference complaint received by the Local Planning Authority shall be investigated to identify whether the reported television interference is caused by the Development hereby permitted. The Local Planning Authority will inform the developer of the television interference complaint received. Once notified, the developer shall instruct a suitably qualified person to investigate the interference complaint within 6 weeks and notify the Local Planning Authority of the results and the proposed mitigation solution. If the interference is deemed to have been caused by the Development, hereby permitted mitigation will be installed as soon as reasonably practicable but no later than 3 months from submission of the initial investigation to the Local Planning Authority. No action shall be required in relation to television interference complaints after the date 12 months from the completion of development.

Reason - To ensure terrestrial television services are maintained in the interest of residential amenity, as specified in Core Strategy Policies DM1 and SP1

30) Prior to occupation of the development an investigation of opportunities to plant street trees within the pavements on Thomas Street and John Street including details of overall numbers, size, species and planting specification, constraints to further planting and details of on going maintenance shall be submitted to and approved in writing by the City Council as local planning authority in accordance with the planting scheme as agreed above.

The approved scheme shall be implemented not later than 12 months from the date the proposed building is first occupied. 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 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) and 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 R1.1, I3.1, T3.1, S1.1, E2.5, E3.7 and RC4 of the Unitary

Development Plan for the City of Manchester and policies SP1, DM1, EN1, EN9 EN14 and EN15 of the Core Strategy.

32) The window(s) at ground level, fronting onto Thomas Street and John Street shall be retained as a clear glazed window opening at all times and views into the premises shall not be screened or obscured in any way.

Reason - The clear glazed window(s) is an integral and important element in design of the ground level elevations and are important in maintaining a visually interesting street scene consistent with the use of such areas by members of the public, and so as to be consistent with saved policy DC14 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

33) Before development commences a scheme for dealing with the discharge of surface water and which demonstrates that the site will be drained on a separate system, with only foul drainage connected into the foul sewer, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be implemented in full before use of the residential premises first commences.

Reason - Pursuant to National Planning Policy Framework policies (PPS 1 (22) and PPS 25 (F8))

34) No amplified sound or any music shall be produced or played in any part of the site outside of the building other than in accordance with a scheme detailing the levels at which any music shall be played and the hours during which it shall be played which has been submitted to and approved in writing by the City Council as local planning authority.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

35) In the event that any of the commercial units, as indicated on drawings L (-2) 001 REV 01 and L (-2) 0-11 are occupied as an A3 or A4 use, prior to their first use the following details must be submitted and agreed in writing by the City Council, as Local Planning Authority.

These details are as follows:

Management of patrons and control of external areas. For the avoidance of doubt this shall include:

\*An Operating Schedule for the premises (prevention of crime and disorder, prevention of public nuisance, Management of smokers)

\*Details of a Dispersal Procedure

\* Mechanism for ensuring windows and doors remain closed after 9pm

The approved scheme shall be implemented upon first use of the premises and thereafter retained and maintained.

Reason - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to policies SP1, DM1 and C10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

36) The commercial units, as indicated on drawings L (-2) 001 REV 01 and L (-2) 0-11 can be occupied as A1(with the exception of food retail), A2, A3 and A4.. The first use of each commercial unit to be implemented shall thereafter be the permitted use of that unit and any further change of use may be the subject of the requirement of a new application for planning permission or subject to the requirements of the Town and Country Planning (General Permitted Development) Order 2015.

Reason - For the avoidance of doubt and in order to secure a satisfactory form of development due to the particular circumstance of the application site, ensuring the vitality of the units and in the interest of residential amenity, pursuant policy DM1 of the Core Strategy for Manchester.

37) Prior to the first use of each of the commercial units as indicated on drawings L (-2) 001 REV 01 and L (-2) 0-11 details of any roller shutters to the ground floor of the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt the shutters shall be fitted internally to the premises. The approved details shall be implemented prior to the first occupation of each of the commercial units and thereafter retained and maintained in situ.

Reason - To ensure that the roller shutters are appropriate in visual amenity terms pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

38) If during works to demolish the buildings hereby permitted any sign of the presence of bats is found, then all such works shall cease until a survey of the site has been undertaken by a suitably qualified ecologist and the results have been submitted to and approved by the Council in writing as local planning authority. Any recommendations for the protection of bats in the submitted document shall be implemented in full and maintained at all time when the building is in use as hereby permitted.

Reason - for the protection of bats and in order to comply with the Habitats Directive and pursuant to Core Strategy Policy EN15.

39) The (a) ground floor and basement commercial units and (b) hotel / aparthotel accommodation shall not be occupied until a scheme for the storage (including segregated waste recycling) and disposal of refuse for each unit; has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

40) a) No development, hereby approved, shall commence until a detailed risk management programme / plan for unexploded ordnance (UXO) and mitigation as appropriate, is submitted in writing to the local planning authority for approval. Development shall be carried out fully in accordance with the approved UXO risk management and mitigation programme / plan.

b) No property, hereby approved, shall be occupied until the approved UXO risk management and mitigation programme / plan has been implemented in full as to the removal of high risk UXO matters or implemented in full as to other necessary mitigation which are covered under the detailed risk management programme / plan approved pursuant to paragraph a) above and a mitigation completion verification report has been submitted to and approved in writing by the Local Planning Authority, confirming that that all risks to (including the possible evacuation of) existing and proposed premises have been satisfactorily mitigated.

c) If, at any time during development, high risk UXO not previously identified (as part of the approved UXO risk management and mitigation programme / plan approved under 40a) is encountered / found to be present , no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a revised and/or additional UXO risk management and mitigation programme / plan is submitted detailing how the high risk UXO not previously identified shall be dealt with, and is approved in writing by the Local Planning Authority. The revised and/or additional UXO risk management and mitigation programme / plan shall be implemented as approved and following completion of mitigation a completion verification report shall be prepared and submitted in writing to the Local Planning Authority for approval confirming that that all risks to (including the possible evacuation of) existing and proposed premises have been satisfactorily mitigated.

REASON: To ensure that the risks from unexploded ordnance to future users of the land and existing neighbouring land are eliminated and or minimised to ensure that development can take place without unacceptable risk to workers and neighbours including any unacceptable major disruption to the wider public on and off site that may arise as a result of evacuation/s associated with the mitigation of UXO, pursuant to policies EN18 and DM1 of the Core Strategy for Manchester.

**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: 123215/FO/2019 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:**

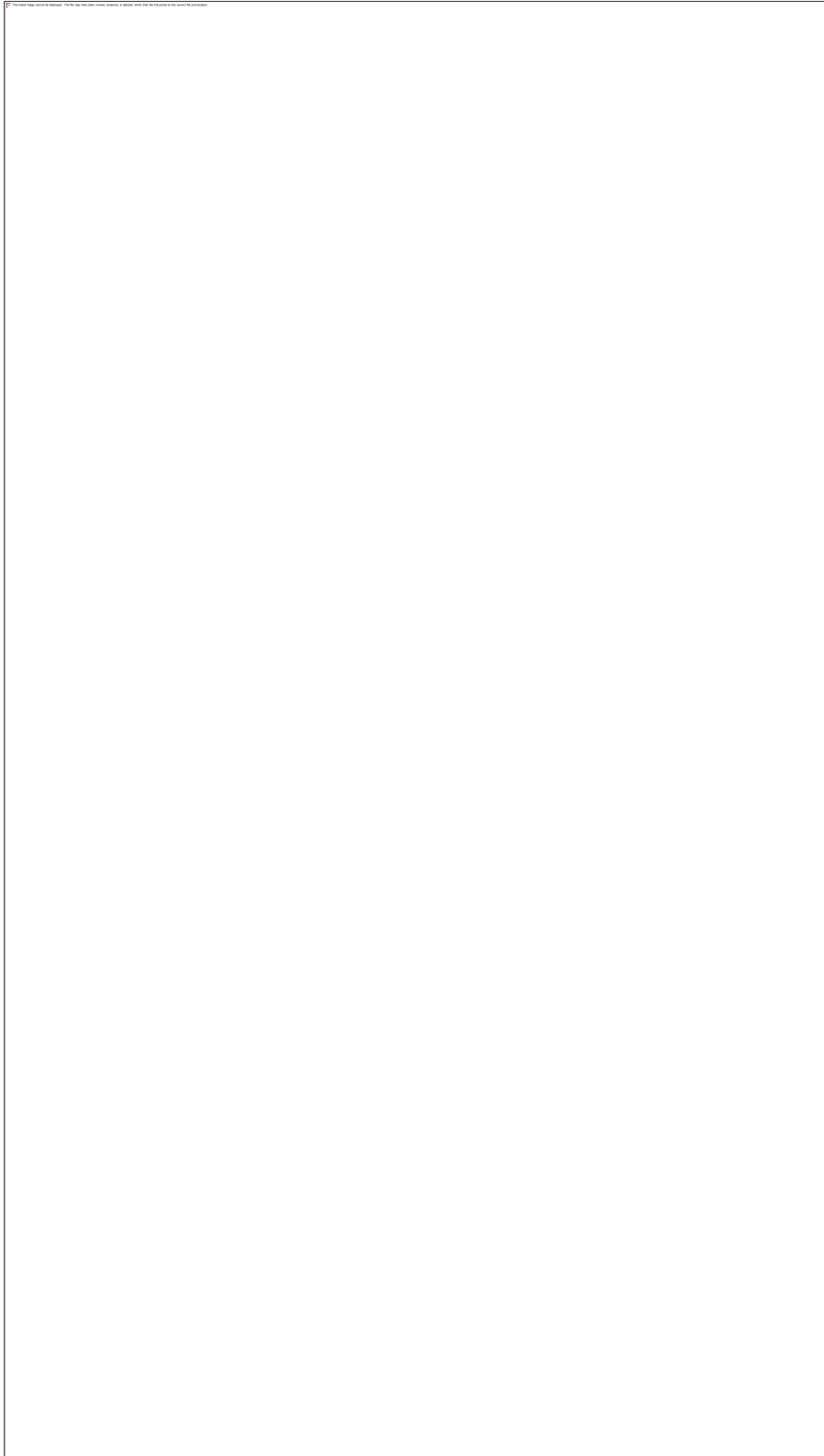
**Highway Services  
Environmental Health  
Oliver West (Sustainable Travel)  
MCC Flood Risk Management  
City Centre Renegeration  
Greater Manchester Police  
United Utilities Water PLC  
Historic England (North West)  
Environment Agency  
Transport For Greater Manchester  
Greater Manchester Archaeological Advisory Service  
Greater Manchester Ecology Unit  
Northern Quarter Forum**



**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:**

<b>Relevant Contact Officer :</b>	Angela Leckie
<b>Telephone number :</b>	0161 234 4651
<b>Email :</b>	a.leckie@manchester.gov.uk





 Application site boundary  Neighbour notification

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<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
121375/FO/2018 and 121447/FO/2018	16th Oct 2018	25th July 2019	Piccadilly Ward

**Proposal**

(a) Construction of a 22 storey building comprising 361 residential apartments (122 x 1 bed 2 person, 119 x 2 bed 3 person, 94 x 2 bed 4 person, 21 x 3 bed 5 person and 5 x 3 bed 6 person (34% 1 bed, 59% 2 bed and 7% 3 bed) ground floor commercial floorspace (Use Classes A1 (Shop), A3 (Restaurant and Cafe), A4 (Drinking Establishment) and A5 (Hot Food Take-away) associated landscaping, including new public realm and pedestrian route, together with servicing, cycle parking, access and other associated works following demolition of buildings at 20-22 and 24-26 High Street and 5 market stalls to Church Street.

(b) Erection of one and two storey market stalls for flexible commercial uses (Use Classes A1, A3 and A5) at ground and first floor (following demolition of a wall) and the and related access, landscaping and other associated works (temporary 5 year period)

**Location**

(a) 20 - 36 High Street Including Church Street Market Stalls, Manchester, M4 1QB.

(b) Land Bound By The Northern Quarter Multi-storey Carpark, Church Street And Red Lion Street, Manchester, M4 1PA

**Applicant** ASE II Manchester Limited, C/o Agent

**Agent** Mr John Cooper, Deloitte LLP, 2 Hardman Street, Manchester, M3 3HF

Consideration of this application was deferred at the meeting of the Planning and Highways Committee on 27<sup>th</sup> June 2019 to enable a site visit to take place.

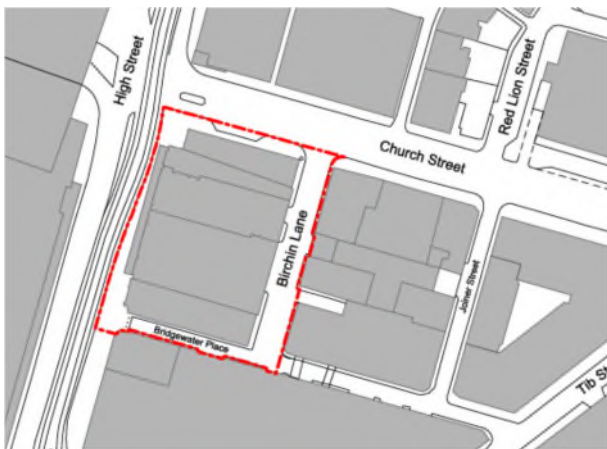
## DESCRIPTION OF SITE



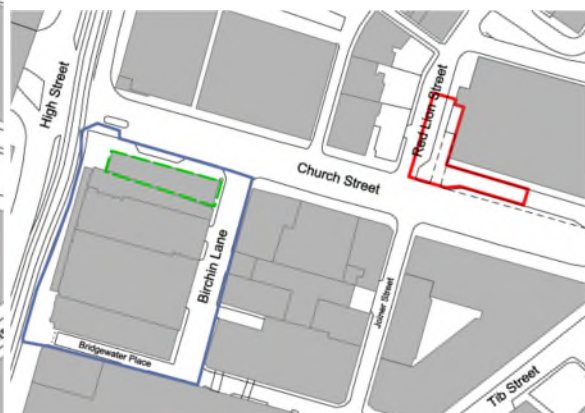
These two proposals are inextricably linked and need to be considered together. The first relates to an island site measuring 0.35 ha. and bounded by High Street, Church Street, Birchlin Lane and Bridgewater Place. It is at the boundary of the Northern Quarter and the retail and commercial core and is occupied by:

- 24-36 High Street - a 1960's building consisting of a two storey podium with four block above. It is set back from the pavement on Church Street.
- Five market stalls on Church Street – housed within a modern steel and glass structure in front of the set back podium.
- 20-22 High Street – a four storey building which is a non-designated heritage asset.

The second site is at the junction of Church Street and Red Lion Street adjacent to the Church Street Multi Storey Car Park.



**121375 site plan**



**121447 site plan**

The report will mainly refer to the new build development on High Street and when referring to the site at Church Street / Red Lion Street will refer to the **MSCP** site.

The site is on the edge of the Northern Quarter which contains a mix of commercial and residential uses including independent businesses that help to distinguish the Northern Quarter from other parts the City Centre. The Market stalls are part of that offer. The Arndale Centre is opposite and is a major component of the retail core and also includes a growing number of food and drink operations.

The site is in the south-west corner of the Smithfield Conservation Area, close to the Shudehill and Upper King Street Conservation Areas and immediately to the north of the Grade II Debenhams.

20-22 High Street makes a positive contribution to the Conservation Area and is a non-designated heritage asset.

24-30 High Street is largely vacant and contains an NHS Dentist with a 3 month rolling lease on an upper floor with Breakout Manchester (Escape Room), a drycleaners and a bookmakers on the ground floor. 20-22 High Street contains a ground floor café and mostly vacant office space above. Transport for Greater Manchester (TfGM) has equipment in the basement which supports Metrolink.

There are a variety of uses in the surrounding area including: digital, media and technology-based companies; creative and cultural industries; an established residential population, offices, hotels and serviced apartments, retail units and independent bars and restaurants.

Church Street and High Street are dominated by traffic rather than people and the existing buildings do little to attract pedestrian activity. The canopies that overhang the footway here and at the Arndale Centre and the taxi rank discourage movement between the Retail Core and Northern Quarter.

The market stalls would be re-located to the junction of Red Lion Street and Church Street. It is opposite a cleared site which has consent for 38 apartments (113713/FO/2016) which should commence this year, and close to a bus stop. This is near to where the markets were historically located. A 7 to 10 storeys development of 183 apartments (114146/FO/2016) is under construction on a former car park on Church Street opposite the site.

There are apartments close to both sites at 4-6 Union Street (13 units), 25 Church Street (80 units), 23 Church Street (49 units) and Pall Mall House / 3 Joiner Street (169 units). Accommodation operating as the Light Aparthotel is also located within these buildings.

Buildings to the south and west are generally of a larger overall scale than those to the north. Heights in the vicinity vary from Debenhams 7 storey, Afflecks Palace 5 storey, The Birchin 9 storey, The Lighthouse/ Pall Mall 15 to 20 storey and 25 Church Street 9 storey. There is a transition in scale along Church between different character areas of the Conservation Area, from that of the commercial core to the smaller scale typical of other parts of the Northern Quarter.

The character around this area is formed in part by large individual buildings, which occupy regular and irregular sites with total site coverage. This creates a dense urban environment which is different to other parts of the Northern Quarter and the Conservation Area where there is a much finer grain.

22 High Street is a stone and brick building designed for Holmes, Terry & Co and designed by W & G Higginbottom and was completed in 1917.



Its principal elevation is to High Street and it has buff heavily rusticated ashlar sandstone at the ground floor and plinth, with plain ashlar to the upper floors. There are carved Greek inspired mask keystones to the ground floor entrance, the shop entrance and shop window. The top floor is set back behind a decorative stone balustrade which includes a section of original iron railing. The north elevation has white glazed brick, which would have originally reflected light into a partially enclosed light well/loading passage. The south elevation is simple and largely functional, with continuous groups of paired sash windows within redbrick flat arched openings. A partial demolition in 1989 altered the rear of the building footprint at Birchin Lane and Bridgewater Place. Externally the building was made good in red brick.

The internal design and planform is relatively simple, with open plan floors, some of which are now subdivided. The High Street entrance has an Art Deco style blue tiled vestibule. The stairs and lift are largely unaltered, with an original cage lift and a 1950s hoist. The sash windows have original Art Nouveau stained glass. The top floor is open to the roof structure, and consists of a steel roof structure with timber boarding to the underside. The service hoist and service stair were lost in 1989. (Images of the building's interior are included later in this Report).

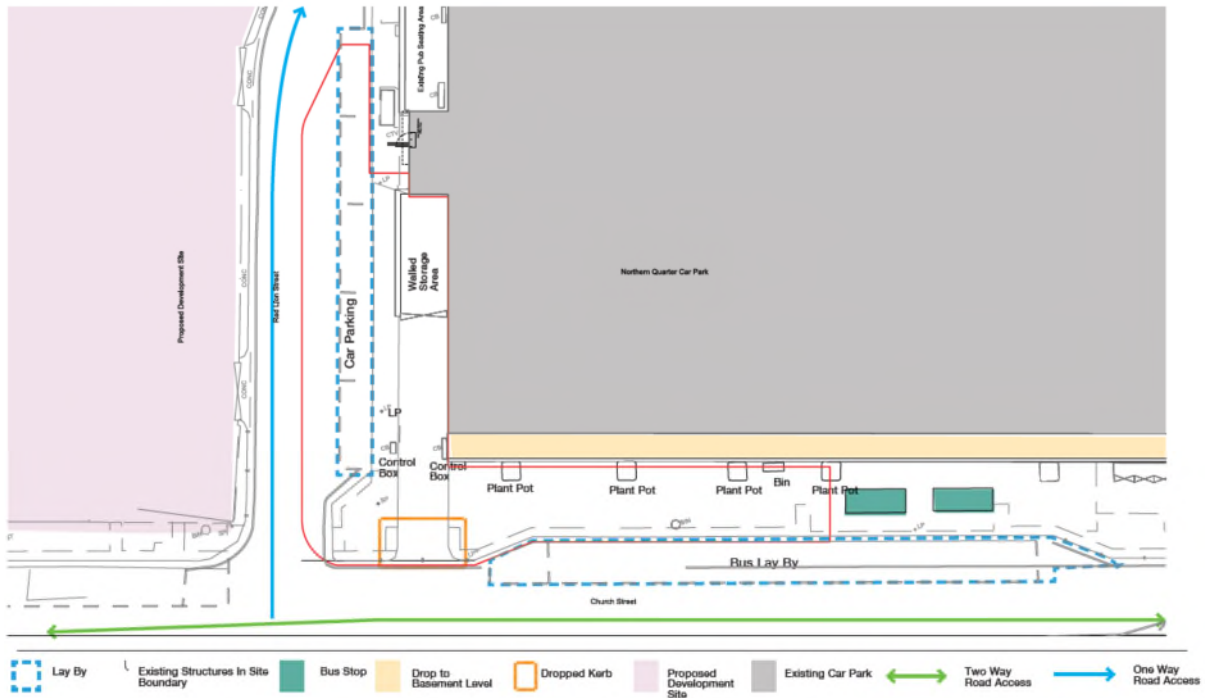
24-36 High Street is a poorly quality example of utilitarian Brutalist Architecture.

The Markets are in a steel framed arch structure. The stalls face Church Street with no communal or back-of-house areas. The traders use WC's within a neighbouring premises and take waste to the Arndale Centre.

Red Lion Street is one way to the north and into the Multi-storey Car Park. There are structures and street clutter within the site area, including a one storey brick store with metal gates; two Control boxes and a lamp post Church Street. There are a number of large planters on Church Street.

The site slopes gradually towards the bus stop but is mainly flat on Church Street and Red Lion Street. A 1.7m lightwell separates Church Street from the Car Park.

1.7 CONSTRAINTS



The sites are close to all forms of public transport with Metrolink stops at Market Street, Shudehill and Exchange Square and train stations at Victoria and Piccadilly. Bus services are at Shudehill and Piccadilly Gardens.

## DESCRIPTION OF PROPOSALS

The applications propose the following:

**121375-** Construction of a 22 storey building comprising 361 apartments (122 x 1 bed 2 person, 119 x 2 bed 3 person, 94 x 2 bed 4 person, 21 x 3 bed 5 person and 5 x 3 bed 6 person (34% 1 bed, 59% 2 bed and 7% 3 bed), ground floor commercial floorspace A1 (Shop), A3 (Restaurant and Cafe), A4 (Drinking Establishment) and A5 (Hot Food Take-away). It would include public realm and a pedestrian route, with servicing and cycle parking, following the demolition of 20-22 and 24-26 High Street and the 5 market stalls on Church Street.

**121447** - Erection of one and two storey market stalls for a temporary period of 5 years (A1, A3 and A5), following the demolition of a wall and access, landscaping and other associated works. This would relocate the stalls 70m further along Church Street and return them nearer to their historic position.

### 121375

The elevations of the building would have a tripartite subdivision and a 'U-shaped' plan form, set around an internal courtyard on Birchin Lane. The High Street/Church Street corner would be splayed and it would have a mansard roof from the 15th floor with projecting dormers.

The ground floor would be double height with a mezzanine floor providing scale to the High Street and Church Street frontages. There would be independent retail and food and beverage units. A large entrance at the centre of the High Street elevation would lead into a public courtyard (365 sqm). This would have commercial units facing onto it and the residential entrance and would provide an active space which could spill out into Birchin Lane. This would re-establish routes through the site which were lost in the early 1970s. A smaller link would connect the courtyard to Church Street allowing pedestrian connections through the block. The routes and space would be managed and could be closed to keep it secure at night if necessary. The courtyard would have a canopy to provide shelter to the seating areas to encourage year round use.

There would be apartments on floors 1 to 20 that comply with, or exceed the Residential Quality Guidance (RQG) standards. A landscaped roof terrace would provide communal spaces for residents. Many apartments would be capable of adaptation to meet changing needs of occupants over time, including those of older and disabled people.

Access to the apartments would be off High Street with a secondary entrance from Church Street. Residents would be able to work 'from home' in a ground floor unit. The back-of-house and plant would be located facing onto Bridgewater Place.

The façade would be glazed ceramic panels of different sizes and textures with an undulating scallop detail, and windows set within deep reveals. The facades of the internal courtyard would have glazed white brick cladding. The glazed ceramic



would respond to different lighting conditions during the day with the undulating scalloping delivering a dynamic façade that would vary in tone throughout the day.

The ground floor shop fronts would have capless glazed curtain walling although this could be structural glazing if it is technically viable within the development budget

At its highest point the building would be 72m above ground level

The pavement widths would be increased on Church Street from between 1.8 and 4.3 m to 5.4 to 6.3m. On High Street they would increase from between 3.3 and 6.1m to 3.5 and 6.1m and on Birchin Lane from 1.5 to between 1.8 and 3.6m. Changes to Bridgewater Place would be negligible.

Fumes would be extracted via internal risers or via ground level vents within the frontages of the ground floor commercial units. There would be 116 cycle spaces on the ground floor and 154 on the mezzanine. The ground floor spaces could be accessed internally from the common circulation area and externally off Birchin Lane. The spaces at the mezzanine level could be accessed via the common circulation and lift core to avoid the need for stair rails.

16 Sheffield cycle stands would be provided in the public realm at Birchin Lane and could be used by visitors. No on-site parking is proposed and initial discussions with nearby parking operators indicate that contract parking could be available. A Framework Travel Plan has been submitted in support of the application.

Ventilated refuse chutes would be on each floor by the main lift. A tri-separator would allow residents to sort waste (general; co-mingled; and pulpable) for recycling. The refuse store would comply with 'GD 04 Waste Storage and Collection Guidance for New Developments Version: 6.00' with 0.43sqm of space per apartment.

The retail/restaurant refuse store would be off the central courtyard. The exact specification would depend on the nature, layout and requirements of the tenants. A detailed refuse strategy would be produced once tenants are identified. A designated lay-by for retail deliveries would be located on Birchin Lane.

The apartments would be sold on the open market and a dedicated management company would be established for the block. A draft Residential Management Strategy addresses secure access, the 24 hour staffing of a concierge desk, upkeep of communal areas and the co-ordination of waste storage and disposal.

The Site is located in a low flood risk area (Zone 1) and in a Critical Drainage Area.

## **121447**

The relocated stalls would include a management office, accessible toilet, store, a refuse store and outside seating. There would be three stalls on Church Street and two on Red Lion Street. An external seating area bounded by planters would be located across a walkway on Red Lion Street.



Retractable shutters would be used to provide shelter when open. The entrance would be at the northern end of Red Lion Street and include a platform lift and staircase to the first floor with a stair on Church Street. A refuse store would be accessed off Red Lion Street. The aim has been to maximise the street presence of the markets. The footway width on Church Street in front of units would exceed 2m when they are open except for in front of Unit 5 where the clear access route reduces to 1,7m.



There would be a roof terrace with seating and tables for customers of the upper floor food units. The upper floor of unit 5 would be back-of-house or stock store. The final distribution and division of units would be determined with Manchester Markets. The units would be constructed from a mixture of pressed and flat sheet aluminium with setback coloured metal backed mesh shutters.

Six 240L Eurobins would be stored at the new site (The traders currently take waste to the Arndale Market). Refuse vehicles would load off peak from Red Lion Street. Deliveries would use a lay-by on Church Street. A platform lift and stairs would provide access to the first floor. It would be used by disabled people and for goods/refuse transfer and its size would meet accessibility requirements.

Waste would be split into the following bins and would be collected daily:

Blue - Pulpable material (recycled) - paper, cardboard, tetrapak etc - 1 x eurobins  
 Brown - Co-mingled material (recycled) - glass, cans, tins, plastic etc – 1x eurobins  
 Green - Organic waste (recycled) - food stuffs etc - 1 x 23l bins  
 Garden Waste 1x Eurobin  
 Black General waste (non-recycled) - all non-recyclable 1 x eurobins

The total number of bins has been calculated from City Council document 'GD04 Waste Storage and Collection Guidance for New Developments V2.00 -0 Citywide Support - Environmental Protection (September 2014).

In support of the proposal, the applicants have stated

- The Applicant has worked closely with the local community and other stakeholders throughout the pre-application process. Extensive consultation was undertaken, including with the existing Church Street market stall holders and the Northern Quarter Forum. The approach of the project team has been to respond positively to consultation comments and to consider these comments as part of the design evolution. Overall the feedback has been positive with consultees welcoming the comprehensive redevelopment of the Site.
- The applicant ASE II Manchester Limited is part of CEG. CEG manages a 10.5 million sq. ft. portfolio of commercial space around the UK which is home to more than 1,000 businesses. The company is also bringing forwards 8,500 acres of land which can deliver 45,000 new homes and 10 million sq. ft. of commercial space.
- CEG's approach is to work with local communities to ensure proposals are evolved that are best suited to the local area, providing solutions for important issues such as integration with existing communities, meeting housing and employment needs, provision of new facilities and enhancing the local environment.
- CEG has a proven track record of delivering strategic projects with a focus on place making; delivering inspired space for lives to flourish, neighbourhoods to grow and for businesses to develop;
- The proposed landscaping and public realm treatments will revitalise this part of the City, into a welcoming destination which is accessible to all.

This planning application has been supported by the following information

Design and Access Statement (including Waste Management Strategy Lighting and Landscape and Public Realm Strategy) Archaeological Assessment  
 Commercial Management Strategy  
 Crime Impact Statement  
 Ecological Assessment  
 Ecological Assessment  
 Energy Statement  
 Environmental Standards Statement (Sustainability Strategy) Flood Risk Statement and Drainage Strategy  
 Residential Management Strategy  
 Statement of Community Consultation  
 TV Reception Survey  
 Ventilation Strategy  
 Viability Assessment

Environmental Statement: with the following Chapters

Introduction  
 Construction Management and Phasing Air Quality  
 Heritage Assessment  
 Noise and Vibration  
 High Street Manchester – Planning and Tall Building Statement  
 Sunlight, Daylight and Overshadowing Assessment – Townscape and Visual Impact  
 Transport  
 Wind  
 Cumulative Impacts  
 Non-Technical Summary

**Land Interest** - The City Council has a land ownership interest in the site and Members are reminded that in determining these applications they are discharging their responsibility as Local Planning Authority and must disregard the City Council's land ownership interest

## **CONSULTATIONS**

**Publicity** – The proposals have been advertised in the local press as:

A development accompanied by an Environmental Impact Assessment, a major development, affecting the setting of a listed building and the setting of a conservation area (121375); and,

As a public interest development, affecting a right of way and the setting of a conservation area (121447).

Site notices have been placed adjacent to the sites. The occupiers of adjacent premises were notified (1277 letters 121375 and 632 letters 121447) and 54 letters of objection have been received on 121375.

A further 10 day notification of neighbours (121375) took place when it emerged that some of the tables within the Sunlight, Daylight and Overshadowing Chapter within the Environmental Statement were incorrectly formatted. 9 more objections have been received some of which re-iterate previous comments (all 9 letters came from people who had already objected in response to the original notification) This did not present any additional analysis of the impacts compared with the initial Report, which formed the basis of the previous notification), but merely corrected some numerical errors in some of the tables. It did not affect the analysis or conclusions.

Many objectors support the principle of the regeneration / redevelopment of the site but oppose the form proposed. The objections relate to the impact on adjacent Listed Building and the Conservation Area, loss of 20-22 High Street, design and scale, loss of sunlight and daylight, privacy and overlooking and Traffic, Highways and parking.

### Design and scale

- Unacceptable in terms of scale, relation to context and nearby buildings;
- Should be a higher quality and reference the traditional brick architecture;
- Would tower over other buildings such as 25 Church Street and would be detrimental to the local environment;
- At 3 x the height of the existing and 2 x the height of the majority of adjacent buildings it would be out of character with the area;
- Scale would be overbearing and out of context with the setting of the Conservation Area where there are no overbearing buildings;
- The mansard roof should start lower down the building to reduce the impression of scale and massing and impact on existing residents;
- Not in keeping with the architectural traditions of the Northern Quarter but a generic high rise that can be found anywhere and will look tatty in 10 years; the proposal disregards the Smithfield conservation area guidance where guidance suggests *'New buildings in Piccadilly, Market Street, Church Street and the southern parts of High Street and Oldham Street should relate to their immediate neighbours which are up to seven storeys high.'*

If the guidance is not be applied rigorously across the quality and character of the conservation area would be eroded. To suggest that the height should relate to buildings further away because it is visible from further away, is an example of circular logic.

The applicant refers to is the Light – but this has a significantly smaller footprint and the tower is set back from the pavement by approx. 20m. High Street is taller in height and at back of pavement. If by 'the illustrative views show that Debenhams is dwarfed.

- That the new plans do look fantastic but the current building is a cracking piece of powerful and distinctive architecture from its era. Its style has largely fallen out of favour but is a building of interest to Manchester. The demolition of 24-6 High Street would be a mistake and would erase a building whose architecture tells a tale of a key part of Manchester's history.

#### Impact on Non designated Heritage Assets within Site

- The loss of the existing building would have an adverse impact on the City's built heritage and it should be incorporated in the scheme;
- Would have an unacceptable impact on the unique character of the Northern Quarter.
- The façade should be incorporated into the development;
- Irreplaceable buildings which appear to be in good order should be preserved.

#### Impacts on Amenity

- The construction would generate noise and dust and windows would need to be closed which would be an inconvenience and the full impacts must be fully considered and communicated;
- Adverse impacts on residents outlook would decrease the quality of their lives;
- Church Street is a busy residential area that is being overtaken by commercial entities which is not sustainable or fair to residents;
- More cafés / restaurants/ bars and nuisance would impact on the Northern Quarter and on the quality of living for long term residents; The permission should be limited to classes A3, B1 and D2;
- The bin store and plant room are directly opposite the entrance to The Birchin on Joiner Street. Rubbish could be left on the pavement opposite the front door with visual impact, smells and increased vermin, as well as difficulties with access for refuse wagons.
- Noise would be audible in adjacent apartments and the scale and massing to Birchin Lane would cause disturbance to adjacent residents due to tunnelling effects;
- It would exacerbate high and unacceptable levels of air pollution through its construction, design (trapping air within canyons created by tall buildings) and following completion due to increased levels of traffic associated with the development;

- It would have inadequate levels of refuse provision;
- The wind impacts have not been adequately dealt with;
- The area around the site would become overcrowded noisy and dark;

#### Effect upon living conditions of existing residents

##### Daylight, sunlight and overshadowing impacts

- There is no evidential basis for the conclusions of the Sunlight and Daylight Assessment that impacts of moderate to major significance which might be noticeable to residents would, when considered in the context of the retained levels and the urban context, have an overall effect which would be of minor adverse significance and this needs to be quantified
- It could be argued that the additional impact of a building 3 x higher is unacceptable even where windows already have a low VSC:
- The significance of the effect on windows in Birch Lane is considered to be of no greater than moderate adverse significance.' (Paragraph 9.122 p. 109, Environmental Statement Volume 1) directly contradicts the evidence of the modelling and demonstrates a clear lack of understanding of the methodology which has been followed. Of 12-16 Church Street, the Environmental Statement states:

'Due to the increase in the scale of the massing on the site compared to the existing buildings and the very narrow separation distance between this building and the site, all of the 23 site facing rooms will experience changes in VSC which are of major adverse significance in percentage of baseline terms.' (Paragraph 9.130 p. 110, Environmental Statement Volume 1)

This does not require any further explanation. Despite these adverse effects on daylighting, the statement concludes that:

'Whilst the construction of the proposal will cause some daylight and sunlight effects which are greater than minor adverse in significance, no further mitigation measures, other than the design of the scheme itself, are offered.' (Paragraph 9.181 p. 117, Environmental Statement Volume 1);

- This development could cause some extreme loss of light for the majority of occupants in some adjacent buildings as the existing building on the site is only 6 storeys. This would be dramatic as many apartments facing the site have just 2 windows, both of which face it. Converted buildings can have unusual layouts with windows lighting rooms other than those they are situated in. The loss of light is more severe than suggested. Reducing any of this natural light will result in some rooms being unusable. The dramatic change in light is recognised in the Daylight and Sunlight Assessment: identifying instances where rooms experience VCS alterations which are of major adverse. The majority of rooms will experience similar

levels of changes in NSL. This suggests that the occupants of these rooms are likely to notice a change in the level of their daylight amenity as a consequence of the construction of the proposed development." The height should decrease to 6 storeys to remove these adverse effects.

- If the applicant claims that they do not intend to trivialise the impact of the scheme they should produce views of the building in context on Church Street. The views provided only show 7 of the proposed 22 storeys.

#### Impacts on Privacy

- It does not afford adequate privacy and no mitigation is proposed; This would restrict the use of adjacent balconies and every room in some buildings would be overlooked;
- Windows would be 7m from windows in the new development. Residents will have to close the curtains and block out whatever little natural light there is.

#### Traffic, Highways and parking provision

- More traffic would make congestion worse and affect quality of life;
- How and where would construction vehicles and staff gain access for parking and unloading without causing a hazard or inconveniencing neighbours;
- Closing the back streets entirely to non-essential traffic should be considered to create a better environment and reduce traffic noise and impact;
- Some integral parking should be provided. Surface parking has been lost. The Tib Street development has 60 spaces within the Church St MSCP and there should be a similar provision here. It would increase on street parking.

#### Impact on Markets

- The market which has operated for 50 years and is a bustling commercial environment which attracts shoppers and tourists to the area would be destroyed. The impact would be catastrophic on business within the market area and will eradicate the livelihoods of the market stall holders which are all small businesses.
- The proposal is not in keeping with the area and will damage the community and culture which has developed around the market stalls, customers and visitors. The unique character of the neighbourhood will be eradicated as a consequence of the development.
- There has been a complete lack of information from both proposed developers and council officials in relation to what is happening in terms of the proposed relocation of the market to the adjacent side of Church St.



### Other Issues

- The proposals are contrary to the Core Strategy policies DM1 and H2.2, the NPPF and Practice Guidance in relation to paragraph 25 and the Guide to Development.
- A live music venue would be lost which is killing off night life and shopping. The Ruby Lounge is one of the last places that real Mancunians can actually enjoy themselves;
- The lack of affordable housing is unacceptable;
- Inadequate consideration of how emergency vehicles would access and deal with fires around the site which was an issue recently at Pall Mall House;
- The public consultation was flawed as it asked questions relating only to the principle and not the form of development or options;
- Property values would decrease;
- The new residents would put unacceptable strain on infrastructure including dentists, GP's and access to green space;
- The apartments are rental only which will lead to a transient population which is not compatible with the creation of a sustainable community;
- The Planning Department can ascertain from the developer's financial viability appraisal that scaling back the height and density by several floors is feasible without making the scheme unviable:
- The Church Street market stalls are important to the Manchester Community and should not be removed;
- The council have done a tremendous job of marketing Manchester to the country, and the world on the basis of its industrial heritage. Individual areas of the city should maintain their individual personalities. The council has implemented an excellent programme of building high-rise apartments in other areas of the city to accommodate the growing population, where they are less intrusive on the existing buildings. If the Northern Quarter is to maintain its identity, and to deliver on the promise extended to those relocating to Manchester of a quirky, independent environment, this location needs a building which respects and preserves its traditions: a building where independent retailers can still run their one-of-a-kind second-hand bookstores and organic groceries;
- The Light Hotel only occupies the upper floors of the building floors 1-9 are residential and this is not reflected in the submission;

- The creation of a city comprising high rise buildings is rendering it inhospitable catering to the needs to wealthy developers rather than its citizens.

The developer of the adjacent development site at the junction of Red Lion Street and Church Street has requested that the continuity of the delivery of their development is considered as part of any Construction Management condition attached to any consent granted.

Commenting following the re-notification, one objector made some specific comments on the Sunlight and Daylight analysis

This has examined Church Street in more detail as the street with the most affected windows, (although notes that the windows of the properties on Bridgewater Place and Birchin Lane (Joiner Street) will be considerably more adversely affected due to their closer proximity to the proposed development)

They note that on floor 1 of Church Street the angle of obstruction from the centre of the windows as a result of the proposal will be **70 degrees**. On floor 6 the angle of obstruction will be **64 degrees** On Bridgewater Place and Joiner Street the angle of obstruction is greater than 80 degrees on floor 1.

They state that according to the BRE Guidelines, the target for VSC should be 27%. If VSC is between 5% and 15% it is very difficult to provide adequate daylight unless very large windows are used. If VSC is less than 5% it is often impossible to achieve reasonable daylight, even if the whole window wall is glazed.

Therefore, according to their analysis and the BRE guidance, it would be impossible to achieve reasonable daylight to any windows below the 6<sup>th</sup> floor in Church Street due to the obstruction caused by the proposal.

A similar analysis can be conducted from the data in Appendix 9.2 of the Environmental Report. According to this data, as a result of the proposal 163 of 277 windows on Church Street will have a VSC of below 15%, and 52 windows will have a VSC of below 5%.

In other words, it would be very difficult to impossible to provide adequate daylight to the majority (59%) of affected rooms on Church Street due to the obstruction caused by the proposal.

- They also note that the authors of the Environmental Report state that BRE Guidelines do not constitute planning policy:

*'The advice it gives is not mandatory and should not be used as an instrument of planning policy... In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the heights and proportions of existing buildings.'*

(Environmental Report, p. 93)

It is their contention that BRE are recognised expert witnesses concerning daylight assessment and they do believe their guidance is pertinent and represents a reasonable interpretation of the relevant areas of planning policy concerning daylight and sunlight, as listed below:

National Planning Practice Guidance:

*‘Some forms pose specific design challenges, for example how taller buildings meet the ground and how they affect local wind and sunlight patterns should be carefully considered.’* Paragraph 25 (Reference ID 26-025-20140306)

Local Planning Policy:

*‘The Council will not allow development which will have an unacceptable impact on residential areas.’*

Policy H2.2, Saved Policies of the Manchester Unitary Development Plan (2007)

*‘All development should have regard to the...effects on amenity, including privacy, light...’* Policy DM 1, Manchester Core Strategy (2012)

*‘It is important that new developments are of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones...’*

*‘New developments must respect the amenity and character of existing homes...’* Paragraphs 2.14, 11.37, Guide to Development in Manchester, Supplementary Planning Document and Planning Guidance (2007)

Nonetheless the applicants suggest that the proposed development represents an example of ‘special circumstances’ where the BRE target for VSC of 27% should not apply, as this ‘requires that there is no obstruction in front of the window that is higher than 25 degrees’ which is ‘rarely achievable in an urban or City centre environment’ ).

Citing Appendix F of the BRE Guidelines, they note that the authors of the Environmental Report propose instead that in a city centre:

*‘A typical obstruction angle from ground floor window level might be close to 40°. This would correspond to a VSC of 18%, which could be used as a target value for development.’* (Environmental Report, p. 100).

They have therefore examined the applicant’s proposed VSC target of 18% to study the impact this would have on the massing of the proposed development. As shown below, this would result in a massing that closely matches the heights and proportions of the existing buildings on Church Street, as both the BRE guidelines and the Smithfield Conservation Area Statement recommend. However the design as proposed does not appear to take any account of the implications of this target.

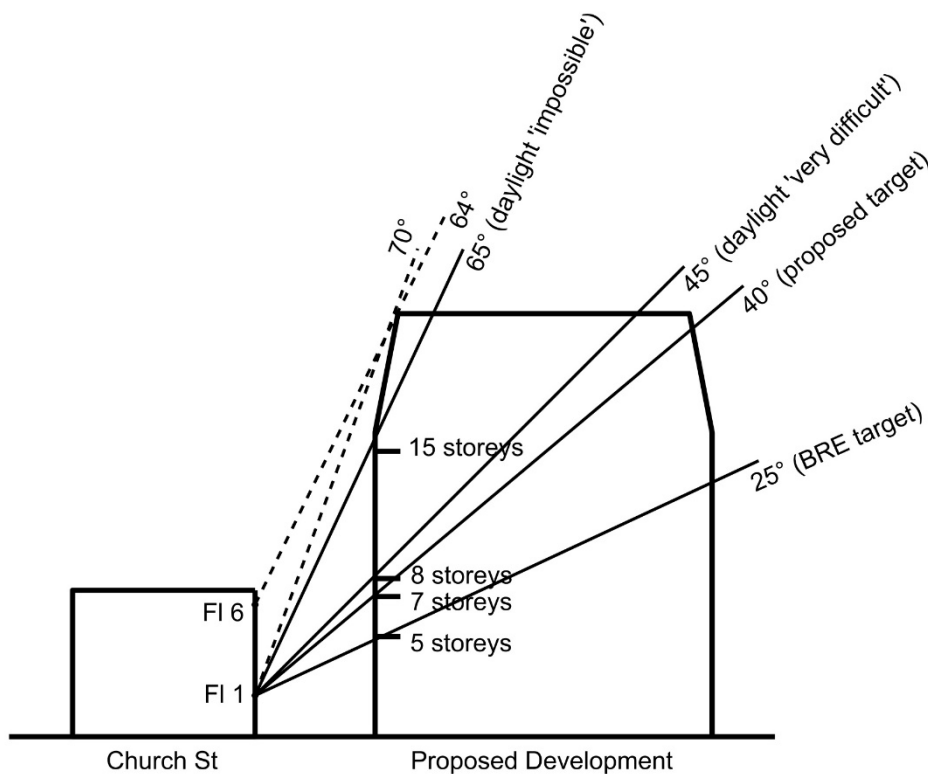
They note that BRE Guidelines recommend that a ‘limiting envelope’ is generated, ‘giving the maximum size of the development for loss of light to remain within the

BRE guidelines.'

They note that the architect has undertaken a similar process very successfully at Broadcasting Place, Leeds, where the form of the building, placement and shape of the windows was optimised for daylighting

As an indicative exercise they have taken the BRE target of 27%, the proposed target of 18%, as well as notional reduced VSCs of 15% – described by the BRE as 'very difficult to provide adequate daylight' – and 5% – described as 'impossible to achieve reasonable daylight' – and overlaid the corresponding obstruction angle from Church Street onto the massing of the proposal.

If the BRE target were to be met, the proposal should be limited to 5 storeys. If the applicant's own target of 18% were to be adopted, the proposal should be limited to 7 storeys approximately the same eaves height as the existing buildings on Church Street. If a notional target of 15% were to be adopted, the development should be limited to 8 storeys. Even if a target of 5% were to be adopted, the proposal should be limited to 15 storeys.



<b>Daylight</b>	<b>VSC</b>	<b>Obstruction angle</b>	<b>Storeys</b>
BRE target	27%	25 degrees	5
proposed target	18%	40 degrees	7
'very difficult'	15%	45 degrees	8
'impossible'	5%	65 degrees	15

Instead the proposal has an arbitrary height of 22 storeys. As the above drawing

shows, the mitigating impact of the proposed mansard setback from floor 16 upwards is negligible.

Clearly the proposal does not 'miss' BRE targets by an incremental amount, but systematically fails to meet either BRE targets or the proposed targets set out in the Environmental Report. Despite this, the Environmental Report concludes that there will be 'Negligible to Moderate Adverse effects on the daylight and sunlight amenity to the surrounding residential properties'

In relation to the modelling of daylight (ADF) they note that the 'Sunlight / daylight analysis specifically prompted the inclusion of light glazed bricks and reduced façade depth to aid light reflectance into neighbouring buildings'. It is not clear how the modelling undertaken has accounted for reflected light from the proposal however they note that the BRE Guidelines state that:

*'Maintenance of such surfaces should be planned in order to stop them discolouring. And often the benefits may not be as great as envisaged, partly because of ageing of materials and partly for geometrical reasons. The vertical surface of an obstructing building will only receive light from half of the sky. If it is itself obstructed, less skylight will be received and reflected. Thus even if it is light coloured its brightness can never approach that of unobstructed sky.'*

They note that no maintenance strategy has been provided.

They also note that according to BRE Guidelines and BS 8206-2 Code of Practice for Daylighting, an ADF of 5% is recommended for a well day lit space and 2% for a partly day lit space. Below 2% a room will appear dull and electric lighting is likely to be turned on. BS8206-2 recommends minimum values of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. There are no recommended maximum values, however 'achieving 2% in living rooms, for instance, will give improved daylight provision, and 3% or 4% would be better still' (BRE Guidelines, p. 4

The modelling that has been conducted does not show the total number of rooms that will be affected by reduced ADF. However, throughout the Environmental Report, the authors refer to the base minimum standards from BS8206-2 as 'recommended levels' (see pages 108, 110, 111, 115, 116).

They believe that it is not clear how the modelling takes the supposed reflectance. Into account, and the modelling of the neighbouring buildings has been simplified. For example, the depth of the window reveals and fenestration have not been correctly modelled in detail. It is also not clear what assumptions have been made about room areas in the calculations. This will have a significant impact on the ADF measurements stated.

Even taking these assumptions into account they note that the analysis shows that BRE minimum standards for ADF are not met.

In relation to the public consultation they note that the Statement within the submission about the public consultation that was conducted are factually incorrect as at no point was feedback on the actual submitted design sought. This is

confirmed by the Statement of Community Engagement in the Design and Access Statement (p. 37). The timeline of Design Evolution (pp. 42-43), also shows that no consultation was conducted between 'Massing Options' in 2017 and 'Massing Finalised' in early 2018.

Initial massing options are described by the architects as 'unsatisfactorily disjointed and overly tall' (p. 42). One option appears to show a step back at lower level to Church Street (lower right corner). This option is rejected in favour of the final massing, which appears to be the same height as those described as too tall. There is no evidence to show that the impact of the different massing options on levels of daylight has been tested as per BRE Guidelines, and at no stage were any of the proposed massing options depicted in the Design and Access Statement presented to the public.

Whilst the re-notification related just to issues with data presentation within the submitted Sunlight, Daylight and Overshadowing Chapter of the Environmental Statement a number of previous objectors have re-iterated their previous comments which are detailed above. However, some additional comments have been made as follows:

That the scale and location of the commercial refuse store is inappropriate, making it likely that commercial refuse will be left on Birchin Lane or Church Street for indefinite periods of time.

That noting a new plan provided to show Refuse Vehicle access to Bridgewater Place and a Consultation Response from Deloitte which states that:

*Turning movements at the Bridgewater Place have been reviewed and no longer encroach on kerbs/buildings. It is, however, likely that most service vehicles will exit Birchin Lane via Bridgewater Place rather than Church Street, avoiding significant reversing movements.* (Consultation Response, p. 11)

Points out that Bridgewater Place is a cul-de-sac. Service vehicles will be required to reverse regardless of exit route. Furthermore, despite the additional commercial units proposed for the site an existing loading bay on Church Street has been removed and replaced with a half-width bay on Birchin Lane. This bay will be in frequent use, potentially blocking access to Bridgewater Place for both waste disposal and emergency vehicles.

**Manchester Conservation Area and Historic Buildings Panel** – The Panel felt the existing building to be poor but has more significance as not many of this architectural style remain. Its massing relates well to other buildings in the conservation area and it fits in with 22 High Street and Debenhams. They questioned how the demolition of the existing buildings and the erection of the proposed would contribute positively to the character of the conservation area. There is generally a uniform building height on High Street and the proposal would have a detrimental impact on Debenhams and dominate the street scene.

They were disappointed that it paid no regard to 22 High Street. The High Street elevation of Debenhams is especially sensitive. They felt the building was generally high quality in terms of its design and detailing, well-articulated using high quality materials. They had concerns over the details on the Mansard, stating it would be difficult to get this detailing right, over the bizarre non 45° corner on Church St. They also felt that the dormer/bay windows looked too busy and the scheme would improve if nearer the precedents the applicant had proffered. While the Panel felt ceramic buildings often exude quality they questioned whether different texture, colour and/or a larger module at lower levels would weather more successfully in this harsh urban environment. They advised that the building clarify the hierarchy of entrances and there should be more grandeur and scale to the residential entrance.

Whatever the merit or not of the existing building, its main function is the setback which allows the market stalls to be there and forms an 'easy' corner between High St and Church St. This area is an important connection between the Northern Quarter and High Street. The proposal would continue a forbidding line of development on High Street and increase the disconnection to the Northern Quarter.

The proposal should preserve the building line on Church Street and retain no. 22 High Street. The building would then subtly respond and relate to its surrounding buildings. They considered the market stalls to be in a good location and an important nodal point between the Arndale Centre and the Northern Quarter and also provided an important pausing point. The scheme would not enhance the character of this part of the conservation area. They considered it to be a standalone building which would have a detrimental impact on surrounding buildings. The Panel would like to see the new markets moved and relocated before any approvals are given and development commences. The Panel noted that this is a fundamental building/site in the conservation area.

**Places Matter – Made a number of observations on the proposals at a pre-application meeting which are summarised as follows:**

Architecture and Massing

- The whole city block sits on a prominent corner, which is capable of taking this scale of development, in an area that currently lacks any consistent form.
- The metropolitan scale of the proposal was felt to be refreshing and a really interesting response to the pressures of accommodating additional upper floor space.
- The way the building hit the ground, with the invitation to enter the courtyard helping to break up the mass at ground floor and drawing people through the building through the use of space and the proposed market stalls was supported.
- More should be made of the key entrance point on Market Street, which

needs a more exaggerated scale to make it yet more metropolitan and to really tell people that there is a courtyard behind.

- The oversized door to Debenhams could be translated across to this block and you should seek to ensure that the lines from that building read across to the new building.
- The proposals were considered to be almost too reverential to Debenhams and there was encouragement to explore raising the Church Street / High Street corner.
- There is a strength and elegance in the overall approach and the panel was tantalised by how close you are to creating something that Manchester does not currently have, but you must ensure that daylight and life style quality for residents are maintained.
- Materiality above the cornice line will be a critically important decision; currently the visuals show the scheme as all one material. It could be different and you should consider how best to address the corners of the building and whether High Street / Church Street is the major corner of the building
- The ordering of the façade, with its mathematical rhythm and connections across to Debenhams was commended.
- References to mirror London Mansion Blocks were supported along with the intention to create an exaggerated Mansard above the cornice line and “melt” the roofline.
- The position of the string course were considered to be critical in maintaining the scale and clarity of the proposition in context with Debenhams.
- The option for retaining the existing older building adjacent to Debenhams was debated and it would have been interesting to see how that might have ‘bookcased’ the two buildings. On balance the scale and challenge of the block itself was seen as most important.
- Material choices should seek to retain the lightness of the bundling, which was felt to be very interesting. It was stressed that in creating a building of such scale, the requirement for high quality materials and detailing must match this imposing scale.

#### Landscape and Public Realm

- The approach to seeking to channel people through the building and make the links between the Arndale Centre and the Northern Quarter was supported.



- Noting the robustness of the surrounding public realm there is a need for weighty materials and strong edges, which need to be maintained and carried through in to the building courtyard.
- Given that this is a proper city building block and the Birchin Lane side could be a very interesting space if brought fully in to the courtyard. Similarly, the service zone to Bridgewater Place needs to be wrapped in through the use of high quality materials.
- At 18m<sup>2</sup> the courtyard is not a big space and you should strive to make it bigger if possible and see how it might add more daylight to the lower apartments.
- Internal arrangements need further consideration such as other options for entering the residential elements via the courtyard and the position of the bike store was felt to compromise the courtyard in terms of drawing people in and in maximising the opportunity for retail and market uses.
- The notion that the courtyard could be a hybrid space, somewhere between a courtyard and a covered arcade, was supported, so long as it retains a sense of being 'of Manchester' and does not move towards becoming a slick city solution.
- Integration with the wider public realm will be critical to the success of the space.

## 121375

**Ward Councillors** – An objection has been received from Councillor Wheeler which states that the application does not meet council policy on affordable and social housing, offers a derisory amount of S106 for the scale of development, and makes no real contribution to the ward. No Mancunian is spending £450,000 to overlook the Arndale.

Councillor Adele Douglas notes that Historic England has recommended that the proposals are refused, or resubmitted in 'significantly amended form to take more account of the conservation area character and the associated scale, height and grain. This would require significantly reducing the overall scale of the development and reconsidering its form.'

She believes that the impact of the proposal on the historic setting of the Smithfield Conservation Area would be large, as it would dominate the views and remove attention from the heritage assets in the area.

She is also concerned about the responses given by the developer to these concerns; the applicant seems to be suggesting that because the site is nearer the edge of the conservation area that it is acceptable for the edges of the conservation area to be eroded in quality and character – She is aware that there is current work

on the reassessment of the Conservation Areas but this has not yet happened and it is for officers, not developers, to decide where these boundaries lie. Additionally, to have a scale relating not to the conservation area but instead to 'large retail and commercial palaces' further away in the city does not seem in keeping with the spirit of either the planning laws nor the heritage protection guidelines. To suggest that it is appropriate for the upper levels of a building to relate to further distances away, simply because it is visible from further away, does not make sense, especially when not taking into account the effect on the buildings in the direct area.

She would welcome a refreshed proposal that is more in keeping with the area and that has a neutral or positive impact on the heritage setting, as at present this one has a negative impact.

**Historic England** – Have concerns on heritage grounds. Given the mixed significance, they would have no objection to re-development in principle. The incorporation of ground floor commercial units and courtyard is welcomed, the loss of the market stalls would affect vitality. 20-22 High Street contributes positively to the conservation area in townscape terms and its demolition would cause harm. The conclusion within the Heritage Statement that the building as a whole has low aesthetic value is misleading, given the front elevation is very fine and clearly makes a positive contribution to the conservation area.

Re-establishing the historic street layout is welcome and relates architecturally to the civic character of many early 20C buildings, but they have serious reservations about its form, bulk, mass and height. Its massive proportions and ungainly mansard form, is accentuated by the pale materials and the repetitious architectural treatment resulting in a monolithic and top heavy appearance. The building would be much larger than the Ryland's Building with a dominance that is out of scale and character to its surroundings. They believe that it would cause harm to the conservation area, particularly the townscape character and skyline along High Street.

They note that all development should comply with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 of the Act also applies in relation to the setting of nearby listed buildings. Developments should respond to local character and history, and reflect the identity of local surroundings and materials (NPPF 127). They state that while the development responds in part to its context architecturally, the loss of the existing historic buildings at 20-22 High Street and the scale and mass of the replacement building would cause harm that neither sustains or enhances the significance of heritage assets (NPPF 192), nor preserves or enhances the character and appearance of the conservation area. They consider that this harm lacks clear and convincing justification (NPPF 194), given that other historic buildings have been viably retained and converted elsewhere within the conservation area and recent new development nearby is of a much lower scale.

They note that the resulting harm would, therefore, need to be judged in relation to any public benefits that the proposals may bring (NPPF 196) but that it is still necessary for the justification for the harm to be fully credible.

They recommend that the proposals are refused or withdrawn and significantly amended to take more account of the conservation area character and its scale, height and grain. Its scale should be reduced significantly and its form reconsidered to reduce the harm to the conservation area and better relate to other buildings along High Street. Retaining 20-22 High Street would also help to preserve and enhance the character and appearance of the conservation area.

Following a response from the applicants to these comments they made the following additional comments:

Many historic buildings have been replaced by undistinguished late 20C buildings, such as the Arndale Centre. These are to the west of High Street and outside the conservation area. However, the eastern side of High Street from Shudehill southwards has a number of fine historic buildings which form an attractive townscape, with the exception of 24-36 High Street and are within the Smithfield Conservation Area. The proposal would harm this character and appearance.

The Rylands Building and 20C historic buildings on the junction with High Street form an important focal point visible from High Street. Debenhams remains a key landmark building in visual and perceptual terms within the shopping centre area, with its corner turret clearly visible in the approach along High Street from the north.

The buildings on High Street within the conservation area have a reasonably regular building height, with a range of 5-8 storeys. The exception is 24-36 High Street, with a podium that is much lower and out of character in the street. This allows views of the Light Apartments to the rear, which are otherwise set well back from High Street. If the site was re-developed on a more contextual basis, respecting the existing heights along High Street, this would both enhance the conservation area and largely remove the prominence of the Light Apartments from the street scene.

The Arndale Centre is not dominant in terms of height on views along High Street and its mass respects heights on the street. However, it relates poorly to the historic buildings opposite because of its poor architectural quality, horizontal form and lack of architectural variety. The Arndale centre should not be used to justify further development that is poorly related to its context.

They also comment as follows:

1. The loss of market stalls would affect street vitality but they welcome the proposal to develop a market to front the Church Street multi-storey car park.
2. The options appraisal and viability assessment are matters for the Council to consider. 38 High Street was re-developed at 8-9 storeys and the site on Tib Street has been re-developed at a similar scale. Clear and convincing justification why re-development at a similar height is not viable would be required to satisfy the requirements of the NPPF. We disagree that developing the whole site would be beneficial to the street scene given that the existing building at 20-22 High Street clearly makes a positive contribution in heritage terms.

3. The assessment of 20-22 High Street as having a “low value” is not credible. The building was design by local architects of good reputation and has a fine frontage onto High Street in the classical style, incorporating some highly attractive and characterful stone detailing. A site visit would enable its qualities to be appreciated.

It is not within their remit to comment on the viability assessment but note that an argument has been made regarding the lower height of 20-22 High Street resulting in a “disjointed” streetscape if it is retained. However, the existing building is well related in terms of its character, form and appearance to other historic buildings within the conservation area. Indeed, the Ryland’s Building steps down to better relate to it. Replacing it with a proposed building of such massive proportions that is out of scale with its surroundings is far more likely to result in a disjointed streetscape. They remain concerned on heritage grounds

**TFGM (Metrolink)** – There is critical operational Metrolink traction power and communications equipment in the basement of 22 High Street and any impact could cause major disruption to significant sections of the network. The equipment would be retained within a smaller basement. A strategy must be agreed to fully protect the network from disruption and ensure there is no damage to infrastructure or disruption to service during the development. An access, fire, ventilation and maintenance and security, strategy is required to enable Metrolink to operate effectively once the works are complete. Other related issues have been considered in relation to working safely near Metrolink, noise and vibration, mitigation of thrown objects from the roof gardens and Overhead Line Fixing (OLE) and replacement and a number of conditions relating to Protection strategy for TfGM equipment within the basement of the building; Protected, safe, secure and convenient 24 hour, 7 days per week access; Working Safely Near Metrolink; Noise and vibration mitigation; Mitigation of thrown objects from roof gardens; and inclusion of OLE fixing have been recommended.

TfGM are working with the developer to arrive at a commercially suitable solution for the loss of the basement space which will run in parallel to the technical protection solutions. There have been no discussions to agree the Commercial Deal in relation to their interests in the site.

**Head of Highways-** Have no objections subject to agreeing a Servicing Management Plan, the adoption of a Travel Plan, the submission of a Construction Management Plan, making good for footways and improved lighting being attached to any consent granted.

**Head of Regulatory and Enforcement Services** – (Street Management and Enforcement) - Has no objections but recommends that conditions relating to the , mitigation of vibrations from the tram network, acoustic insulation of the premises and any associated plant and equipment, management of air quality, the storage and disposal of refuse, fume extraction, the hours during which deliveries can take place, the management of construction and the investigation and treatment of any contaminated land be attached to any consent granted

**Greater Manchester Police (Design for Security)** – Have no objection subject to the recommendations contained in the Crime Impact Statement being implemented as part of the scheme.

**Greater Manchester Ecology Group** – Have no objections and note that no evidence of bats was found and no further information or measures are required. They have made recommendations about elements to enhance biodiversity.

**Flood Risk Management Team** – Have recommended conditions to ensure surface water drainage works are implemented and verified in accordance with Suds National Standards.

**Environment Agency** - Have no objections but recommend conditions to mitigate risks to adjacent ground and controlled waters; that guidance set out within their document 'Guiding Principles for Land Contamination' is followed; and, a condition to prevent unacceptable risk to groundwater from piling.

**United Utilities** -Will have no objection providing specific conditions ensure that no surface water is discharged either directly or indirectly to the combined sewer network and the site must be drained on a separate system, with only foul drainage connected into the foul sewer.

**Greater Manchester Archaeological Unit** – A desk based archaeological study concludes that the site is likely to only contain heritage assets of negligible archaeological interest and very low heritage significance. They accept these conclusions and recommend that no further archaeological work is necessary.

**Work and Skills** – Recommend that a local labour condition is included for the construction and end use phases which incorporates a requirement to provide a report of local labour achievements.

**Manchester Airport , Civil Aviation Authority and NATS Safeguarding** - Have no safeguarding objections.

**Manchester Markets** - Have confirmed that on the basis that the current Church Street Market will not be removed without the replacement market stalls on Church Street being constructed and that current traders can be located to those units should they wish, that they have no objection to the applications.

**121447**

Head of Highways Final comments: MCC Highways have no objections in principle but concur with TfGM (see below) in terms of concerns about pavement widths on Church Street and pedestrian safety.

**TfGM** - Given the high level of footfall anticipated along this frontage from the bus stop and the market stalls, they consider that the narrow footway has potential to create a conflict between pedestrians and vehicles with pedestrians potentially overspilling into the highway. TfGM would raise severe highway concerns.

They have also given advice about the minimum distances that there should be bus stop infrastructure and kerbside features. 600mm is therefore the absolute minimum clearance required.

They also noted concerns about loading in the bus stop which could affect sightline visibility, the free flow of traffic along Church Street, and interfering with passengers to the detriment of highway safety.

**Manchester Markets** – Have no objections providing that the existing traders can be rehoused in Church Street/Red Lion St and the developer meets all costs. However' they have concerns about the independent retail offering so close to the Arndale Food Market given that the Arndale Centre is now opening a new food court

**Head of Environmental Health** - Have no objections subject to conditions in relation to fume extraction, hours of operation, hours during which deliveries can take place and the acoustic insulation of any plant and associated equipment.

**Greater Manchester Police (Design for Security)** – Have no objections subject to compliance with the recommendations of the submitted Crime Impact Assessment.

## ISSUES

### **Local Development Framework**

The principal document within the framework is **The Core Strategy Development Plan Document 2012 -2027** ("the Core Strategy") was adopted on 11 July 2012 and is the key document in Manchester's Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) and sets out the long term strategic planning policies for Manchester's future development.

The proposals are considered to be consistent with the following Core Strategy Policies SP1, CC1, CC4, CC5, CC6, CC7, CC8, CC9, CC10, T1, T2, EN1, EN2, EN3, EN4, EN6, EN8, EN9, EN11, EN14, EN15, EN16, EN17, EN18, EN19, EC1, EC8, and DM1 for the reasons set out below.

### **Saved UDP Policies**

Whilst the Core Strategy has now been adopted, some UDP policies have been saved. The proposal is considered to be consistent with the following saved UDP policies DC 10.1, DC18, DC19.1, DC20 and DC26 for the reasons set out below.

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 that form the basis of its policies:

**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 and reduce the need to travel by private car.

S02. Economy - supports further significant improvement to the City's economic performance and seeks to spread the benefits of growth to reduce economic, environmental and social disparities, and to help create inclusive sustainable communities. The scheme would provide new jobs during construction and would provide housing near to employment sources.

S03 Housing - supports a significant increase in housing at sustainable locations throughout the City, to address demographic need and support economic growth. Manchester's population grew by 20% between 2001 and 2011 which demonstrates the attraction of the city and the strength of its economy. Economic growth requires housing for the workforce in attractive places.

S05. Transport - seeks to improve physical connectivity through sustainable transport networks, to enhance the functioning and competitiveness of the city and provide access to jobs, education, services, retail, leisure and recreation. This is a highly accessible location, close to public transport and would reduce car travel.

S06. Environment - the development would help to protect and enhance the City's natural and built environment and ensure the sustainable use of natural resources in order to:

- mitigate and adapt to climate change;
- support biodiversity and wildlife;
- improve air, water and land quality; and
- improve recreational opportunities; and
- ensure that the City is inclusive and attractive to residents, workers, investors and visitors.

### **Relevant National Policy**

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to apply. It aims to promote sustainable development. 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:

"For decision- taking this means: approving development proposals that accord with an up-to-date development plan without delay" 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 proposal is considered to be consistent with sections 5, 6, 7, 8, 9, 11, 12, 14, 15 and 16 of the NPPF for the reasons set out below

Paragraph 103 states that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on sustainable locations which limit the need to travel and offer a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

Paragraph 117 planning decisions should promote effective use of land in providing homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Including giving substantial weight to the value of using suitable brownfield land within settlements for homes.

Paragraph 118(d) Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 122 - states that planning policies and decisions should support development that makes efficient use of land and includes a requirement to take into account local market conditions and viability and the desirability of maintaining an area's prevailing character and setting or of promoting regeneration and change.

Paragraph 124 states that 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.

Paragraph 131 states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design in an area, so long as they fit in with the overall form and layout of their surroundings.

Section 6 - Building a strong and competitive economy and Core Strategy Policy SP 1 (Spatial Principles), Policy CC1 (Primary Economic Development Focus), CC8 (Change and Renewal) – The development would be highly sustainable and would deliver city living. It would be close to sustainable transport, maximise the use of the City's transport infrastructure and would enhance the built environment, create a well-designed place and reduce the need to travel.

The proposal would develop an underutilised, previously developed site and create employment during construction and permanent employment in the commercial units and relocated market stalls as well as the building management on completion and assist in building a strong economy and assist economic growth. It would complement a well established community and contribute to the local economy as residents using local facilities and services.

The proposal would help to create a neighbourhood where people choose to be by enhancing the built and natural environment and creating a well designed place that would enhance and create character.



NPPF Section 7 Ensuring the Vitality of Town Centres and Core Strategy Policies SP 1 (Spatial Principles) and CC2 (Retail) – The Regional Centre will be the focus for economic and commercial development, leisure and cultural activity, and city living. The proposal fulfils this aim by helping to create a neighbourhood which would attract and retain a diverse labour market. It would support GM's growth objectives by delivering housing for a growing economy and population, within a major employment centre in a well-connected location and would help to promote sustained economic growth.

NPPF Section 9 Promoting Sustainable Transport, Core Strategy Policies CC5 (Transport), T1 Sustainable Transport and T2 Accessible Areas of Opportunity and Need - The Site has a Greater Manchester Accessibility Level (GMAL) of 8, the highest level of accessibility. It is easily accessible for pedestrians and cyclists, and by a range of transport options. Metrolink stops at Market St, Shudehill and Exchange Square, Victoria and Piccadilly Train Stations and Shudehill and Piccadilly Garden exchanges are all nearby.

A Travel Plan would facilitate sustainable patterns of transport use and the City Centre location would minimise journeys. The proposal would contribute to wider sustainability and health objectives and help to connect residents to jobs, local facilities and open space. It would improve air quality and encourage modal shift from car travel. Improvements to pedestrian routes are proposed and the pedestrian environment would prioritise pedestrian and disabled people, cyclists and public transport.

NPPF Section 5 (Delivering a sufficient supply of homes) and 11 (Making Effective Use of Land), Core Strategy Policies CC3 Housing, CC7 (Mixed Use Development), Policy H1 (Overall Housing Provision), H2 (Strategic Housing Location), Policy H8 (Affordable Housing) and Policy CC10 A Place of Everyone - The proposal would be an efficient, and high-density in a sustainable location within part of the City Centre identified as a key location for residential development. It would make effective and efficient use of land to provide homes. The apartments would appeal to a wide range of people from single people and young families to older singles and couples.

The proposal is for a dense development, within an area identified for housing growth. This is a previously developed site and the proposal would contribute to the ambition that 90% of new housing should be on brownfield sites. It would have a positive impact on the area and provide accommodation which would meet different household needs.

Housing is required in locations that would support and sustain Manchester's growing economy. The City Centre is the biggest source of jobs in the region and this proposal would provide accommodation to support the growing economy and contribute to the creation of a sustainable, inclusive, mixed and vibrant community.

It is expected that a minimum of 25,000 new homes will be provided within the City Centre from 2016-2025 and this scheme would contribute to meeting the City Centre housing target in the Core Strategy.

A Viability Appraisal demonstrates that the scheme is viable and deliverable but cannot sustain a financial contribution towards affordable housing. This is discussed in more detail below.

Manchester's economy continues to grow and investment is required in locations that would support and sustain this growth. The commercial units and the relocated market stalls would complement the existing mix of uses.

NPPF Sections 12 (Achieving Well Designed Places), and 16 (Conserving and Enhancing the Historic Environment), Core Strategy Policies EN1 (Design Principles and Strategic Character Areas), EN2 (Tall Buildings), CC6 (City Centre High Density Development), CC9 (Design and Heritage), EN3 (Heritage) and saved UDP Policies DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) – Within the NPPF sections 11 and 12 point out that planning policies and decisions should support development that makes efficient use of land, this includes taking into account: the desirability of maintaining an area's prevailing character and setting or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design in an area, so long as they fit in with the overall form and layout of their surroundings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

The proposal has been the subject of consultation. The design has been considered by a range of stakeholders including Historic England and Places Matter whose comments have informed design evolution. The scheme proposes a building whose quality and appearance would complement the high standard of design in the area. It would be a high density development and seeks to maximise the use of the site promoting regeneration and change. It would improve the functionality of the site. This would be a large scale intervention but would complement the organic growth which has taken place in the Northern Quarter over the past 25 years and would not have a detrimental impact on the prevailing character of the Conservation Area or the setting of the listed Ryland's Building. It would enhance quality in the area and introducing complementary activity that will add value. The form of development and its ground floor layout, would improve legibility, visual cohesiveness, connectivity and integration.

This is a tall building but the scale proposed is considered to be acceptable in this location and would contribute to place making. It would be of a high quality and would raise the standard of design in the area. The design would respond positively at street level. It would reinforce the cohesion of the urban form, improving the character and quality of a site whose appearance is poor. The positive aspects of the design of the proposals are discussed in more detail below.

A Tall Building Statement identifies key views and assesses the impact on them. It also evaluates the relationship to context / transport infrastructure and its effect on the local environment and amenity. This is discussed in more detail below.

In terms of the NPPF the following should also be noted:

Paragraph 192. In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states that when considering impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm is substantial, total loss or less than substantial.

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset from development within its setting), should require clear and convincing justification.

Paragraph 195 states that where a proposal will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 200 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 201 points out that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. It states that the loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole

A Heritage Appraisal, Visual Impact Assessment and NPPF Justification Statement, have demonstrated that the development would have a beneficial impact on the surrounding area.

The proposal would redevelop an underutilised site. 24-36 High Street is a negative element within the Conservation Area. 20-22 High St a non designated heritage asset, enhances the streetscape from certain viewpoints, its location within an area of low townscape value however means that its contribution to the understanding and appreciation of the character of the Conservation Area as a whole is limited when read against the current condition of 24-36 High Street. Therefore, in the context of this wider island site, it does little to engage with or contribute to the streetscape or the character of the Conservation Area. Whilst it does make some contribution to townscape, its contribution to the significance of the conservation area is low. Overall therefore, the site makes no contribution to the townscape and has a negative impact on the setting of designated heritage assets. It is considered that the loss of the buildings on the site would result in less than substantial harm to the character of the Conservation Area as a whole and this needs therefore to be weighed against the public benefits to be derived from their loss.

Owing to the fragmented character of the street block of which it forms part, the impact on the setting of the adjacent listed building would be less than substantial and this harm also needs to be weighed against the public benefits.

The quality and design of the proposals would sustain the value of the key heritage assets as there are substantial public benefits which would be derived from the proposal which would outweigh the harm caused by the loss of the existing buildings. That harm is necessary both to secure those benefits, and fully realise the optimum viable use of the site and secure its wider potential in urban design terms.

The site does not best represent the character and appearance of the Smithfield Conservation Area. It is necessary however to consider whether the loss of 20-22 High Street would sustain the significance of the heritage assets and would preserve or enhance the character or appearance of the Conservation Area and the setting of the adjacent listed building. Much of the site currently has a negative impact on the setting of these assets and the introduction of a good quality building that would make a positive contribution to the townscape and cohesively engage with and properly address the street block would make a positive contribution to the townscape and enhance the setting of those heritage assets.

The compliance of the proposals with the above sections of the NPPF and consideration of the comments made by Historic England is fully addressed in the below.

Core Strategy Section 8 Promoting healthy communities - The creation of an active street frontage would help to integrate the site into the locality and increase levels of natural surveillance.

- Saved UDP Policy DC20 (Archaeology) – It has been concluded that there is virtually no likelihood of any significant remains surviving below ground level and as such that the development would not have an impact on any potentially significant remains on the site.

- NPPF Section 14 (Meeting the challenge of climate change, flooding and coastal change), Core Strategy Policies EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon) EN6 (Target Framework for CO2 reductions from low or zero carbon energy supplies), EN 8 (Adaptation to Climate Change), EN14 (Flood Risk) and DM1 (Development Management- Breeam requirements) -The site is highly sustainable. An Environmental Standards Statement demonstrates that the development would accord with a wide range of principles that promote the responsible development of energy efficient buildings integrating sustainable technologies from conception, through feasibility, design and build stages and in operation. The proposal would follow the principles of the Energy Hierarchy to reduce CO2 emissions and is supported by an Energy Statement, which sets out how the proposals would meet the requirements of the target framework for CO2 reductions from low or zero carbon energy supplies.

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. In addition, the NPPF indicates that development should not increase flood risk elsewhere.

The surface water drainage from the development would be managed to restrict the surface water to greenfield run-off rate if practical, and to reduce the post development run-off rates to 50% of the pre development rates as a minimum.

The drainage network would be designed so that no flooding occurs for up to and including the 1 in 30-year storm event, and that any localised flooding will be controlled for up to and including the 1 in 100-year storm event including 20% rainfall intensity increase (climate change). The surface water management would be designed in accordance with the NPPG and DEFRA guidance in relation to Suds.

- NPPF Section 15 (Conserving and enhancing the natural environment), Manchester Green and Blue Infrastructure Strategy 2015, Core Strategy Policies EN 9 (Green Infrastructure), EN15 ( Biodiversity and Geological Conservation), EN 16 (Air Quality), Policy EN 17 (Water Quality) Policy EN 18 (Contaminated Land and Ground Stability) and EN19 (Waste) - Information regarding the potential risk of various forms of pollution, including ground conditions, air and water quality, noise and vibration, waste and biodiversity have demonstrated that the proposal would not have any significant adverse impacts in respect of pollution. Surface water run-off and ground water contamination would be minimised

An Ecology Report concludes that there was no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development. A number of measures to improve biodiversity are proposed. The Report concludes that the proposals would have no adverse effect on any statutory or non-statutory designated sites in the wider area.

The Manchester Green and Blue Infrastructure Strategy (G&BIS) sets out objectives for environmental improvements within the City within the context of objectives for growth and development. The proposal should exploit opportunities and this is discussed in more detail below. There would be no adverse impacts on blue infrastructure.

The development would be consistent with the principles of waste hierarchy and a Waste Management Strategy which details the measures that would be undertaken to minimise the production of waste both during construction and in operation. The Strategy states that coordination through the onsite management team would ensure the various waste streams throughout the development are appropriately managed.

DC22 Footpath Protection - The development will improve pedestrian routes within the local area through ground floor activity and repaving. Previously lost pedestrian linkages would be reinstated.

Policy DM 1- Development Management - Outlines a range of general issues that all development should have regard to and of these, the following issues are of relevance to this proposal:-

- appropriate siting, layout, scale, form, massing, materials and detail;
- design for health;
- 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 above issues are considered in detail in below.

Policy PA1 Developer Contributions - This is discussed in the section on Viability and Affordable Housing Provision below

DC26.1 and DC26.5 (Development and Noise) - Details how the development control process will be used to reduce the impact of noise on people living and working in the City stating that this will include consideration of the impact that

development proposals which are likely to be generators of noise will have on amenity and requiring where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate This is discussed below.

### **Other Relevant City Council Policy Documents**

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. It seeks development of an appropriate height having regard to location, character of the area and specific site circumstances and local effects, such as microclimatic ones. For the reasons set out later in this report the proposals would be consistent with these principles and standards.

It is considered that the following design principles and standards are relevant to the consideration of this application:

- Each new development should have regard to its context and character of area. New developments should acknowledge the character of any Conservation Area within which they lie and will only be accepted where they preserve or enhance the special quality of the conservation area;
- Infill developments should respect the existing scale, appearance and grain and make a positive contribution to the quality and character of the area;
- The design, scale, massing and orientation of buildings should achieve a unified urban form which blends in and links to adjacent areas. Increased density can be appropriate when it is necessary to promote a more economic use of land provided that it is informed by the character of the area and the specific circumstances of the proposals;
- Developments within an area of change or regeneration need to promote a sense of place whilst relating well to and enhancing the area and contributing to the creation of a positive identity. There should be a smooth transition between different forms and styles with a developments successful integration being a key factor that determines its acceptability;
- Buildings should respect the common building line created by the front face of adjacent buildings although it is acknowledged that projections and set backs from this line can create visual emphasis, however they should not detract from the visual continuity of the frontage;
- New developments should have an appropriate height having regard to location, character of the area and site specific circumstances;

- Developments should enhance existing vistas and create new ones and views of important landmarks and spaces should be promoted in new developments and enhanced by alterations to existing buildings where the opportunity arises;
- Visual interest should be created through strong corners treatments which can act as important landmarks and can create visual interest enliven the streetscape and contribute to the identity of an area. They should be designed with attractive entrance, window and elevational detail and on major routes should have active ground floor uses and entrances to reinforce the character of the street scene and sense of place.

For the reasons set out later in this report the proposals would be consistent with these principles and standards.

Manchester City Centre Strategic Plan- The Strategic Plan 2015-2018 updates the 2009-2012 plan and seeks to shape the activity that will ensure the city centre continues to consolidate its role as a major economic and cultural asset for Greater Manchester and the North of England. It sets out the strategic action required to work towards achieving this over period of the plan, updates the vision for the city centre within the current economic and strategic context, outlines the direction of travel and key priorities over the next few years in each of the city centre neighbourhoods and describe the partnerships in place to deliver those priorities

The application site lies within the area identified in the document as the Northern Quarter. This identifies the importance of the areas non-mainstream offer as being important for any global city and giving the Northern Quarter a unique identity within both the city and, to some extent, the UK. The areas growing reputation and attraction to a high number of visitors, is identified as providing an important contribution to the economy of the city centre.

Because of its nature, the regeneration within the Northern Quarter area is described as having been organic and incremental and, therefore, more subtle and ultimately less predictable than in other parts of the city centre. The aim of activity within the area is to bring about change in a way that retains the area's distinct identity. This can be done by building on the area's strengths to produce a creative and cultural destination, with a high-quality built environment attractive to businesses and residents, and providing opportunities for private sector investment. It is considered that the proposals would be in keeping with these objectives. The proposed commercial units and the enhanced offer of the relocated market stalls and a further addition to the current well established residential community around the site would help to build on the successes of the area's evening economy by promoting usage as a daytime destination.

Manchester Residential Quality Guidance (July 2016) (MRQG) – The City Council's has endorsed the Manchester Residential Quality Guidance which is now a material planning consideration. The document provides specific guidance for Manchester and includes a section on the consideration of space and daylight. The guide states that space standards within dwellings should comply with the National Described



Space Standards as a minimum. In assessing space standards for a particular development, consideration needs to be given to the planning and laying out of the home and the manner in which its design creates distinct and adequate spaces for living, sleeping, kitchens, bathrooms and storage. The size of rooms should be sufficient to allow users adequate space to move around comfortably, anticipating and accommodating changing needs and circumstances. The proposal is broadly in keeping with the aims and objectives set out in the guidance.

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. The proposed development would contribute to achieving the above targets and growth priorities.

Stronger Together: Greater Manchester Strategy 2013 - This is the sustainable community strategy for the Greater Manchester City Region. It sets out a vision for Greater Manchester where by 2020, the City Region will have pioneered a new model for sustainable economic growth based around a more connected, talented and greener City Region, where all its residents are able to contribute to and benefit from sustained prosperity and a high quality of life.

The proposed residential accommodation would support and align with the overarching programmes being promoted by the City Region via the GM Strategy.

There is an urgent need to build more new homes for sale and rent to meet future demands from the growing population and to address undersupply and the Council is adopting measures to enable this. The proposals represent an opportunity to address these requirements adjacent to a major employment centre and in a well-connected location.

## **Conservation Area Declarations**

### **Smithfield Conservation Area Declaration**

The Smithfield conservation area lies on the north-eastern edge of the city centre of Manchester. It is one of a group of three in this vicinity designated by the City Council in February 1987; the others are Shudehill and Stevenson Square, which lie to the north-west and south-east respectively.

The area is bounded by Swan Street, Oldham Street (a common boundary with the Stevenson Square Conservation Area), Market Street, High Street and Shudehill (a common boundary with the Shudehill Conservation area).

Historically, the predominant building type was food markets. Few of these are still standing, and those that are have been converted to other uses. Around Turner Street and Back Turner Street, there are some very small-scale houses dating from the Georgian period, subsequently converted or used for commercial purposes.

These streets and the buildings defining them create a rich tapestry of spaces and built form located hard up to the back of pavement. This character contrasts with that of the buildings to the south of the conservation area, closest to the commercial heart of the regional centre along Oldham Street, Market and Church Street, which are larger and of later date than the rest of the area. A number of sites have been left vacant where buildings have been demolished. Many of these are used as temporary car parks, which detract from the visual appeal of the area.

The Conservation Area Brochure contains specific advice on the parameters that are appropriate in terms of an approach to Development Management and achieving improvements and enhancements to the area. Whilst this is only advice it does reflect the expectations set out in the City Council's Design Guide SPD and Core Strategy in respect of new City Centre developments particularly within Conservation Areas. This is summarised below as far as it relates to this development:

- The south-west part of the Conservation Area is composed of large buildings, and any new development here is likely to be designed on a substantial scale.
- New buildings in Piccadilly, Market Street, Church Street and the southern parts of High Street and Oldham Street should relate to their immediate neighbours which are up to seven storeys high.
- The main criterion in urban design terms in this area relates to the need to fit into the established street pattern and to ensure that the scale of development proportions and materials relate to the immediate context.
- Development management aims to encourage development and activity which enhances the prosperity of the area, whilst paying attention to its special architectural and visual qualities
- Demolition of existing buildings of architectural or townscape merit should be seen as a last resort and a coherent and complete justification made in line with government guidance on the issues relevant to each case must be made.
- Quality is the overriding aim in any new proposal, and this can be provided in either sensitive refurbishment of existing buildings or the appropriate design of new buildings.
- The urban design context is vital in this conservation area. The height, scale, colour, form, massing and materials of new buildings should relate to the existing high quality buildings and also complement their character. Designers of proposed buildings should take account of this rather than evolving a design which has no clear relationship with buildings nearby. This does not mean a debased copying of historical forms which serve only to devalue the genuinely historical buildings nearby. It does mean acknowledging the characteristics of massing, proportions, elevational subdivision, colours and materials of adjacent buildings in the design of the modern additions.

- Both the larger and smaller buildings within the conservation area exhibit a great variety in style, but also a common unity which designers of new and refurbished buildings should acknowledge. However, superficial copies of historic buildings do not make a positive contribution to the historic character of the area and each building should have a vitality of its own.
- Designers should be aware of proportion and rhythm in their buildings and also differentiate a ground floor, middle portion (where there is sufficient height to do so) and a top part which creates a varied skyline, in order to enhance the area.
- In line with other parts of the city centre, new development proposals should generally be aligned to the back of pavement, in order to preserve the linear character of the streets.
- The corner emphasis characteristic of Manchester buildings is evident in Smithfield, and its use in new developments will therefore be encouraged
- In terms of building materials brick, stone and stucco, brick with stone dressings predominates and solid, traditional materials should be used in preference to large expanses of cladding, concrete and glass.
- In new buildings, windows should be set back from the wall faces in order to create deep modelling on the facades.
- One of the aims of improvement is to restore the rich tapestry of spaces and built form located hard up to the back of pavement which characterises the small scale older 18th century buildings within the area.

## **Other National Planning Legislation**

### **Legislative requirements**

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

S149 (Public Sector Equality Duty) 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 among the protected characteristics

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

**Environmental Impact Assessment. The proposal does not fall within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and National Planning Practice Guidance (2017).**

The applicant has submitted an Environmental Statement in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations (as amended 2011) and Circular 2/99 ('The Regulations') and has considered the following topic areas:

- Wind microclimate;
- Transport;
- Noise and vibration;
- Air quality;
- Built heritage;
- Daylight and sunlight;
- Townscape and visual impact;

The Proposed Development is an "Infrastructure Project" (Schedule 2, 10 (b)) as described in the EIA Regulations. The Site covers an area of approximately 0.08 hectares, but is above the indicative applicable threshold of 150 residential units. It has therefore been identified that an EIA should be carried out in relation to the topic areas where there is the potential for there to be a significant effect on the environment as a result of the Development. The EIA has been carried out on the basis that the proposal could give rise to significant environmental effects. In accordance with the EIA Regulations, this ES sets out the following information

A description of the proposal comprising information about its nature, size and scale;

The data necessary to identify and assess the main effects that the proposal is likely to have on the environment;

A description of the likely significant effects, direct and indirect on the environment, explained by reference to the proposals possible impact on human beings, flora, fauna, soil, water, air, climate, cultural heritage, landscape and the interaction between any of the foregoing material assets;

Where significant adverse effects are identified with respect to any of the foregoing, mitigation measures have been proposed in order to avoid, reduce or remedy those effects;

Summary, in non-technical language, of the information specified above. It is considered that the environmental statement has provided the Local Planning Authority with sufficient information to understand the likely environmental effects of the proposals and any required mitigation.

There will be no unduly harmful cumulative impacts as a result of this development. The impacts relating to the construction phase are temporary and predictable.

The cumulative effects of the operational phases would not be unduly harmful.

During the construction phase there would be negligible impact on air quality and the build environment, minor significant noise and vibration impacts, negligible to moderate adverse impacts on sunlight and daylight levels, minor adverse impacts on traffic and transport and negligible impacts from wind.

During the operational phase (completed development) there would be negligible impact on air quality, minor-moderate beneficial effects to the build environment, minor significant noise and vibration impacts, negligible to moderate adverse impacts on sunlight and daylight levels, negligible to minor beneficial impacts on townscape, minor beneficial to moderate beneficial visual impacts but within one view a moderate adverse impact, negligible to minor adverse impacts on traffic and transport and negligible to minor beneficial impacts in terms of wind with designed in mitigation.

The interaction between the various elements is likely to be complex and varied and will depend on a number of factors. Various mitigation measures are outlined elsewhere within this report to mitigate against any harm that will arise and these measures are capable of being secured by planning conditions attached to any consent granted.

It is considered that the environmental statement has provided the Local Planning Authority with sufficient information to understand the likely environmental effects of the proposals and any required mitigation. It has been prepared by a competent party with significant experience and expertise in managing the EIA process who hold the IEMA EIA Quality Mark. The preparation of the Statement has included technical input from a range of suitably qualified and experienced technical consultees.

**The Schemes Contribution to Regeneration and Housing Delivery** – The City Centre is the primary economic driver of the region and crucial to its economic success and therefore its regeneration and the outcomes delivered are key consideration. There is a direct link between economic growth, regeneration and the provision of housing and new homes are required to support economic growth.

Manchester's population has increased significantly since 2001. The High Street scheme would be consistent with a number of the GM Strategy's growth priorities, including Manchester's Residential Growth Strategy (2016) which sets a target of 25,000 new homes up until 2025. This area has been identified as being suitable for new homes and the quality, mix and the size of apartments would appeal to a range of occupiers.

The regeneration of the Northern Quarter has created a high quality mixed use neighbourhood and this proposal would continue this process. It would support population growth, contribute to the economy and help to sustain the Northern Quarter as a vibrant place to work and live. The proposals would create employment during construction, along with permanent employment within the commercial uses and building management services as well as within the relocated market stalls.

The commercial uses and improved market offer would provide services and facilities for NQ residents, create vitality and enhance the street scene. The applicant aims to attract independent operators which would complement the Northern Quarter retail and leisure offer.

The proposal would use the site efficiently and effectively in a high quality building in line with Paragraph 118(d) and 122 of the NPPF. It would be in a sustainable location and would improve the environment around the site and deliver high quality housing with safe and healthy living conditions. It would be located close to a number of major transport hubs and would promote sustainable economic growth.

The proposal would underpin and support the distinctive identity of the Northern Quarter and would continue the incremental change that has improved the character, legibility and value of the area over the past 25 years.

24-36 High Street has a negative impact on the street scene, the Smithfield Conservation Area and the Northern Quarter. It presents a poor appearance, fragmenting the historic built form that characterise the area. This creates a poor impression compared with the more vibrant streetscapes nearby. Church Street and High Street are important routes through the area which link the Retail Core and the Northern Quarter.

20-22 High Street makes a positive contribution to the Conservation Area. The proposal would reinstate the historic building line and repair the street-frontages and respond positively to its context and the areas heritage. This will most effectively be achieved by developing the site comprehensively and the justification for this is set out in detail below. Its reuse as office space or as residential accommodation would present a number of challenges which are discussed in more detail later in the report.

The proposal would improve High Street and Church Street and help to establish a sense of place. The increase in ground level activity and the improvements to connectivity across the site would integrate the proposed building with the urban grain and enhance legibility.

The relocation of the market would ensure their continuity in improved facilities close to their current location. This would help to minimise disruption and maintain their important contribution to the Northern Quarter.

**Viability and affordable housing provision** - The required amount of affordable housing within a particular development will reflect the type and size of the development as a whole and will take into account a number of factors such as an

assessment of a particular local need, any requirement to diversify housing mix and the need to deliver other key outcomes particularly a specific regeneration objective.

An applicant may be able to seek an exemption from providing affordable housing, or a lower proportion of affordable housing, a variation in the mix of affordable housing, or a lower commuted sum, where a financial viability assessment is conducted which demonstrates that it is viable to deliver only a proportion of the affordable housing target of 20%; or where material considerations indicate that intermediate or social rented housing would be inappropriate. Examples of these circumstances are set out in part 4 of Policy H8.

The application proposes 361 new homes for open market sale. The delivery of new homes is a priority for the council. The proposal would develop a brownfield site that makes little contribution to the area and create active street frontages. It would be a high quality scheme in terms of its appearance and would comply with the Residential Quality Guidance. All these matters have an impact on the scheme's overall viability.

A viability report, which has been made publicly available through the Council's public access system. This has been independently assessed on behalf of the Council and these conclusions are accepted as representing what is a viable in order to ensure that the scheme is not only delivered but is done so to the highest standard.

The benchmark land value of £8,656,257 together with build costs of (including abnormal costs and contingency) £78,450,639 are within the range expected based on comparable evidence. The total costs would be £96,207,625 with a GDV of 18%. On this basis the scheme could not support a contribution towards off site affordable housing and ensure that the scheme is viable and can be delivered to the quality proposed.

The applicant has agreed to enter into a legal agreement which will include a provision for a reconciliation which would require a contribution to be paid if values change at an agreed point.

### **Residential development - density/type/accommodation standards**

All unit types would accord with London Housing Design Guide's and guidance within the *Manchester Residential Design Guide (2016)* on habitable room sizes and widths; meeting the required areas for storage provision; and meeting the accessibility and adaptability requirements of M4(2), 138 apartments have smaller areas overall but these units mainly fall 1-2sqm below the MEES targets and are acceptable on the basis that they have resulted from an efficient use of space, adoption of open-plan living/kitchen/diner spaces and the compaction of entrance hallways. :

All unit types provide sufficient storage space, maximise daylight and have Juliette balconies to bedrooms and living space in lieu of private balconies. All residents have access to a large landscaped roof terrace and there is a Work from Home Zone at ground floor.

The proposed quality, mix and size of the apartments would appeal to single people and those wanting to share. The 2 and 3 bed apartments would be suitable for 3 to 6 people, and could be attractive to families and people downsizing. Support accommodation on the ground floor includes a double height resident's lounge and reception area and storage space for deliveries.

The open-plan living/kitchen/diner arrangement is flexible and responds to contemporary living patterns. The minimum ceiling height would be 2.5m. A condition requires details of a management strategy and lettings policy for the apartments and the ground floor units would ensure that the development helps to create an attractive neighbourhood. This would ensure that the development is well managed and maintained, providing confidence for those wishing to remain in the area long term.

**Design (MSCP Site)-** The precedent schemes were the 'Pop up' retail and workspace within London and Manchester. In London Pop Brixton and Box Park in Shoreditch have been very successful as has Hatch at Circle Square.

The materials would be pressed aluminium and sheet aluminium with mesh shutters with a metal sheet backing. The distinctive design would complement the independent feel of the Northern Quarter. It would create a positive edge to Red Lion Street through landscaping and outdoor seating at ground and first floor. This would complement the character of the Northern Quarter.

Exterior lighting within the soffit would define entrances and signage. It would create an interesting elevation, providing illumination through the perforated panels

### **CABE/ English Heritage Guidance on Tall Buildings**

One of the main issues is whether the scale of the proposal is appropriate for the site. A 22 storey building is considered within the local context to be tall although there is a 19 storey building on the adjoining site. The proposal needs to be assessed against Core Strategy Policies that relate to Tall Buildings and the criteria as set out in the Guidance on Tall Buildings Document published by English Heritage and CABE.





**Design Issues, relationship to context and the effect on the Historic Environment.** This considers the design in relation to context and its effect on key views, listed buildings, conservation areas, scheduled Ancient Monuments, Archaeology and open spaces. A key issue is whether its impact on the setting of the adjacent grade II listed Debenhams and the character of the Smithfield Conservation Area is acceptable. This should be considered alongside the justification for the loss of 20-22 High Street. The design was discussed widely at pre-application with a range of stakeholders, including residents, to ensure that it is viable and deliverable, of a high quality and appropriate.

**Design Issues in relation to context including principle of a Tall Building in this Location**

The Smithfield Conservation Area contains buildings of different ages, sizes and types. There is a distinctive and tight grain in the north east where buildings are generally lower. The character is different in the south, including this site, where the grain is more fragmented and the buildings are generally larger with 19<sup>th</sup> and 20<sup>th</sup> century warehouses often on island sites. More recent development has altered some sites and parts of the Conservation Area and its historic street layout. Historically, the site contained smaller buildings but purpose built warehouses in the 19<sup>th</sup> century eroded the tight grain of these smaller footprint buildings.

Some streets within the area were widened around the turn of the 20<sup>th</sup> century including the southern side of Church Street. Many buildings were demolished and replaced with buildings set back from their original line. During the 1960s and early 1970s shops, houses, streets, including the entire western side of High Street and northern side of Market Street were demolished to make way for the Arndale Centre

The construction of the building on the site followed the demolition of the Victorian and Edwardian buildings with 20-22 High Street retained. The redevelopment assumed that High St and Church Street would be widened further. Larger buildings were developed close to the site around this time such as Lowry House, 11 York Street and the CIS Tower.

The main objective in the Conservation Area is to preserve and enhance its character. Parts of the Conservation Area have retained their earlier character but the character around the south has changed as the City has evolved and grown. Impacts therefore need to be assessed in this context. There is also a need to ensure that at its edges within the wider urban context, that there is a cohesive and coherent urban form. This would ensure that visually areas knit together and promote a sense of place for those who use and visit the City. Thus, the context for sites on the edge of a Conservation Area, must go beyond its boundaries.

Development on the edge of the conservation area is of a much larger scale in terms of footprints and heights. This proposal reflects the massing and the larger footprints of the large purpose built 19<sup>th</sup> and 20<sup>th</sup> Century Warehouse buildings found in many parts of the Conservation Area. The Light Aparthotel / Pall Mall (15/20 storeys) is a more contemporary example of the increase in height around the south western edge of the Conservation Area.

The building on the site does not reflect its key role at the interface of the Northern Quarter and the Commercial and Retail Cores. The proposal would improve legibility between these areas and introduce greater levels of activity. It would reinstate some of the historic routes, finer grain and activity that has been eroded and enhance the understanding of the Conservation Area's historic layout. High Street and Church Street have been widened and are both now public transport corridors for buses, trams and taxis. The junction of High Street and Church Street is a key intersection and is a location and a building of significance and scale could be accommodated. The building would enhance the sense of place, creating a point for orientation and reference.

Paragraph 127 of the NPPF advocates development which adds to the quality of an area, establishes a sense of place, is visually attractive as a result of good architecture, is sympathetic to local character and which optimises the potential of the site. Currently the experience at street level is poor with little activity on Birchin Lane and Bridgewater Place and the site has an impression of decline. This contrasts. to high levels of vibrancy nearby at Market Street and the Northern Quarter. There is a need to improve the vibrancy of the area and generate more street level activity.

Development to the back of pavement and the creation of routes through the site and the courtyard would restore some of the characteristics of the area. The five retail units would create a vibrant street-scene and active frontages.

A range of options were analysed in relation to context, viability, townscape, baseline heritage and key views. There are abnormal costs such as the need to work carefully around TFGM equipment in 20-22 High Street, securing vacant possession and the higher demolition and build costs due to building next to the tram line. The options analysis has established that a specific quantum of accommodation is required.

The majority of the site is fragmented and harms the setting of the Smithfield Conservation Area, the setting of the adjacent listed buildings and the quality and character of the townscape. It erodes the street pattern, interrupts the prevailing building line and creates a fragmented streetscape. This adversely affects and weakens the character and appearance of the area and creates a poor impression. . Despite the demolition of 22-24 High Street, there is an opportunity to preserve or enhance the character of the Conservation Area, and preserve the setting of the listed building and street and townscape in line with the Planning Act, NPPF and Core Strategy as well as sections 66 and 72 of the 1990 Listed Buildings Act.

The constrained nature of sites and the tight knit urban grain often means that city centre developments are challenging and impacts on sunlight and daylights are discussed in detail below.

The distribution of the massing would reinstate historic building lines and deliver good urban design principles, whilst seeking to minimise the impacts on adjacent properties. The proposal acknowledges the characteristics of massing, proportions, elevational subdivision, colours and materials of adjacent buildings in a contemporary manner.

A 'mansion' style building is proposed of similar height to the tallest part of the Light ApartHotel and it would be prominent in some viewpoints. However, this has to be considered in the context of its location, the regeneration benefits and the nature of the urban form. The building would have a civic scale and presence that would clearly define the entrance to the Northern Quarter from the Commercial and Retail Core. It would assist legibility by creating a point of orientation in some longer distances views from Piccadilly Gardens and Fountain Street.

A Townscape analysis has concluded that the building would not adversely impact on the understanding or appreciation of any heritage assets and would have an acceptable relationship with surrounding and neighbouring buildings. It would contribute to place making and design quality and would be sensitive to the special architectural and visual qualities of the Conservation Area.



The building would have a tri-partite subdivision typical of the larger historic buildings within the Conservation Area. The materials and fenestration would differentiate the ground floor, the middle section and the top. It would provide a sense of enclosure, define the street block and follow the historic back of pavement building line. The splayed corner to High Street and Church Street would relate to the strong corners that are characteristic of the Conservation Area. The base would have large glazed openings with features on the lower levels on Church Street and High Street relating to the horizontal banding on adjacent buildings.

The middle section would have a strong vertical emphasis with a pattern of major and minor pilasters. Large scale modelling would be expressed through deep reveals with more subtle horizontal coursing breaking the elevation down. This would reflect the size and proportion of the fenestration of adjacent warehouses, including the deep modelling that characterises building facades in the Conservation Area.

The top of the building would be a distinctive addition to the skyline. The form of a mansard roof would provide a definite character, reduce the mass and diminish the visual impact from street level.

A large arcaded entrance on High Street would connect into an open courtyard surrounded by retail units which could spill out into Birchin Lane. A smaller link would connect the courtyard to Church Street. These routes and this space would be managed and could be closed off to keep it secure at night.





The views into the lower levels of the building, the central courtyard, the links to Church Street and Birchin Lane and the improved activity would positively respond to the adjoining neighbourhoods. The proposal would create street level animation and create a more hospitable environment compatible with the Northern Quarter.

Terracotta is used on buildings in the conservation area and the ivory tone would complement adjacent Portland Stone buildings. It is considered that the proposed materials would reflect the materials found within the Northern Quarter and complement the wider townscape in terms of colour and textures.



### Impact on Designated and Non Designated Heritage Assets and Visual Impact Assessment

Conserving or enhancing heritage assets does not necessarily prevent change and change may be positive where setting has been compromised by poor development. Views into the site are fragmented and inappropriate in the context of the character of the conservation area. Part of the character of the Smithfield Conservation Area is its representation of the organic change which marked the City's growth in the 18<sup>th</sup> to 20<sup>th</sup> centuries. The different buildings styles, scale and massing express those periods of change. Part of this change is the contrast between the taller island site buildings and the finer grain buildings. The organic nature of change needs to be recognised when development is proposed to meet the City's growth requirements on sites which contribute little to the Conservation Area and the setting of adjacent listed buildings. The condition and appearance of much of the application site is poor and has a negative impact on the area and change could enhance the setting of adjacent heritage assets and the wider townscape.

The relocation of the market stalls would allow the building re-engage with Church Street and reinstate a continuity of frontages. It would add activity and vitality and reintegrate the site into its urban context, reinforcing the character of the area. This would repair the fragmented form on High Street and Church Street and recreate the the historic grain.

The effect of the proposal on key views, listed buildings, conservation areas, scheduled Ancient Monuments and Archaeology and open spaces has been

considered. A Visual Impact Assessment (VIA) has assessed the likely townscape impacts based on a zone of visual influence and key views were agreed with Historic England. Seven views were identified at different distances with six having a medium sensitivity. The proposal was modelled for all views to create an accurate representation of the façade treatment, scale and massing.

### View 1 – Back Turner Street looking south



Figure 83A, above: View 1 as existing



Figure 83B, below: View 1 as proposed

There would be a partial, but notable alteration to the view. The proposal would project higher than existing buildings, but the increased rooftop articulation would create a focal point which would help with wider legibility. The light cladding colour would reduce its presence and forms a relationship with the Ryland's and Primark building. The level of change would be moderate and the visual impact moderate beneficial.

### View 2 High Street looking NE



Figure 84A, above: View 2 as existing



Figure 84B, below: View 2 as proposed

The view would be altered substantially with the increase in scale to High Street. Its form and style would complement the Ryland's Building that sits in] the foreground. The increased rooftop articulation would create a focal point which would help with



wider legibility. The magnitude of change would be major but the visual impact major beneficial.

Viewpoints 1 and 2 show the dominant form and mass of the Arndale centre on the west side of the street and the variety of buildings styles, types, ages and materials on the east side. These views do not best represent the character and appearance of the Smithfield Conservation Area or the heritage values of the listed building. 20-22 High Street enhances the streetscape but its contribution to the understanding and appreciation of the character and appearance of the Conservation Area as a whole is limited.

### View 3 – Fountain Street looking north



This view would change but the design and materials would provide a positive relationship with the Rylands and Primark buildings in the foreground. The building would be higher than adjacent buildings, but would not dominate the skyline. The magnitude of change is moderate and visual impact would be moderately beneficial.

### View 4 – Piccadilly Gardens looking north west



There would be a very minor alteration to the view. The proposal would marginally extend above the Rylands building but would be higher than the Light building. The

light cladding would form a positive relationship with the Rylands building reducing its impact. The magnitude of change is minor and the visual impact minor beneficial.

### View 7 – High Street looking south west



Figure 87A, above: View 7 as existing



Figure 87B, below: View 7 as proposed

The building would project above the heritage buildings, breaking the characteristic of the low-rise roof line. The modern architectural style would contrast to buildings in the foreground, but the light cladding would reduce its presence. The magnitude of change would be moderate and the visual impact moderate - major adverse.

Viewpoints 4 and 7 best represent the two designated heritage assets impacted. This is where the ability to understand and appreciate the the Grade II Rylands building and the Smithfield Conservation area are understood and appreciated. The image demonstrates that the proposal would rise above the roofline, but would not impact on the understanding or appreciation of the heritage assets.

### View 5 – Church Street looking west



Figure 87A, above: View 5 as existing



Figure 87B, below: View 5 as proposed

This view would be altered substantially with the building forming a prominent and clearly visible element. However, the quality of the architecture and its relationship with Church Street would be a positive improvement compared to the existing buildings. Whilst it would be significantly higher than neighbouring buildings, it would

not screen or impede views of any significance. The magnitude of change is major and the predicated visual impact would be moderate -major beneficial.

### View 6 – Church Street and Tib Street looking west



The view would be altered with the proposal projecting above existing buildings. It would create a focal point and articulate the skyline. The light colour would contrast with other buildings, but would not be the dominant colour in the view. The magnitude of change is moderate and predicated visual impact moderate beneficial

Viewpoints 5 and 6 look out of the Smithfield Conservation Area and demonstrate that the understanding and appreciation of the character and appearance of the Conservation Area from here is limited. The views show that the proposal would reintroduce the historic building line and provide a sense of enclosure. It would enhance the public realm and encourage activity and movement.

Viewpoint 6 illustrates how the Tib Street multi-storey car park has affected the character of the conservation area and how it has eroded the finer grain. The development under construction has blocked the tower element of the Light Apartment and demonstrates how reinstating the historic building line and the dense urban form that is found in this part of the conservation area.

The design, appearance, footprint, orientation, massing, and choice of cladding would help to minimise its impact and provide a positive relationship with neighbouring buildings including the Grade II Listed Ryland's Building and Primark. The views show how the building would add interest and vibrancy on High Street and Church St. In view 1, the mansard roof adds interest. Views of historic buildings along High Street opposite the Arndale would not be affected and would continue to be read as a 'route' into the heart of the Conservation Area. In view 2 the roof would appear as a backdrop to the Grade II Debenhams, but the appreciation of its architectural form and interest would remain. This relationship to listed building is seen in view 3 where the proposal would sit comfortably in the wider townscape.

Of the seven views, six are identified as having a medium sensitivity, as the way that people enjoy and perceive the view is incidental, rather the main interest. These

views have limited, or no recognised significance, and don't make an important contribution to the experience of the setting.

The magnitude of change ranges from minor to major, with the effects ranging from 'minor' to 'moderate-major'. The majority of visual effects would be beneficial, with the proposal providing a positive addition to the view and its townscape setting.

View 7 is identified as having adverse effects due to the well preserved heritage context and residential population. The proposal would be seen above low rise buildings within a sensitive view. Its light cladding would reduce its visual presence and help mitigate its effects. However, people's attention or interest is likely to remain on the heritage aspects.

A 'cumulative' assessment looks at other developments which are consented and assumes that they will be built namely Tib Street Car Park, Red Lion Street, 11 York Street / 40 Fountain Street and 42-50 Thomas Street and 7 Kelvin Street. The cumulative effects ranges from 'Minor-moderate beneficial' to 'Moderate-major beneficial'. There are no cumulative sites within six of the seven views (Views 1, 2, 3, 4, 5 and 7) and the proposal would be the only visible change. In view 6, the sites at Red Lion Street and Tib Street would introduce large scale, contemporary built form. In this instance, the cumulative visual effect is Minor-moderate beneficial

The assessment concludes that overall, the proposal would have a minor-to-moderate beneficial impact on the character and appearance of the Smithfield Conservation Area and setting of the Grade II Ryland's Building (Debenhams) by:

- Revitalising the character of this fragmented part of the Conservation Area.
- Enhancing the articulation of the corner junction to High Street and Church Street;
- Re-establishing the historic building line along Church Street;
- Enhancing permeability through the site;
- Referencing the historic street pattern of the street by creating a route through the site which is named after the historic street: Stationers Court;
- Enhancing the public realm in and around the Subject Site;
- Providing active street frontages; and
- Adding a building of high quality design and materiality to the streetscape, that celebrates the historic vertical grain and counters the monumental horizontality of the west side of the street (the Arndale Shopping Centre).

The site makes a limited contribution to the townscape and does not represent the heritage values of the Conservation Area. It does not contribute to the setting of the adjacent Grade II listed Debenhams which is best appreciated and understood from Market Street/ Piccadilly Gardens as a landmark building which is sufficiently robust to remain dominant in the townscape.

Development at the site could enhance the character and appearance of the conservation area and improve pedestrian environment and permeability. The proposal would be a high-quality, distinctive building that would improve an entrance to the Northern Quarter and enhance the setting of the adjacent heritage assets.

The verified views indicate that the development would be contextually responsive and would not prevent the appreciation or significance of the townscape value of adjacent buildings or, the ability to appreciate the heritage values of the adjacent listed buildings. The impact would be adverse in one view. Otherwise the impact would be major or moderate beneficial or have no impact.

The proposal would enable a greater understanding of and enhance the heritage values and significance of the affected assets and better reveal their significance in line with NPPF paragraphs 192-197 and 200-201. In accordance with and Section 66 and 72 of the Listed Building Act 1990 the development would have special regard to the desirability of preserving the setting of adjacent listed buildings and the character of the Conservation Area.

There would be considerable enhancement of the urban form and pedestrian environment. The impact of the proposal, including that on heritage assets, would not outweigh the regeneration benefits resulting from development.

### **Significance of the Non Designated Heritage Asset at 20-22 High Street and the case to Support Demolition of the existing Buildings on the site.**

20-22 High Street and 24-36 High Street have been assessed against the statutory criteria for listing to determine any special interest. This assessed the evidential, historical, aesthetic and communal value. The Heritage Assessment and Townscape and Visual Impact Assessment within the Environment Statement used HE's Guidance –Conservation Principles, Policies and Guidance (2008).



### 20-22 High Street

The building retains a number of elements illustrating its original warehouse use on the upper floors including the original staircase and cage lift (which has been altered) and original Art Nouveau stained glass sash windows to the stairwell. The partial demolition of its eastern end which enabled Birchin Place to be widened removed the original hoist, service stairs and rear portion of the building eroding the plan form. Within the retained areas parts of the long open warehouse floor plan is still evident although there has been some subdivision. The ground floor and basement have been altered through commercial uses and the construction of a large Metrolink substation in the basement. The original cast-iron columns remain but the spaces do not retain any original elements or decorative schemes of any evidential value. The building is considered to have low evidential value.

The building is one of the older buildings on High Street but its historical value has been reduced by refurbishments, and the partial demolition of the rear. The building formed part of a large company who specialised in the manufacture and sale of clothing and home wares. This type of use was an important element of the commercial and trading development of this part of Manchester City during the Victorian and Edwardian eras. This building is a late example of this type of development dating to 1915-17. The building is considered to have low historical value.

The building is of a well-mannered architectural design, designed in the transition period between the Art Nouveau and Art Deco styles. The front elevation is constructed of good quality materials, including large hand carved Greek inspired

faces on two keystones above the shop and warehouse entrances. Almost all its original sash windows, including Art Nouveau stained glass windows to the stair hall, double panelled front doors/fanlight and Art Deco tiled entrance vestibule, carvings, fanlights to shop front and door are still present. However, the internal spaces are largely typical and unremarkable for the time it was constructed, and consequently the building as a whole is considered to have low aesthetic value.

This building formed an extension to a larger home trade company which was a large employer of local people during the 19th Century. Today, the ground floor is a café, and is one of the few remaining buildings which formed the historic eastern side of High Street. It is considered to have low communal value.

### 24-36 High Street

The building was constructed in 1969 as purpose-built offices with shops on the ground floor. Neither the offices or shops retain features or elements that have heritage value, nor does the building have evidential value.

Most of the original metal framed windows and doors have been replaced with UPVC. The building was designed as purpose-built offices with no historical links to an individual company, organisation or person, and has negligible historical values.

It was designed in a 1960's Brutalist style. Its craftsmanship, detailing and, composition are typical examples of this style of architecture. The building's planform is confusing and difficult to navigate with windowless corridors, stairways and rooms making the environment unpleasant. It has no aesthetic value.

Its unattractive appearance and poor public realm does not encourage exploration, and therefore is considered to have no communal value.

### Conclusion

The evidential, historical, aesthetic and communal heritage values of 20-22 High Street are considered to be low and the building is of local interest only. It does however, make a positive contribution to the Smithfield Conservation Area and is a non-designated heritage asset.

The evidential, historical, aesthetic and communal heritage values of 24-36 High Street are negligible and has a negative impact on the Smithfield Conservation Area.

There is a strong case to support a more appropriate redevelopment of 24-36 High Street. 20-22 High Street has some value and local interest and makes a positive contribution to the Conservation Area, Therefore, greater consideration needs to be given to its demolition. Paragraph 197 of the NPPF states that in such cases a balanced judgement is required which has regard to the scale of the buildings loss and its significance.

The building is a fragmented remnant of the older streetscape which may support a case for its retention. However, this needs to be balanced against the urban design

arguments that may support its demolition, and how it's retention could form part of a coherent, integrated development.

20-22 High Street is physically separated from the heart of the Conservation Area. It has been altered and no longer serves the needs of businesses. Its narrow floorplate limits options to convert it to meet occupier requirements. It doesn't meet modern day environmental or building regulation standards and is vacant in spite of its prime location. There is better quality second hand office and retail space nearby in refurbished listed and other historic buildings such as Sevendale House and 35 Dale Street. It could be argued that it is not capable of meeting modern day occupier standards. Its refurbishment for residential use would require significant intervention to bring the building up to the required standard.

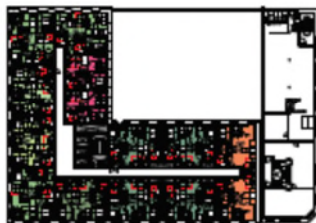
Its retention was considered because of the significant abnormal costs associated with the Metrolink equipment in the basement. Different forms were considered including retention or the incorporation of elements.

All options had to deliver a quantum of development comparable to the option of fully demolishing 20-22 High Street. In order to retain 20-22 High Street, the new build element of the proposals would need to form an 'L' shaped footprint

OPTION 1



Ground Floor



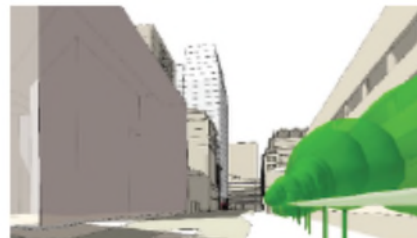
Typical Floors 1-4



Back Turner Street looking South



Fountain Street looking North



Church Street looking West

This would require a tall tower the massing of which would not reflect the character of the Conservation Area or this part of the Northern Quarter.





Option 2 - Rylands Building - Conservation Area - 20-22 High Street

A further option considered incorporating its façade. This would deliver some heritage benefits but there would be adverse heritage impacts on the character of the Conservation Area and setting of the listed building because of a fragmented form of development.

This approach included some development to the rear. Height would be capped at the sixth storey to broadly align with the top of 20-24 and mass on the site of 24-36 High Street would be 24 storeys.

If the whole building were retained 20-22 High Street would be over-shadowed by the Rylands building. The reduced floorplate of 20-22 would adversely impact on creating a practical, commercial layout. The different floor-to-ceiling heights cause difficulties with internal levels. The reduced massing of Option 2 would pose the same issues as Option 1 providing a disjointed townscape and misaligned facades.

These alternative viable options would be a poorer design and would not have a significant positive effect on the Conservation Area. Therefore, they would not secure an optimum viable use for the site in line with paragraph 196 of the NPPF. Its retention would not justify the higher massing, and the impact this would have. Greater benefit would be achieved through treating the site as a whole so as to allow proper and balanced approach to all four of its elevations.

The loss of 20-22 High Street would cause a minor adverse impact on the character and appearance of the Conservation Area. However, it would allow the site to be redeveloped comprehensively which would have an overall beneficial impact to the character of the Conservation Area and the setting of the Grade II Rylands Building. The harm resulting in the demolition of No.20-22 High Street, would also be mitigated and outweighed by the public benefits of the wider regeneration of the site.

### **Consideration of the merits of the proposals within the National and Local Policy Context relating to Heritage Assets**

Section 66 of the Listed Buildings and Conservation Areas Act 1990 requires members to give special consideration and considerable weight to the desirability of preserving the setting of listed buildings when considering whether to grant planning permission for proposals which would affect it. Section 72 of the Act requires members to give special consideration and considerable weight to the desirability of

preserving the setting or preserving or enhancing the character or appearance of a conservation area when considering whether to grant planning permission for proposals that affect it. Development decisions should also accord with the requirements of Section 16 of the National Planning Policy Framework which notes that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance. Of particular relevance to the consideration of this application are paragraph's 192, 193, 194, 196, 197, 200 and 201.

The NPPF (paragraph 193) stresses that great weight should be given to the conservation of heritage assets, irrespective of the level of harm. Significance of an asset can be harmed or lost through alteration or destruction or by development within its setting. As heritage assets are irreplaceable, any harm or loss should clearly and convincingly justified.

The impact of the proposal, including the demolition of a non-listed building on the setting of the adjacent Grade II Rylands Building and the character of the Smithfield Conservation Area would be less than substantial. Paragraph 196 of the NPPF states that where a proposal would lead to less than substantial harm, it should be weighed against the public benefits including securing its optimum viable use.

Paragraph 20 of the NPPF Planning Practice Guidance states that Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 7). Public benefits may include heritage benefits.

The public benefits arising from the development, would include:-

#### Heritage Benefits

The optimum viable use of an underutilised island site would be secured in line with paragraph 196 of the NPPF. The demolition of 20-22 High Street would cause some harm but be outweighed by the substantial benefits of the scheme which would include improvements in townscape terms and to the setting of the adjacent Listed Building and the character of the Conservation Area.

#### Wider public benefits

Whilst outlined in detail elsewhere in this report of the proposals these would include:

- Putting a site, which overall has a negative effect on the townscape value, back into viable, active use;
- Regenerating a major City Centre island site containing underutilised and largely vacant buildings which in the case of 24-36 High Street is of poor architectural quality;
- Establishing a strong sense of place, enhancing the quality and permeability of the streetscape and the architectural fabric of the City Centre;
- Optimising the potential of the Site to accommodate and sustain an appropriate mix of uses, providing the quality and specification of accommodation required by modern businesses and residents;

- Providing a new public space and facilities for residents, workers and visitors to the area;
- Positively responding to the local character and historical development of the City Centre, delivering an innovative and contemporary design which reflects and compliments the large neighbouring commercial buildings and local context;
- Creating a safe and accessible environment with clearly defined areas and active public frontages to enhance the local quality of life;
- Contributing to sustained economic growth;
- Providing equal access arrangements for all into the building;
- Increasing activity at street level through the creation of an 'active' ground floor providing overlooking, natural surveillance and increasing feelings of security within the city centre.

The benefits of the proposal would outweigh the level of harm caused, are consistent with paragraph 196 and 197 of the NPPF and address sections 66 and 72 of the Planning Act in relation to preservation and enhancement.

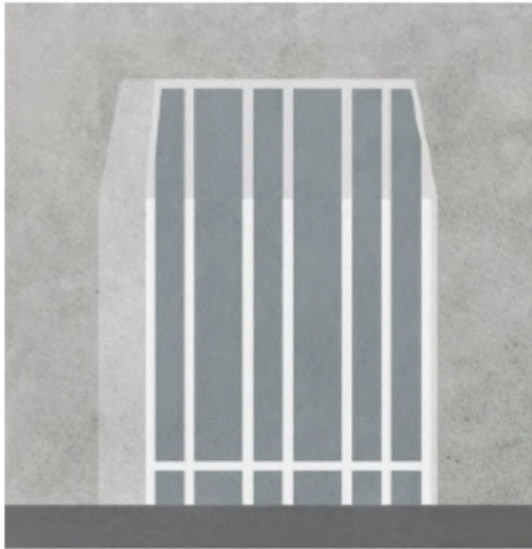
The harm to the setting of the Ryland's Building and character of the Smithfield Conservation Area will not be fundamentally compromised and the impacts would be outweighed by the public benefits.

#### Architectural Quality

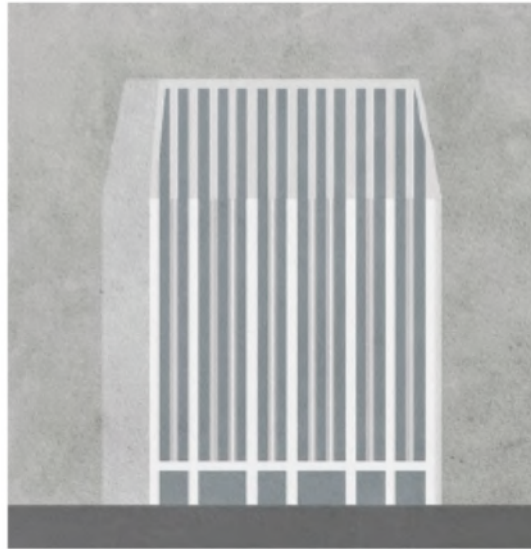
The key factors to evaluate are the buildings scale, form, massing, proportion and silhouette, materials and its relationship to other structures.

The scale, massing and proportion are discussed above. The design would create a contemporary interpretation of the tripartite subdivision characteristic of building style in the City Centre. The grand facade order of the neighbouring Rylands Building evokes a sense of civic pride, and is a key reference for the proposal.

The massing has been broken down maintain a clear identity. Rectilinear pilasters organise the facade into regular bays of alternating widths. Each bay contains two or three windows divided by smaller pilasters to provide an alternating rhythm across the facades. The tapered shape of the minor pilasters relates to similar pilasters on the Ryland's building. This would provide a softened shadow in contrast to the solidity and stature of the major pilasters. The major order would be further emphasised by its connection to the ground whilst the minor order would be introduced from first floor upwards.



02  
A rhythm of major pilasters rises from the ground level to provide primary vertical order



03  
A rhythm of minor 'infill' pilasters provide a secondary finer order

The strong vertical emphasis of the bays has a series of horizontal cornices at second, twelfth, thirteenth and fourteenth floors, to create a strongly expressed organisation to the facades. The cornices would be ornamental and have a chamfered soffit culminating in a concave end detail. This would provide inflected shadowing and elegance to the edges. The tall bands of vertical fenestration between the cornices would be punctuated by ceramic cills of similar concave shape.

From the fifteenth floor cornice line the façade would cant back into a 6 tier mansard roof. The rhythm of inset finer fenestration would continue within this to continue the order of the facade. Finer recesses and larger projections would provide variety through articulation and definition. Interspaced among the recessed window arrangement, projecting dormers provide larger scale articulation adding greater depth and shading from ground level.

Throughout the mansard levels an ivory-coloured glazed ceramic interlocking roof tile would establish a finer grain and more uniform surface. Bespoke angled corner tiles would be used at all corners to ensure that the roof surfaces neatly wrap round the different facades.



04  
Horizontal cornices provide definition to the latticed middle section



05  
Individual window apertures order a finer grain and provide equilibrium



06  
Projecting dormers provide articulation to the mansard tier whilst framed surrounds provide articulation to the lower level bays



A variety of cladding panel shapes and profiles would provide additional richness and depth to the façade. The undulating rhythm of scalloped detail would provide variation and interest. The façade would have glazed ceramic panels of different sizes and textures with an undulating detail with windows set within deep reveals. The facades of the internal courtyard would have glazed white brickwork cladding. The ground floor units would have cap-less glazed curtain walling.

Glazed ceramic would change in response to different lighting conditions during the day and would animate the facades. The undulating scalloped detail would vary in tone throughout the day. The top of the elevations to Bridgewater Place and Birchin Lane would be particularly responsive. The combination of the glaze, the orientation of the pilasters and the undulating profiles would create interest, through the seasons.

The courtyards of many Victorian buildings use reflective materials to maximise daylighting. A white glazed brick would reflect the light into the more enclosed spaces providing a lighter aspect to the apartments. The internal facades of the roof terrace would be glazed brick. Precast Concrete Surrounds at street level would frame the major pilasters. The chamfered soffits would be embossed with a honeycomb pattern.

The pale ivory colour would relate to the Portland Stone on Debenhams. The window/door frames, louvers and balustrades would be mid-grey. The quality of the detailing to the façade is evidenced and supported by a detailed Design Intent– Quality Note which covers the quality of interfaces between panels, ensuring that there are no large or visible gaps between panels, and the junctions of glazing recesses with the panels. It is considered therefore, that the proposals would result in a high quality building that would be appropriate to its context.

### Contribution to Improving Permeability, Public Spaces and Facilities and Provision of a Well Designed Environment

The Northern Quarter is a popular and vibrant part of the City Centre. Church Street and High Street are important pedestrian and traffic routes. The width of the pavements on Church Street and Birchin Lane are narrow and the proposals would address this increasing pavement widths.

The redevelopment would result in a high quality built form and public realm which would act as a marker, gateway and physical connection. The improvements at street level would improve the pedestrian experience considerably and improve the sites accessibility and enhance connections to the Northern Quarter.

The development would provide passive security to Church Street, High Street, Birchin Lane and Bridgewater Place and would contribute to the safe use of these streets and enhance the sense of place.

The pavement width on Birchin Lane would increase from 1.5m to 3.4m to create a better pedestrian experience and allow activity to spill-out, particularly at its junction with Church Street.

Stationer's Court should be a unique covered space in the City away from the busy streetscape. The centre of Stationer's Court could include tree planting and provide spill out space for the commercial units.

The relocation of the market stall structure would allow the edge of the building to regain its position along Church Street and reinstate a continuity of frontages.

The new location for the market stalls would enhance the environmental by removing street clutter and improving natural surveillance. It would bring life and activity to a key entry point into the Northern Quarter.

### Credibility of the Design

Proposals of this nature are expensive to build so it is important to ensure that the design and architectural intent is maintained through the detailed design, procurement and construction process. The applicants acknowledge that the market is competitive and the quality of the development is paramount.

A significant amount of time has been spent developing and costing the design to ensure that the submitted scheme can be delivered with a range of schemes having being tested before defining a preferred option. The materials have been selected following detailed research and discussions with contractors and suppliers to establish the cost parameters, maintenance requirements and to understand weathering characteristics, to ensure that they can be delivered within the cost parameters and are of appropriate quality and longevity. The application is accompanied by a detailed technical note setting out in detail the design intent to ensure that the detailing shown is deliverable.

The development team have delivered high quality buildings in city centre locations. They recognise the high profile nature of the site and design response is appropriate. The proposal has been reviewed by Places Matter who expressed general support.

The development has been demonstrated to be both viable and deliverable. Detailed initial investigations, including the: ground conditions and archaeology have been carried out which should help to insure against un-foreseen costs.

#### Relationship to Transport Infrastructure

The highly accessible location would encourage the use of more sustainable forms of transport. The proximity to jobs and services within the city centre mean that many residents could make these journeys on foot.

The constrained nature of the site and the desire to ensure that the development creates active uses at ground floor level mean that it is not possible to provide car parking. There are multi storey car parks nearby and discussions have taken place with operators who have agreed in principle to make contract spaces available. A Transport Statement outlines the zero-car parking approach, but reviews local parking opportunities. The City Car Club offers a 'pay by the hour' car club rental scheme, giving residents a more convenient and cost effective alternative to car ownership. The closest bay to the application site is on High Street.

The Travel Plan would include a communication strategy to make residents aware of sustainable options. The Transport Statement concludes that the proposal would not adversely affect the operation of the highway or transport network and meets the criteria set out in national and local policy for sustainable development and that overall impact of the development on the local transport network would be minimal.

#### Sustainability

New developments should attain high standards of sustainability. An Energy Statement and Environmental Standards Statement (ESS) set out a detailed assessment of the physical, social, economic and other environmental effects and considers it in relation to sustainability objectives. The ESS sets out the measures that could be incorporated across the lifecycle of the development to ensure high levels of performance and long-term viability and ensure compliance with planning policy.

The Code for Sustainable Homes was revoked in March 2015 but it is still important to understand how a development performs in respect of waste efficiency and energy standards.

Energy use would be minimised through good design in accordance with the Energy Hierarchy, improving the efficiency of the fabric and using passive servicing methods across the building. Improvements to the thermal performance and air tightness above Part L requirements of the Building Regulations have been incorporated before the application of energy reducing and then low carbon technologies.

The energy strategy has been informed by the Be Lean, Be Clean, Be Green hierarchy. Good practice sustainability measures have been incorporated as follows: Target Fabric Energy Efficiencies and Active Building Services designed to minimise direct energy consumption and CO<sub>2</sub> emissions, with particular emphasis on the following; Centralised gas fired boilers providing heating and hot water, Mechanical Ventilation Heat Recovery (MVHR), Low energy, efficient lighting

Passive design measures and energy efficiency would achieve a 10% reduction in annual regulated carbon emissions beyond the Part L 2013 benchmark and a 16% reduction in annual regulated carbon emissions beyond the Part L 2010 Building Regulations benchmark which surpasses the Core Strategy requirements.

The scheme would be inherently efficient and cost effective during occupation. The principles of the energy hierarchy have been applied and with the energy saving measures would result in a potential total CO<sub>2</sub> emissions reduction over the current Building Regulation target (2013).

### **Effect on the Local Environment/ Amenity**

This examines the impact that the scheme would have on nearby and adjoining occupiers and includes the consideration of issues such as impact on microclimate, daylight, sunlight and overshadowing, air quality, noise and vibration, construction, operations and TV reception.

#### Wind

A Wind Microclimate report assesses the potential impact on pedestrian level wind conditions. The study focused on the impact of wind patterns on people using the site and the surrounding area. Wind tunnel testing was undertaken combined with adjusted meteorological data from Manchester Airport. It found that the wind conditions remained suitable for the intended use on-site and off-site at all locations, and no strong winds occurred exceeding the safety threshold. The chamfered north-west corner provides mitigation by design, no further mitigation measures are required

There are no significant cumulative effects due to the size and proximity of the cumulative buildings. Wind conditions remain largely the same in the future scenario, and all locations are suitable for the intended use.

#### Daylight, Sunlight and Overshadowing

The nature of high density City Centre development means that amenity issues, such as daylight, sunlight and the proximity of buildings to one another have to be dealt with in and a manner that is appropriate to their context

An assessment of daylight, sunlight and overshadowing has been undertaken, using specialist computer software to measure the amount of daylight and sunlight available to windows and rooms in neighbouring buildings. The assessment made reference to the BRE Guide to Good Practice – Site Layout Planning for Daylight and Sunlight Second Edition BRE Guide (2011).



This assessment is not mandatory but is generally accepted as the industry standard and helps local planning authorities consider these impacts. The guidance does not have 'set' targets and is intended to be interpreted flexibly. It acknowledges that there is a need to take account of locational circumstances, such as a site being within a town or city centre where higher density development is expected and obstruction of light to buildings can be inevitable

The neighbouring residential properties at 18-24 Church Street (The Lighthouse), 23 Church Street / 38 High Street, 3-5 Edgehill Street, 18-20 Turner Street, 25 Church Street, 12-16 Church Street, 3 Union Street, 1 Joiner Street (Bridgewater Place) and 3 Joiner Street (The Birchin) have been identified as potentially being affected in terms of daylight and sunlight.

The BRE Guide recommends that the cumulative impact of adjacent consented developments should be included as part of any daylight and sunlight assessments. Other sensitive sites are located on Red Lion Street (ref no 113713) and at Tib Street/Church Street (application ref no 114146 – under construction).

Other residential properties have been scoped out due to the distance and orientation from the site. The BRE Guidelines suggest that residential properties have the highest requirement for daylight and sunlight and states that the guidelines are intended for use for rooms where light is required, including living rooms, kitchens and bedrooms.

#### Demolition and Construction

Effects in relation to daylight, sunlight and overshadowing would vary throughout the demolition and construction phase. These would be less than the effects of the completed scheme.

#### **Daylight Impacts** (Completed Development)

The BRE Guidelines provides three methodologies for daylight assessment which should be considered holistically.

The VSC assessment considers how much Daylight can be received at the face of a window by measuring the percentage of all potentially available visible sky that is visible from the centre of a window. The less sky that can be seen means that less daylight would be available. Thus, the lower the VSC, the less well-lit the room would be. In order to achieve the daylight recommendations in the BRE, a window should attain a VSC of at least 27% of all available visible sky.

The NSL test assesses how much light is cast into a room by examining the parts of the room where there would be a direct view of the sky from table top height. Daylight may be adversely affected if, after the development, the area in a room which can receive direct skylight at this height is reduced to less than 0.8 times its former value. Occupants would notice any reduction beyond this.

The Guidance states that a reduction of VSC and NSL beyond the guidance does not necessarily mean that the room would be lit inadequately lit. However, there is a

greater chance that the reduction in daylight would be more apparent. Under the Guidance, a scheme would comply if figures achieved are within 0.8 times of existing level as this would not be noticeable. The sensitivity analysis uses this value as a measure of when a reduction in daylight would be discernible and is referred to as the BRE target.

Average Daylight Factor (ADF), assesses how much daylight comes into a room and its distribution within the room taking into account factors such as room size and layout and considerations include:

- The net glazed area of the window in question;
- The total area of the room surfaces (ceiling, walls, floor and windows); and
- The angle of visible sky reaching the window(s) in question

In addition, the ADF method makes allowance for the average reflectance of the internal surfaces of the room. The criteria for ADF is taken from the British Standard 8206 part II which gives the following targets based on the room use:

Bedroom – 1% ADF; Living room – 1.5% ADF; Kitchen – 2% ADF

Where a room has multiple uses such as a living kitchen diner (LKD) or a studio apartment, the highest value is taken so in these cases the required ADF is 2%.

Daylight can also be derived when it is reflected back into the room from the surrounding buildings. The light coloured facades of the proposal have been selected in order to reflect light back into the surrounding homes. Analysing externally reflected light is a very technical, lengthy and detailed process. It has, however, been undertaken upon the worst of the affected rooms to establish the extent to which the light reflected from the proposal would mitigate the most noticeable effects. This is known as a Radiance Daylight Analysis.

The NSL, ADF and Radiance Daylight tests assess daylight within a whole room rather than just that reaching an individual window. These tests therefore provide a better understanding of any overall daylight loss. The submitted assessment has considered all 3 tests for daylight assessment as well as the Radiance Daylight assessment.

The current building has a tower set back from a street level podium. This is not typical of the Smithfield Conservation Area or the Northern Quarter and apartments that overlook the site within 20 Church Street (The Lighthouse), 25 Church Street, 23 Church and 3 Joiner Street (The Birchin) have benefitted from conditions that are relatively unusual in a City Centre context. Therefore, the baseline situation against which the sunlight, daylight and overshadowing impacts, are measured are not representative of a typical baseline situation in a densely developed urban environment. The Guidance acknowledges that in a City Centre, or an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.”

Windows and rooms in an urban location have a lower expectation for daylight than those located in sub-urban, less dense areas. The significance of any effect upon the

existing windows and rooms is determined by the assessment of its magnitude against their expectation for daylight.

In terms of magnitude of effect the assessment of impact has been based initially on the following standard criteria.

**Negligible** - No alteration or a small alteration (0-20%) in VSC and/or NSL which is within the levels suggested in the BRE Guidelines. If the base line and proposed values are within 0.8 times of each other an occupier of an affected apartment would be unable to notice such a reduction.

**Minor** - Marginal infringements (20.1-29.9%) of the baseline VSC and NSL

**Moderate** - Moderate infringements (30 %-39.9%) of the baseline VSC and NSL

**Major 40%+** - Major infringements (40%+) of the baseline VSC and NSL

The assessments have been carried out on the basis of layout drawings for the surrounding buildings, but it has not been possible to access properties. Floor levels have also been assumed which dictates the level of the working plane for the No Skyline assessment. Realistic worst-case assumptions have been applied.

The following images identify the flats which would have the most noticeable loss of daylight as a result of the proposal.



23 Church Street

25 Church Street

12-16 Church Street



The BRE Guidance provides further advice about the sensitivity of a window to change in order to understand the impact where the target values are not met. This City Centre location is one where different target values should be adapted and there should be an expectation that a higher degree of obstruction is inevitable.

Where a building stands close to a common boundary, a higher degree of obstruction may be unavoidable. This is common in urban locations. VSC levels diminish rapidly as building heights increase relative to separation. As such, the adoption of the 'standard target values' should not be the norm in a city centre as this would result in very little development being built. The BRE Guide recognises that in such circumstances, 'alternative' target values should be adopted.

The methodology for setting alternative targets is set out in Appendix F of the Guide. Appendix F states that the values for assessing light are purely advisory and, as such, different targets may be used. For example: "...in a historic city centre, a typical obstruction angle from ground floor window level might be close to 40°. This would correspond to a VSC of 18%, which could be used as a target value for development...if new development is to match the existing layout"

This suggests that a more realistic VSC value for an urban location would be **18%** rather than 27%. With the same reduction the NSL target would be **53.4%** rather than 80%. This method, provides a much more contextual approach to the analysis, and reflects site specific characteristics and location.

The effect of the proposal on the daylight amenity to a room in this context is considered to be **minor adverse** in situations where BRE guidelines have not been met and:

- Any VSC and/or NSL alteration is **no greater than 30%** of the baseline value; and

- Despite any VSC and/or NSL alterations, all **windows** serving the room **retain at least 18% VSC** and the **room** which they serve **retains at least 53.4% NSL**.

i.e. irrespective of the level of light lost, they retain at least the alternate target values that would be appropriate in this location

The results of the Radiance Daylight Analysis (external reflected light assessment) are shown in the table below

Property	Reductions in overall daylight levels – no reflected light	Reductions in overall daylight levels – reflected light (based on assessment of worst affected rooms)	Retained overall daylight levels – (ADF) no reflected light (based on assessment of worst affected rooms)	Retained overall daylight levels – (ADF) reflected light (based on assessment of worst affected rooms)
23 Church St	40% to 75%	Up to 22%	1.13 to 1.33	1.84 to 3.08
25 Church St	30% to 50%	Up to 34%	1.20 to 1.44	1.99 to 2.40
12-16 Church St	48% to 79%	Up to 46%	1.12 to 1.25	1.45 to 1.70
3 Joiner St	30% to 100%	Up to 61%	0	0.24 to 0.34
18-24 Church St	30% to 50%	Up to 45%	0.88 to 2.09	1.27 to 3.54
Bridgewater Place	43% to 85%	Up to 68%	0.53 to 0.61	0.81 to 0.99

### 23 Church Street

In the existing site condition 21/54 windows are compliant for VSC daylight and 25/25 (100%) of rooms are compliant for NSL.

With the development in place and the results weighted to make the allowances as set out above (BRE target):

For VSC 16/54 of windows would be compliant.

For NSL 17/ 38 of rooms would be compliant.

4 of the 38 rooms would experience VSC and NSL alterations which are fully BRE compliant. 6 rooms experiencing a minor adverse effect to their daylight, when measured against realistic targets for an urban area

At least one of the windows of a 15 further rooms will experience changes in VSC which are of moderate to major adverse significance. Most of these rooms have another window that isn't affected so any change in the daylight distribution (NSL) would either be negligible or minor, or at least 60% of the room will continue to have direct skylight at table top height. All rooms would retain in excess of the BRE and British Standard level of ADF.

The change to daylight in these rooms may be noticeable but the change is considered to be minor adverse given the levels retained and the urban context.

The 13 remaining rooms comprise 9 bedrooms and 4 corner living rooms. The windows would all experience VSC and NSL alterations which are of moderate to major adverse which would be noticeable. These results have been interrogated further through an analysis of Radiance Daylight for those living rooms most affected i.e. the lowest 3 of the 4 corner living rooms. This showed that the lowest living room would experience a 0.5% reduction in its ADF, which is 22% less than its baseline value. However, the light reflected from the proposal compared to the existing buildings, means they would retain an ADF of 1.84%, which is in excess of the BRE and British Standard recommended for this type of room (1.5%). The other two living rooms would retain ADFs of 2.22% and 3.08%, which are well in excess of recommended level. The third floor living room would see an improvement in its daylight.

There would be some bedrooms which experience a noticeable change but the overall effect of the proposal on and the retained levels of daylight within the principle living spaces is of **minor adverse significance**.

### 3-5 Edgehill Street

In the existing condition 0/38 windows are compliant for VSC daylight and 0/20 (100%) of rooms are compliant for NSL.

With the development in place and the results weighted to make the allowances as set out above (BRE target) 38/38 of windows would be compliant for VSC and 18/20 rooms for NSL.

The windows in the 2 remaining rooms are fully BRE compliant with no window experiencing an absolute loss in VSC. The baseline level for these windows is already low such that even a small loss would produce a high percentage figure by comparison. However, the change in NSL would be noticeable but the ADF within the two rooms would change by no greater than 0.04% ADF. This will be at a level which would be imperceptible to the human.

The effect of the proposal on the daylight amenity would be of **negligible**.

### 25 Church Street

In the existing condition 60/171 windows are compliant for VSC daylight and 69/99 of rooms are compliant for NSL.

With the development in place and the results weighted to make the allowances as set out above (BRE target) 55/171 would be compliant for VSC and 89/99 rooms would be compliant for NSL.

17 rooms would experience a minor adverse effects to their daylight amenity when measured against the realistic targets for an urban area. The windows of the remaining 61 rooms all experience VSC changes of *moderate and major adverse significance*. Many of the windows are low level and have very low baseline VSC levels. Even the smallest loss of sky visibility would result in a disproportionate loss which would suggest a material and noticeable loss of daylight amenity.

Despite the moderate to major adverse losses in VSC the changes in NSL to 52 of the 61 rooms would be fully compliant. 7 of the remaining 9 rooms would be affected to a minor adverse extent and the remaining 2 rooms, experience NSL alterations of 34%,but retain NSL to 63%-66% of the area of the room.

These results suggest that the change to daylight in the 61 rooms would be noticeable. A sense of daylight would remain within these rooms as a result of the Birchin Lane gap directly opposite. The significance of the effect of the proposal on this building would be of **no greater than moderate adverse significance**.

A Radiance Daylight Analysis of the 2 worst affected rooms show that with the light reflected from the proposal the rooms retain a daylight level of 1.99% and 2.4% (ADF) which are in excess of the recommended level for a living room.

### 12-16 Church Street

In the existing condition 2/41 windows are compliant for VSC daylight and 22/23 of rooms are compliant for NSL.

With the development in place and the results weighted to make the allowances as set out above (BRE target) 2/41 of windows would be compliant for VSC and 8/23 rooms would be compliant for NSL.

Due to the height of the proposal and the narrow separation distance to this building, all affected windows experience changes in VSC which are major adverse. 23 rooms are located on the corner with windows which face onto Church Street. Therefore, the change in NSL is no greater than 0.7% and each retain an ADF of between 2.23% and 3.10% against a BRE and British Standard recommended 1.5%. The effect of the proposal is, therefore, considered to be of minor adverse.

There are 3 bedrooms next to the three lowest corner living rooms which do not have mitigating windows. As they are located close to the corner of the building, they have peripheral light from Church Street. As a result, despite the major adverse VSC alterations they would be fully compliant in NSL terms and retain ADFs of between 1.59% and 1.99% against a recommended 1% for a bedroom. The effect would be minor adverse.

The remaining 16 rooms would all experience material, noticeable and major adverse change. Radiance Daylight Analysis shows that whilst the 3 rooms will experience 43%-46% reductions in their ADF levels, reflected light means they retain ADF levels of 1.45%-1.7% against the recommended 1.5% for a principle living space.

Therefore, whilst the majority of the rooms in this building experience noticeable change, the overall effect in the principle living spaces, would be **moderate adverse**

### 3 Joiner Street

In the existing condition 101/218 windows are compliant for VSC daylight and 113/163 of rooms are compliant for NSL.

With the development in place and the results weighted to make the allowances as set out above (BRE target) 91/218 of windows would be compliant for VSC and 89/163 rooms for NSL.

70 of the 163 rooms would experience VSC and NSL alterations which are fully BRE compliant with the impact being negligible. 11 rooms would experience a minor adverse effect measured against the realistic targets for an urban area.

In a further 15 rooms, the VSC and NSL shows a material effect. However, an ADF analysis indicates that there will be a no greater than 0.1% ADF change, which will be unnoticeable to the human eye and the impact would be minor adverse.

3 of the 67 remaining rooms have four windows, only two of which are materially affected. The other two windows ensure that the rooms retain very good levels of daylight ranging from 4.49% to 5.37% ADF. The effect would be minor adverse.

The windows serving the remaining 64 rooms would have a major adverse alteration to VSC and NSL. This suggests the change would be noticeable. The majority of these have balconies which restrict sky visibility and can exacerbate the effect of a proposal. Without the balconies, the effect would be around 15% better and demonstrates that around 15% of the effects of the proposal are attributable to them.

Radiance Daylight Analysis shows that 6 rooms would experience 0.23% to 0.55% absolute reductions in ADF levels. These are relatively moderate reductions in absolute terms, but represent 50%-60% reductions relative to the baseline level and would be noticeable. These low level rooms are poorly lit in the existing situation and, therefore, supplementary lighting is most is already being used and impacts are, therefore, considered to be of no greater than moderate adverse.

The Radiance Daylight analysis of these 6 rooms suggests that the light reflected from the proposal would reduce the effect by 40%-50%. Using this rule of thumb and looking at the ADF values in the rooms higher up the building, this would suggest that there would be a material and noticeable changes in many rooms. There will also, however, be many rooms within which the retained ADF's will fall within the BRE and British Standard recommendations.

In consideration of the above, therefore, whilst many of the rooms in this building will experience a change in daylight amenity which is material and likely to be noticeable to the occupants, some of the effects are partially attributable to the balconies. The overall effect is considered to be of **moderate adverse significance**

#### 18-24 Church Street (The Lighthouse)

In the existing site condition 8/11 windows are compliant for VSC daylight and 10/10 rooms are compliant for NSL.

With the development in place and the results weighted to make the allowances as set out above (BRE target) 1/11 windows would be compliant for VSC and 2/10 rooms for NSL.



3 rooms experience a minor adverse effect when measured against the realistic targets for an urban area. The windows in the remaining 7 rooms experience VSC and NSL alterations of moderate to major adverse impact which would be noticeable. Radiance Daylight analysis on the 3 worst affected rooms show that they experience 30%-45% reductions in their ADF levels, but with the reflected light from the proposal they retain ADF levels of 1.27%-3.54% against the recommended 1.5% for a principle living space and 1% for a bedroom.

Whilst the majority of the rooms experience noticeable change the overall effect on principle living spaces, would be **moderate adverse significance**

### Bridgewater Place

In the existing site condition 18/105 windows are compliant for VSC daylight and 22/78 of rooms are compliant for NSL.

With the development in place and the results weighted to make the allowances as set out above (BRE target) 14/105 of windows would be compliant for VSC and 14/78 rooms for NSL.

2 rooms would experience VSC and NSL alterations which are fully BRE compliant. 2 rooms experiencing a minor adverse effect when measured against the realistic targets for an urban area.

The windows of 41 rooms would have less than 5% VSC and less than 0.5% ADF. Supplementary electric lighting is most likely to already used in these rooms and will continue to be so with the proposal. The effect of the proposal would be minor adverse.

5 of the 31 remaining rooms are living rooms which have more than 1 window. Despite the alterations the rooms experience BRE compliant or, in the case of one room a 21.8% change in NSL and all retain between 1.47% and 2.18% ADF against the recommended level. The effect would be of minor adverse significance.

Of the remaining 26 rooms 14 are bedrooms and 12 living rooms. They would experience VSC and NSL alterations which are of moderate to major adverse. 8 of the 12 living rooms do, however, have low baseline daylight values with VSC of between 5% and 10%. The small (3%-6%) changes in visible sky are disproportionate reductions which suggest greater impacts than will actually be present.

This leaves 4 living rooms and 14 bedrooms whose daylight amenity is materially affected. Assessing the rooms using Radiance Daylight Analysis will, marginally improve the effect with 3 rooms achieving 56%-68% ADF reductions. This, suggests a noticeable change but marginally below the recommended ADF value for a bedrooms. The light reflected from the proposal would reduce the above to more than 10%. This is because this building can also derive daylight peripherally from Joiner Street.

18 rooms in this building will experience noticeable change, as this mainly affects bedrooms the impact would be of **moderate adverse significance**.

#### 18-20 Turner Street

In the existing site condition 1/26 windows are compliant for VSC daylight and 3/12 rooms are compliant for NSL.

With the development in place and the results weighted to make the allowances as set out above (BRE target) 26/26 would be compliant for VSC and 12/12 for NSL.

#### 3 Union Street

In the existing site condition 0/16 windows are compliant for VSC daylight and 1/12 rooms are compliant for NSL.

With the development in place and the results weighted to make the allowances as set out above (BRE target). 16/16 windows would be compliant for VSC and 12/12 rooms for NSL.

### **Sunlight Impacts** (Completed Development)

For Sunlight Impact assessment the BRE Guide sets the following criteria:

The BRE sunlight tests should be applied to all main living rooms and conservatories which have a window which faces within 90 degrees of due south. The guide states that kitchens and bedrooms are less important, although care should be taken not to block too much sunlight. The BRE guide states that sunlight availability may be adversely affected if the centre of the window:

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March;
- Receives less than 0.8 times its former sunlight hours during either period; and
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours (BRE Target).

A sunlight reduction of over 20%, does not automatically mean that sunlight to that room is not sufficient but would be noticeable. The guide acknowledges that if an existing building is close to the common boundary a higher degree of obstruction may be unavoidable, especially in urban locations.

The impacts of the development within this context are set out below:

#### 23 Church Street

In the existing site condition 30/38 rooms are compliant for APSH

With the development in place and the results weighted to make the allowances as set out above (BRE target) 21/38 rooms would be compliant. .

Of the 17 remaining rooms 14 are bedrooms which, by virtue of their usage and as stated in the BRE guidelines, have a lower expectation for sunlight. Whilst the 3 affected living rooms will experience noticeable reductions, their baseline levels are uncharacteristically high for an urban location. The sunlight in these 3 rooms would fall marginally below recommended levels but retain total APSH levels of above 21% against the recommended 25%.

Some bedrooms experience noticeable changes that are moderate adverse the overall effect within the principle living spaces would be **minor adverse**.

### 3-5 Edgehill Street

In the existing site condition 20/20 rooms are compliant for APSH

With the development in place and the results weighted to make the allowances as set out above (BRE target) 20 /20 rooms would be compliant.

### 18-20 Turner Street

In the existing site condition 3/12 rooms are compliant for APSH

With the development in place and the results weighted to make the allowances as set out above (BRE target) 12/12 rooms would be compliant with the APSH target.

### 25 Church Street

In the existing site condition 64/65 rooms are compliant for APSH

With the development in place and the results weighted to make the allowances as set out above (BRE target) 58/65 rooms would be compliant with the APSH target.

The remaining 7 experience noticeable reductions but their baseline levels are uncharacteristically high and all would be BRE compliant or better.

Winter sunlight levels will range from 2% to 4% against a BRE recommended 5%. Therefore, whilst 7 rooms experience a noticeable change the overall effect would be **minor adverse**.

### 3 Union Street

In the existing site condition 12/12 rooms are compliant for APSH

With the development in place and the results weighted to make the allowances as set out above (BRE target) 12 /12 rooms would be compliant with the APSH target.

### 12-16 Church Street

In the existing site condition 0/3 rooms are compliant for APSH

With the development in place and the results weighted to make the allowances as set out above (BRE target) all 3 rooms will experience changes in sunlight amenity which are major adverse in significance. The rooms will, however, retain a sense of sunlight and brightness will be reflected into the room from the façade of the proposed development.

### 3 Joiner Street

In the existing site condition 27/59 rooms are compliant for APSH

With the development in place and the results weighted to make the allowances as set out above (BRE target) 36/59 rooms would be compliant with the APSH target.

1 of the remaining 23 rooms would experience a minor adverse effect. There are 9 living rooms in the remaining 22 rooms and the effect upon their sunlight material, noticeable and of major adverse significance.

With the exception of the two lowest living rooms directly facing the site, the other 7 living rooms retain a reasonable level of sunlight considering their urban location.. The overall effect is considered to be **no greater than of moderate adverse**.

### Bridgewater Place

In the existing site condition 0/6 rooms are compliant for APSH

With the development in place and the results weighted to make the allowances as set out above (BRE target) all 6 would be fully compliant.

### **Overshadowing**

There are no open amenity spaces in the vicinity of the Development site that justify the need for a permanent shadowing and sunlight hour's appraisal

Overall Impact on amenity of residents of 18-24 Church Street (The Lighthouse), 23 Church Street / 38 High Street, 3-5 Edgehill Street, 18-20 Turner Street, 25 Church Street, 12-16 Church Street, 3 Union Street, 1 Joiner Street (Bridgewater Place) and 3 Joiner Street (The Birchin) including privacy and overlooking

The properties have been adjacent to a site which is under developed. There is an identified need for more homes in the city centre. The proposal would re-use of a brownfield site which has a negative impact on the surrounding townscape efficiently. It is considered on balance that the level of impact and the public benefits to be derived weigh heavily in favour of the proposal.

The impacts on the levels of daylight and sunlight enjoyed by some of the residents of The Birchin and The Lighthouse are of some significance although overall there is a good level of compliance with the BRE Guidance when assessed against the alternative targets which are considered to be appropriate to context. These impacts are to some extent inevitable if the site is to be developed to an appropriate city centre scale

The following matters are however important in the consideration of this matter:

- A number of windows and rooms will experience gains in daylight and sunlight over those achieved with the previous planning permission. ????????
- Buildings that overlook the site have benefitted from conditions that are relatively unusual in a City Centre context;
- It is generally acknowledged that when buying/renting properties in the heart of a city centre, there will be less natural daylight and sunlight than could be expected in the suburbs;
- When purchasing or renting a property in any urban location, sited close to a derelict plot of land, the likelihood is that redevelopment will occur. This is increased in a city centre like Manchester where there is a shortage of city housing;
- The site is within the City Centre and designated for high density development;
- Reductions to the scale of the development could make it unviable.

It is considered that that the above impacts have been tested and perform reasonably against the BRE guidelines

### Cumulative Effects

Demolition and Construction - Effects in relation to daylight, sunlight and overshadowing would vary throughout demolition and construction. Those effects, which may be perceptible during construction, would be similar or less than those of the completed proposal with cumulative schemes set out below.

Completed Development - There would be a total of 945 windows serving 616 rooms including existing and cumulative schemes surrounding the site. These have all been assessed in terms of VSC and NSL with the exception of 25 Church Street, there is no change in the effect of the proposed development with the two cumulative schemes in place.

At 25 Church Street, the two cumulative schemes alter the baseline daylight and sunlight levels within a few rooms to the effect that the construction of the proposal would result in a lesser effect upon them.

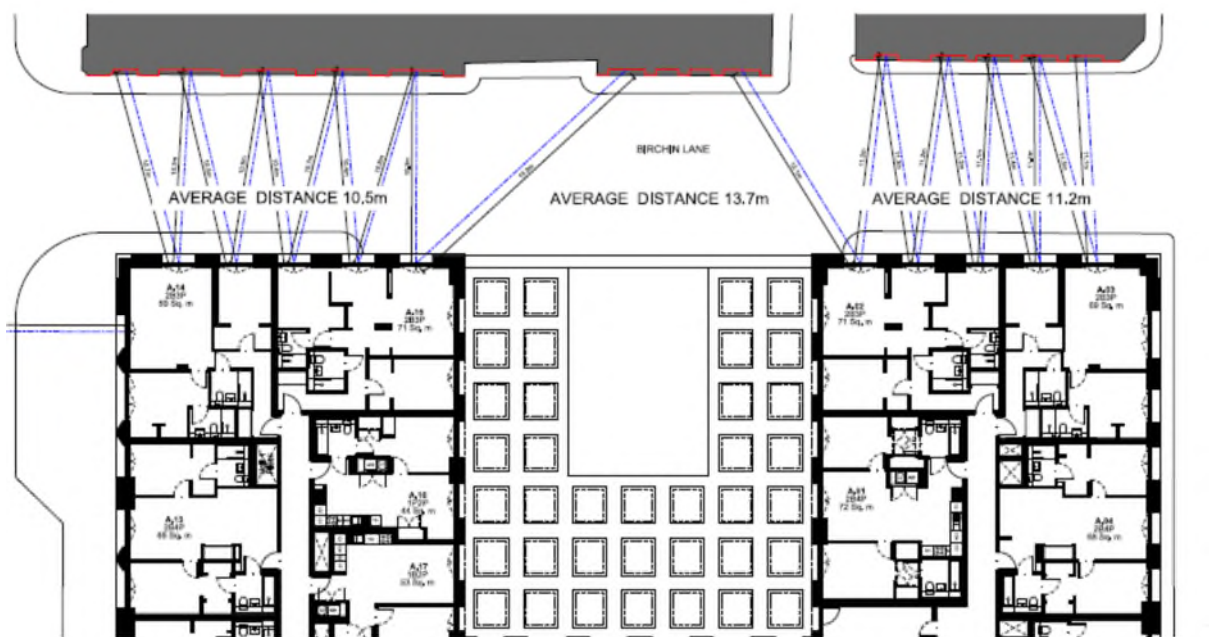
The effect of the proposal on the two cumulative schemes would be negligible on daylight amenity at the Red Lion Street site with a minor adverse effect on sunlight amenity within two of the 20 rooms assessed. The proposal would have a minor adverse effect on daylight within one of 120 room and a negligible effect upon all rooms material for sunlight assessment.

### Mitigation Measures

Whilst the proposal would cause some daylight and sunlight effects with a greater than minor adverse significance, no mitigation measures, beyond the design are available. The mitigating design features include:-

- i. raking back of the upper floors which reduces the mass of building.
- ii. The chamfered corner on High Street /Church Street would allow more light to pass around it.
- iii. All balconies are Juliette's and do not project outside the envelope.
- iv. The building line along Church Street has been brought in by 1.1m from the line of the market stalls widening the building to building distances on this part of the street
- v. The pale glazed ceramic would reflect natural daylight and be responsive to different lighting conditions during the day.

Overall Impact on amenity of residents of The Birchin and Lighthouse including privacy and overlooking



A key consideration is whether the proposal would impact on the amenity for neighbouring residents. The properties benefit from being adjacent to a site which does not respect the historic grain of building in this area. This creates greater distances to adjacent buildings. The minimum distance between buildings across Birch Lane would be approx 10 m and the buildings step back at the 4/5<sup>th</sup> floors (Pall Mall House) and 7<sup>th</sup> floor (Birchin House) with many distances increasing with building height. The Church Street blocks opposite set back between approx 20m to 21m. The minimum distance between buildings across Joiner Street would be approx 7m metres up to the 6<sup>th</sup> floor level (Birchin and parts of The

Lighthouse Hotel and Apartments. The apartments under construction on the former Tib Street surface are 7m across Joiner Street iup to the 6<sup>th</sup> floor level.

The separation distances proposed are on the whole greater than is characteristic of that between other buildings within the immediate area and are considered to be in-keeping with the existing dense urban environment within the Northern Quarter as can be seen from the following examples.

All distances shown on the above diagram refer to habitable to habitable windows.



1 – Roman Entry – 6m



2 – Union Street – 6.1m



3 – Catlow Lane – 3.5m



4 – Kelvin Street – 4.7m



5 – Carpenters Lane – 5.5m



6 – Hare Street – 6.2m

The buildings that occupied the site prior to 1969 were more typical of the urban grain that prevails in the area. Those buildings would have had windows opposite those in adjacent apartment. The 'U' shaped plan form of the proposals has reduced the number of windows which would be directly overlooked at back of pavement line.

Manchester has an identified housing need and the city centre has been identified as the most appropriate location for new development. The proposal would result in the efficient re-use of a brownfield site which has a negative impact on the surrounding townscape. It is considered on balance that the level of impact and the public benefits to be derived weigh in favour of the proposal.

## Air quality

An air quality assessment has considered whether the proposal would change air quality during the construction and operational phases. The majority of the site is within an Air Quality Management Area (AQMA) where air quality is known to be poor as a result of emissions from surrounding roads.

Dust would be inevitable during construction but there is limited demolition with most works associated with earthworks and above ground construction. Good on site practices during this stage this would ensure dust and air quality impacts are not significant. This should remain in place for the duration of the construction period and should be the subject of a condition.

The impacts on air quality once complete would not be significant. No car parking is proposed and occupants would be encouraged to cycle and there is 75% provision. The proximity of public transport means that many residents would walk or use public transport. In light of the mitigation measures proposed above, there would be no detrimental impact on existing air quality conditions as a result of the development.

### **Noise and Vibration**

Whilst the principle of the proposal is acceptable, the impact that adjacent noise sources might have on occupiers needs to be considered. A Noise Report concludes that with appropriate acoustic design and mitigation, the internal noise levels would be acceptable.

The level of noise and mitigation measures required for any externally mounted plant and ventilation should be a condition of any consent granted.

Access for deliveries and service vehicles would be restricted to daytime hours to mitigate any impact on adjacent residential accommodation.

During the operational phase the proposal would not produce noise levels or vibration that would be significant. Disruption could arise during construction. The applicant and their contractors would work and engage with the local authority and local communities to seek to minimise disruption. A Construction Management Plan should be a condition and would provide details of mitigation methods. Construction noise levels have been estimated based on worst case assumptions to be of moderate temporary adverse effect. Following mitigation construction noise is not likely to be significant.

Acceptable internal noise levels can easily be achieved with relatively standard thermal glazing.

Vibration from trams on High Street is low and is unlikely to result in an adverse effect. It is possible that vibration could pass through the building's structure but mitigation would address this.

### **TV and Radio reception**



A Baseline TV Reception Report has been prepared in support of the Application. The assessment indicates that there is good signal reception at the locations surveyed. At all measurement locations, recorded field strength levels for Digital Terrestrial Television ('DTT') signals from the Winter Hill transmitter were mostly found to be above the recommended minimum limits for both standard and high definition. Should there be any post construction impact a series of mitigation measures have been identified which could be controlled by a condition.

### **Conclusions in relation to CABI and English Heritage Guidance and Impacts on the Local Environment.**

On balance, it is considered that the applicant has demonstrated that the proposal would meet the requirements of the CABI and EH guidance as well as the policy on Tall Buildings within the Core Strategy and as such the proposal would provide a building of a quality acceptable.

#### Crime and Disorder

The increased footfall, additional residents and the improvements to lighting would improve security and surveillance. Greater Manchester Police have provided a crime impact assessment and the scheme should achieve Secured by Design accreditation. An appropriate condition is recommended.

#### Archaeological issues

Greater Manchester Archaeological Unit have concluded that the site is unlikely to retain any archaeological interest and have confirmed that no further archaeological work is necessary.

#### Biodiversity and Wildlife Issues/ Contribution to Blue and Green Infrastructure (BGIS)

The proposals would have no adverse effect on statutory or non-statutory sites designated for nature conservation. None of the habitats within the site are of ecological value in terms of plant species and none represent natural or semi-natural habitats or are species-rich. There are no examples of Priority Habitat and no invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) are present. It is unlikely that bats roost in the buildings. However, there maybe crevice dwelling bats who utilise the buildings occasionally. As a precaution, Reasonable Avoidance Measures would be carried out prior to the demolition of certain features. If bats are found or suspected, as a legal requirement, works should cease immediately until further advice has been sought from Natural England or the scheme ecologist.

Tree planting in the courtyard and the planting on the roof terrace would improve biodiversity and form corridors which enable natural migration through the site. The increase in green infrastructure would increase opportunities for habitat expansion leading to an improved ecological value within the local area. A condition would require mitigation for the loss of potential bat roosting features and to explore potential for street tree planting on Church Street and High Street.

### Waste and Recycling

A ventilated refuse chute has been integrated on each residential floorplate opposite the main lift core. This would contain a tri-separator compaction machine which provides a facility for residents to recycle separate waste streams which are then sorted into separate 1100L Eurobins. The refuse store has been sized in line with 'GD 04 Waste Storage and Collection Guidance for New Developments with 0.43sqm of space for each apartment. Compacted General Waste will be collected by a private collection.

A retail/restaurant refuse store would be located off the arcade leading to Church Street so as not to detract from the active frontage to Stationer's Court.

The refuse collection strategy would be part of the Resident Management Strategy which would be a planning condition.

In accordance with MCC guidance, containers would be taken to a designated location on collection day. Level access would be provided between the bin store and the highway with dropped kerbs adjacent to the loading bay.

### Servicing and Deliveries

Delivery and postal vehicles would be able to park on Bridgewater Place nearest High Street during permitted hours.

Retail/Restaurant Deliveries would be from the designated delivery lay-by on Birchin Lane.

The main access for the MCSP would be a new lay by on Church Street.

A condition requiring the agreements of a final service management strategy would be attached to any consents granted.

### Flood Risk and Sustainable Urban Drainage Strategy

The site is in Flood zone 1 and is low risk site for flooding. It is in the Core Critical Drainage Area in the Council Strategic Flood Risk Assessment and requires a 50% reduction in surface water run-off as part of brownfield development. Major planning applications determined from 6 April 2015, must consider sustainable drainage systems.

Surface water run-off would be minimised and reduced to a greenfield rate if practical, and the post development run-off rates would be reduced to 50% of the pre development rates.

Attenuation storage would be either tank and pump or tank and flow control device such as a hydro-brake unit. This would be located below the ground floor slab or located externally in the court yard. The attenuation storage will facilitate a

restriction of surface water runoff to 50% of the existing rate which equates to 20l/s based on a 1 in 2 year storm event.

Conditions would require details of the surface water drainage and a maintenance and management plan to be submitted for approval. The initial SUDS assessment demonstrates that surface water run-off can be drained effectively in accordance with the policy principles.

Contaminated Land Issues – A phase 1 Geo- environmental Report (Desk Study) has assessed geo-environmental information based on desktop / published sources, a site walkover survey. The potential for the presence of contamination associated with Made Ground beneath the existing structure is considered to be limited. The UXO risk is confirmed to be low

The historical uses of the site mean that mitigation measures may be required to deal with on-site contamination. With these measures in place, the site would present a low risk to future site users and construction workers.

A condition would require a full site investigation and remediation measures to be submitted and agreed and on the MSCP site a condition requiring a watching brief for any contamination would be attached to any consent granted.

Cycle Parking - Secure and covered residential cycle parking is proposed to be provided within the curtilage of the building at ground floor and mezzanine. Cycle parking is set at 75% overall provision on site (270 spaces for 361 residential units)..

Disabled access – The building would be accessible to all and is designed to meet the accessible standards as set out in Approved Document Part M 2015 Edition and the 2010 Equality Act. All feasible and practicable measures described within Design for Access 2 (DFA2) have also been incorporated into the design. This would deliver homes that allow adaptation of the dwelling to meet the changing needs of occupants over time, including those of some older and disabled people. Over 10% of the units would comply with Building Regulations M4(2) standards.

There are approximately 11 dedicated accessible parking spaces close to the site around which includes; 3 spaces on Brick Street, 4 on High Street either side of its junction with Back Turner Street, 1 on Turner Street, 1 on High Street adjacent to its junction with Edge Street and 1 on Thomas Street and 1 on Edge Street.

There will also be opportunities for disabled car users who will reside in the development to rent spaces in nearby off-site car parks through NCP.

It is considered in consideration of the above that the new building would have an overall good level of compliance with DFA2.

Local Labour – A condition would be attached to any consent granted which sets our requirements in relation to the employment of The Council's Work and Skills team would agree the detailed form of the Local Labour Agreement.

Airport Safeguarding - Given the scale of the development, the proposal has been considered with regards to any potential impacts on aerodrome safeguarding. Aerodrome safeguarding who have found no conflict with any safeguarding criteria.

Construction Management - Measures would be put in place to minimise the impact of the development on local residents such as dust suppression, minimising stock piling and use of screenings to cover materials. Plant would also be turned off when not needed and no waste or material would be burned on site.

Provided appropriate management measures are put in place the impacts of construction management on surrounding residents and the highway network can be mitigated to be minimal.

### **Social Value from the Development**

The proposal would support the creation of a strong, vibrant and healthy community. In particular, the proposal would:

- Attract new visitors which would increase local expenditure in the independent cafes, bars, restaurants and shops close to the Site;
- Promote regeneration in other areas;
- The proposal would not cause harm to the natural environment and would reduce carbon emissions through the building design;
- It would provide job opportunities for local people through the agreement required to discharge the local labour agreement condition that would be attached to any consent granted;
- Help to foster a sense of community through creating opportunities for people to come together in a natural setting, such as in Stationer's Court;
- Help to reduce crime through an increase passive surveillance through the active ground floor uses and the overlooking from residential accommodation;
- Widening of Birchinch Street will increase visibility and increase the attractiveness of the route for pedestrians;
- Will provide access to services and facilities via sustainable modes of transport, such as through cycling and walking. The proposed development is very well located in relation to Metrolink, rail and bus links;
- Will not result in any adverse impacts on the air quality, flood risk, noise or pollution and there will not be any adverse contamination impacts;
- Will not have a detrimental impact on protected species; and
- Will regenerate previously developed land with limited ecological value in a highly efficient manner

### **Response to TFGM's / Highways comments 121447 (Markets)**

A condition attached to any consent granted would require further details to be submitted to demonstrate that the operation of the Market Stalls would not affect pedestrian safety.

### **Response to Objectors Comments 121375**

The majority of the comments have been dealt with above, however the following is also noted:

- The guidance in the Conservation Area Leaflet needs to be considered alongside Policy and as set out above it is considered that the site is an appropriate part of this Conservation Area for a taller building.
- The façade responds to the key design features of the Conservation Area whilst being of scale appropriate to its specific location.
- The proposal includes ground floor commercial floorspace that appeal to independent retails such as those found in the Northern Quarter. They would be subject to an operational management scheme with requirements to ensure amenity is not compromised, such as appropriate opening hours to be agreed with the Council
- This is a highly sustainable location reducing the need for car usage and parking is not proposed.
- The development incorporates sustainable measures and would include a rooftop garden with planting.
- The back streets provide important access for servicing and deliveries for proposed and existing buildings. High Street and Church Street is restricted by Metrolink and bus lanes/loading restrictions. The general environment of Birch Lane will be significantly improved.
- Discussions with a parking operator would be available for car parks within 5-10mins of the site. The developer has also agreed to provide a City Car Club Space near to the site.
- The design and access statement sets out clearly how emergency vehicles will be able to access the site via Birch Lane.
- The Head of Environmental Health is satisfied that the amount of bins proposed is acceptable and compliance with the City Council's Guidance.
- Highways have requested a robust service management plan to be conditioned which will ensure that servicing of the site is managed appropriately.
- The Environmental Statement includes a detailed Townscape and Visual Impact Assessment which assessed the visual impact of the proposal from seven representative views.

Views 5 and 6 show the proposal in the context of Church Street and the assessment concludes there would be a beneficial impact due to the improved legibility, architectural style and street level activation. The views in

the Design and Access Statement address the massing from street level where the proposal is not shown in its whole as it won't all be seen. The massing was presented at the second consultation held in July 2018.

The applicant explored options a lengthy period which were considered against a number of planning issues including heritage and daylight and sunlight.

The proposal aims to reconnect the Site to the Northern Quarter through ground floor uses.

In response to the additional comments made in relation to the Sunlight and Daylight Analysis as a result of the re-notification, the following is noted:

- Section 2.2 of the 2011 BRE guidelines, references the assessments which should be undertaken in order to quantify the effect of a proposed development upon the daylight and sunlight within existing buildings. It states that consideration should be given to both the amount of visible sky from the centre of the outside of the window face (VSC) and the amount of visible sky at table top height within the room (NSL);
- Paragraph 2.2.3 states:- *“... the numerical guidelines given are purely advisory. Different criteria may be used based upon the requirements for daylighting in an area viewed against other site layout constraints. Another important issue whether the existing building is itself a good neighbor, standing a reasonable distance from the boundary and taking no more than its fair share of light”*;
- It should be borne in mind when viewing percentage of baseline reduction that, due to their urban location, many of the surrounding windows already have low levels of sky visibility and even small changes can present themselves as disproportionately large percentage reductions suggestive of a change that is more material than it actually is;
- Section 2.1 of the Guidance relates to the consideration of the level of daylight amenity with respect to the design of a new development;
- Section 2.2 of the BRE guidelines references 27% VSC as a target value. Appendix F demonstrates that this is, however, predicated upon a general construction angle of 25 degrees. It then goes on to state that if, following the construction of a new development, the VSC level should fall below 27% or if it is below that in the existing situation and reduces by more than 20% of the original baseline value, then the change in daylight amenity may be noticeable to the occupant;
- The VSC assessments which have been undertaken have not replaced these 'standard' assessment values with any of the others from Appendix F of the guidelines. The overall effect of the proposed development has, however, considered retained VSC values which are more representative of the urban location of the site including considerations relating to many of the windows

surrounding the site already having well below these values due to their urban location;

- Only properties which will not experience any changes to their level of daylight amenity which breach the guidelines laid down in Section 2.2 have been judged to experience a negligible effect;
- There will be some losses of daylight and sunlight amenity to the surrounding properties which are beyond the strict BRE guidelines and some rooms will not meet the minimum recommended ADF levels for new developments. Again many of the surrounding windows and rooms do not meet the minimum recommended daylight/sunlight levels in the existing situation due to their urban location. The assessments undertaken have, therefore, considered how much light will be lost when the Proposed Development is constructed, how much will be retained and, in relation to the urban location of the surrounding properties, the significance of the changes relative to the expectancy for daylight in such a location.;
- Radiance Daylight assessments are very technical and complex. They have, however, been undertaken upon those rooms which will experience more material VSC and NSL changes in order to understand the overall level of change in daylight when the light which will be reflected from the façade of the Proposed Development back into the rooms is also considered. The assessments have been undertaken using publicly available floorplans or from reasonable assumptions based upon external architecture;

S149 (Public Sector Equality Duty) of the Equality Act 2010 - The proposed developments would not adversely impact on any relevant protected characteristics including those of the Market Stall holders as alternative premises are to be provided for them close to the existing site. A condition would be attached to any consent for the redevelopment (121375) which requires that the alternative premises would be available prior to any demolition of the existing market stalls.

### **Legal Agreement**

The proposal would be subject to a legal agreement under section 106 of the Planning Act to secure an appropriate reconciliation payment for offsite affordable housing in the City as explained in the paragraph with heading “Affordable housing” in respect of 121375.

### **CONCLUSION**

The proposals would be consistent with a number of the GM Strategy's key growth priorities, delivering the housing required to support a growing economy and population in the city centre. This would promote and support sustainable economic growth.

The development would deliver a high quality building and regenerate a poor quality site (with the exception of 20-22 High Street) and would respond well to its context. The site is could accommodate a building of the scale and massing proposed

without harming the character of the Smithfield Conservation Area or the setting of adjacent listed buildings. The façade has been based on the characteristics of the Conservation Area. The street-frontages to Church Street, High Street and Birchin Lane would be re-vitalised and retain street-edge enclosure, while also complementing the vertical rhythms, established scale and visual texture of the individual streets.

The street-frontages would respond to the historic form of development. The scheme would add activity and vitality and would reintegrate the site into its urban context, reinforcing the character of the streetscape

The development would inevitably impact on amenity and affect sunlight, daylight, overshadowing and privacy in adjacent properties. It is considered that that these impacts have been tested and perform given the historic City Centre context to an acceptable level against the BRE guidelines

The proposals have been considered in detail against the policies of the current Development Plan and taken overall are considered to be in compliance with it a second required by Section 38(6) of the Planning and Compulsory Purchase Act 2004

The proposal would establish a sense of place, would be visually attractive, sympathetic to local character and would optimise the use of the site and would meet with the requirements of paragraph 127 of the NPPF.

The economic, social and environmental gains required by para 8 of the NPPF are set out in the Report and would be sought jointly and simultaneously. The site does not currently deliver fully in respect to any of these objectives and has not done for some time.

The setting of the listed Ryland's Building and the character of the adjacent Conservation Areas is currently undermined by the sites appearance

The NPPF (Paragraphs 192, 193 and 196) requires that all grades of harm to a designated heritage asset are justified on the grounds of public benefits that outweigh that harm. Paragraph 197 requires in the case of applications which directly affect a non designated heritage assets a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

The loss of 20-22 High Street does cause less than substantial harm but this is justified by the public benefits derived from the comprehensive redevelopment of the site. These benefits will endure for the wider community and not just for private individuals or corporations.

It is considered that the public and heritage benefits of these proposals would secure the objectives of sustainable development and notwithstanding the 'great weight' given to conservation it has been demonstrated that the level of harm and conflict between the provision of such public benefits and heritage conservation is necessary to deliver those public benefits.

On balance there is policy support for the proposals. There would be a degree of less than substantial harm but the proposals represent sustainable development and



would deliver significant social, economic and environmental benefits. It is considered, therefore, that, notwithstanding the considerable weight that must be given to preserving the setting of the adjacent listed buildings and the character of the conservation area as required by virtue of S66 and S72 of the Listed Buildings Act within the context of the above, the overall impact of the proposed development including the impact on heritage assets would meet the tests set out in paragraphs 193, 196 and 197 of the NPPF and that the harm is outweighed by the benefits of the development.

**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 polices of the Unitary Development Plan, the Head 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 approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

### **Recommendation**

**121375- Minded to Approve** (subject to a legal agreement in respect of reconciliation payment of a financial contribution towards off site affordable housing)

### **121446 – TEMPORARY 5 YEAR APPROVAL**

### **Article 35 Declaration**

Officers have worked with the applicant in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. This has included on going discussions about the form and design of the developments and pre application advice about the information required to be submitted to support the application.

### **121375**

### **Conditions to be attached to the decision**

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:

(a) Dwgs 1816-FCBS/P/0099-Existing Site Plan- P1, 1816-FCBS/P/0100-Site Location Plan-P1, 1816-FCBS/P/0110-Proposed Site Plan-P1

(b) Dwgs 1816-FCBS/P/0200B-Proposed Basement Plan-P1  
 1816-FCBS/P/0200-Proposed Ground Floor Plan-P2  
 1816-FCBS/P/0200M-Proposed Mezzanine Plan-P2  
 1816-FCBS/P/0201-Proposed First Floor Plan-P2  
 1816-FCBS/P/0202-Proposed Typical Floor Plan (Levels 02-14)-P2  
 1816-FCBS/P/0215-Proposed Fifteenth Floor Plan-P2  
 1816-FCBS/P/0216-Proposed Sixteenth Floor Plan-P2  
 1816-FCBS/P/0217-Proposed Seventeenth Floor Plan-P2  
 1816-FCBS/P/0218-Proposed Eighteenth Floor Plan-P2  
 1816-FCBS/P/0219-Proposed Nineteenth Floor Plan-P2  
 1816-FCBS/P/0220-Proposed Twentieth Floor Plan-P2  
 1816-FCBS/P/0216-Proposed Roof Plan-P1  
 1816-FCBS/P/0700-Proposed Section AA-P1  
 1816-FCBS/P/0701-Proposed Section BB-P1  
 1816-FCBS/P/0800-Proposed High Street Elevation-P1  
 1816-FCBS/P/0801-Proposed Church Street Elevation-P1  
 1816-FCBS/P/0802-Proposed Birchin Lane Elevation-P1  
 1816-FCBS/P/0803-Proposed Bridgwater Place Elevation-P1  
 1816-FCBS/P/0804-Church Street / High Street Corner Elevation-P1  
 1816-FCBS/P/0301- Typical Bay Elevation to Retail- P1  
 1816-FCBS/SK106-A - Proposed High Street Plan  
 RFM-XX-00-DR-L-0001-Ground Floor General Arrangement  
 RFM-XX-22-DR-L-0002-Roof Terrace General Arrangement  
 RFM-XX-00-DR-L-0003-Ground Floor Illustrative Masterplan  
 RFM-XX-22-DR-L-0004-Roof Terrace Illustrative Masterplan  
 RFM-XX-00-DR-L-0005-Ground Floor Illustrative Sections  
 RFM-XX-22-DR-L-0006-Roof Terrace Illustrative Sections; and  
 RFM-XX-22-DR-L-0007-Planting Strategy

(c) FCBS Planning Design Intent Quality Note 18-01-19;

(d) Waste Management Strategy Pages 112-113 of FCB Architects High Street Manchester Design and Access Statement;

(e) Recommendations in sections, 3, 4, 5, 6 and 7 of the Crime Impact Assessment Version A dated 11/09/18; and

(f) FCSB High Street Accommodation Schedule;

(g) Archaeological Desk-based Assessment, 24-32 & 20-22 High Street, Manchester by the University of Salford;

(h) Mitigation Measures within Chapter 6 and Appendix 6.1 -6.4 (Energy Centre modelling methodology within High Street Manchester) of the Environmental Statement August 2018 by Deloitte Real Estate;

(i) Mitigation measures within Chapters 8,9,11 and 12 and Appendices 8.1, 9.1-9.3, 11.1-11.2 and 12.1 of the Environmental Statement August 2018 by Deloitte Real Estate;

(j) Measures detailed within Avison Young's Commercial Letting and Management Statement in Relation to: High Street, Manchester  
On behalf of CEG Partnership; and

(k) Mitigation measures set out in High Street Manchester - Environmental Statement Volume 1, August 2018 and Appendix 6.1 Energy Centre modelling methodology.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy SP1, CC3, H1, H8, CC5, CC6, CC7, CC9, CC10, T1, T2, EN1, EN2, EN3, EN6, EN8, EN9, EN11, EN14, EN15, EN16, EN17, EN18, EN19, DM1 and PA1 saved Unitary Development Plan policies DC18.1 DC19.1, DC20 and DC26.1.

3) (a) Notwithstanding the details submitted with the application, prior to the commencement of development the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

Samples and specifications of all materials to be used on all external elevations, drawings to illustrate details of full sized sample panels that will be produced. The panel to be produced shall include jointing and fixing details between all component materials and any component panels, details of external ventilation requirements for the residential accommodation, details of the drips to be used to prevent staining and details of the glazing and frames, a programme for the production of the full sized sample panels and a strategy for quality control management; and

(b) The sample panels and quality control management strategy shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme and drawings as agreed above.

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.

4) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the building works for the redevelopment of the site has been made, and evidence of that contract has been supplied to the City Council as local planning authority.

Reason - In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following demolition of the existing

building pursuant to saved policy DC18 of the Unitary Development Plan for the City of Manchester, policies SP1, EN3 and DM1 of the Core Strategy and the National Planning Policy Framework.

5) No development shall commence unless or until an equipment protection and network disruption strategy and TfGM equipment access, fire, security, ventilation and maintenance strategy has been agreed with TfGM relating to the safeguarding and maintaining of equipment currently installed in the basement of 20-22 High Street and evidence of the approved strategy and agreed triggers for its implementation has been supplied to the City Council as local planning authority.

In relation to equipment protection and network disruption this shall include:

1. Measures to be implemented during piling operations (which may require, for example, the replacement of protection relays with anti-vibration components or other equipment modifications at the developer's cost)
2. Network disruption mitigation measures (which shall be agreed with TfGM and funded by the developer) to provide network resilience to enable the maintenance of the current operational service pattern. For the avoidance of doubt this may include the installation of additional equipment beyond the development footprint.
3. Maintenance of the low voltage power supply to TfGM equipment so as to be available and operational throughout the construction period including replacement if required and provision for any downtime (all at the developer's cost)
4. Measures to be taken to ensure 24 hour, 7 days per week access to TfGM infrastructure during demolition and construction
5. Provision of a single nominated point of contact to manage the strategy and liaise with TfGM and the Metrolink operator throughout the demolition and construction phases of the project. The nominated contact shall keep TfGM fully informed of progress via meetings and reports (at a frequency of no less than monthly) and shall provide site supervision of any construction activities which could impact on Metrolink infrastructure

In relation to the TfGM equipment access, fire, security, ventilation and maintenance strategy this shall include:

1. Evidence that the access route between the street and the TfGM premises provides sufficient space to transport the largest piece of Metrolink equipment. The evidence shall include a "swept path" analysis to prove that the lift, corridors, door openings etc. are of sufficient dimensions to enable the movement of the equipment.

2. Security measures to be employed to protect the access route to the TfGM premises and only allow access by authorised persons (which shall be available on a continuous 24 hour basis).
3. Detailed proposals for fire safety management of the TfGM premises including integration with the main building systems and provision of an early warning system with a direct link to the Metrolink Operator
4. Detailed proposals for provision of a ventilation system to provide a suitable operational temperature for the equipment in the TfGM premises and air quality for persons working and accessing the equipment rooms
5. Detailed proposals for a security alarm system for the TfGM premises with remote monitoring by the Metrolink operator.

The agreed strategies shall be implemented prior to demolition and shall thereafter be retained and maintained in situ.

Reason - To ensure that suitable mitigation for the continued operation of the Metrolink system is agreed and appropriate mitigation is in place prior to development commences pursuant to the provisions Core Strategy policy DM1

6) No demolition of the existing market stalls shall commence unless or until the development comprising the provision of alternative premises for the current market stall occupants as set out in application ref no 121447/FO/2018 is complete and available for occupation to those tenants who wish to relocate.

Reason

For the avoidance of doubt pursuant to Section 149 of the Equality Act (Public Sector Equality Duty) 2010 and pursuant to Core Strategy Policies SP1, EC1 and EC2

7) Prior to the commencement of development a programmes for submission of final details of the public realm works and highway works as shown in dwg numbered RFM-XX-00-DR-L-0001, FM-XX-22-DR-L-0002, RFM-XX-00-DR-L-0003, RFM-XX-22-DR-L-0004, RFM-XX-00-DR-L-0005, RFM-XX-22-DR-L-0006 and RFM-XX-22-DR-L-0007; shall be submitted and approved in writing by the City Council as Local Planning Authority. The programme shall include an implementation timeframe and details of when the following details will be submitted:

- (a) Details of the materials, including natural stone or other high quality materials to be used for the footpaths and for the areas between the pavement and the line of the proposed building on High Street, Church Street, Birch Lane and Bridgewater Place;
- (b) Details of measures to create potential opportunities to enhance and create new biodiversity within the development to include consideration of Bat bricks and/or tubes, green/brown roof, green walls, bird boxes and appropriate planting;
- (c) A strategy for the planting of street trees within the pavements on Church Street and High Street including details of overall numbers, size, species and planting specification, constraints to further planting and details of on going maintenance;

- (d) Improvements to Street Lighting around the site;
- (e) A management strategy for the courtyard area and building entrances including hours during which the courtyard and routes through would be open to the public;
- (f) opening hours for the communal roof terraces; and
- (g) A building cleaning schedule.

and shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above.

The approved scheme shall be implemented not later than 12 months from the date the proposed building is first occupied. 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 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) and 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 R1.1, I3.1, T3.1, S1.1, E2.5, E3.7 and RC4 of the Unitary Development Plan for the City of Manchester and policies SP1, DM1, EN1, EN9 EN14 and EN15 of the Core Strategy.

8) (a) Before the development hereby approved commences, 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).

(b) 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.

c) 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.

d) 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 Section 11 of the National Planning Policy Framework and policy EN18 of the Core Strategy.

9) Prior to the commencement of the development a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority with consideration to include consultation with TFGM (Metrolink) which for the avoidance of doubt should include;

- \*Display of an emergency contact number;
- \*Details of Wheel Washing;
- \*Dust suppression measures;
- \*Compound locations where relevant;
- \*Location, removal and recycling of waste;
- \*Routing strategy and swept path analysis;
- \*Parking of construction vehicles and staff;
- \*Sheeting over of construction vehicles;
- \*Details of how measures in relation to safe working near to Metrolink will be complied with;
- \*Communication strategy with residents which shall include details of how there will be engagement, consult and notify residents during the works;
- \*Agreed safe methods of working adjacent to the Metrolink Hazard Zone and shall be adhered to throughout the construction period;
- the retention of 24hr unhindered access to the trackside equipment cabinets and chambers for the low voltage power, signalling and communications cables for Metrolink both during construction and once operational.
- \* Details of the loading and unloading of plant and materials;
- \* Details of the storage of plant and materials used in constructing the development;
- \* construction and demolition methods to be used; including the use of cranes (which must not oversail the tramway);
- \* Details showing the erection and maintenance of security hoarding at a minimum distance of 1.5m from the kerb which demarcates the tramway path, unless otherwise agreed with Transport for Greater Manchester;
- \*The provision of a "mock up" security hoarding to review and mitigate any hazards associated with positioning next to an operational tramway prior to permanent erection;

Development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012).

10) No development shall take place until the applicant or their agents or successors in title has secured the implementation of a historic building recording for 20-22 High St. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Manchester Planning Authority. The WSI shall cover the following:

1. A phased programme and methodology of investigation and recording to include:
  - a Historic England Level 3 historic building survey
  - a watching brief during stripping out work to record historic fabric
2. A programme for post investigation assessment to include:
  - analysis of the site investigation records and finds
  - production of a final report on the significance of the historical interest represented.
3. Dissemination of the results commensurate with their significance.
4. Provision for archive deposition of the report and records of the site investigation.
5. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: In accordance with NPPF Section 12, Paragraph 141 - To record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publicly accessible. GMAAS will monitor the implementation of the recording on behalf of Manchester

11) The development shall be carried out in accordance with the Crime Impact Statement Version A dated 11-09-18. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework

12) No development shall take place until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the Local Planning Authority.

In order to discharge the above drainage condition the following additional information has to be provided:



- o Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within Conurbation Core Critical Drainage Area;
- o 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 climate change in any part of a building. Hydraulic calculation needs to be provided;
- o 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.
- o Construction details of flow control and SuDS attenuation elements.

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.

The development shall be constructed in accordance with the approved details within an agreed timescale.

13) 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:

- (a) Verification report providing photographic evidence of construction as per design drawings;
- (b) As built construction drawings if different from design construction drawings;
- (c) 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. This condition is imposed in light of national policies within the NPPF and NPPG and local policies EN08 and EN14.

14) The development hereby approved shall be carried out in accordance with the ASE II Manchester Limited, High Street, Manchester, Outline Sustainability Strategy, 13.07.2018 Revision D and ASE II Manchester Limited, High Street, Manchester, Outline Energy Strategy, 13.07.2018 Revision D, SUSTAINABILITY by Hoare Lee SUSTAINABILITY

A post construction review certificate/statement shall be submitted for approval, within a timeframe that has been previously agreed in writing by the City Council as local planning authority.

Reason - In order to minimise the environmental impact of the development, pursuant to policies SP1, DM1, EN4 and EN8 of Manchester's Core Strategy, and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

15) Prior to occupation of the development a scheme for the acoustic insulation of any externally mounted ancillary equipment associated with

- (a) the residential development; and
- (b) each commercial unit;

to ensure that it achieves a background noise level of 5dB below the existing background (La90) at the nearest noise sensitive location 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 equipment. The approved scheme shall be completed before the premises is occupied and a verification report submitted for approval by the City Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation. The approved scheme shall remain operational thereafter.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

16) Before the development commences a scheme for acoustically insulating and mechanically ventilating the residential accommodation against noise from adjacent roads and the adjacent tram and mitigating vibration and reradiated noise levels associated with the operation of the adjacent tram line shall be submitted to and approved in writing by the City Council as local planning authority.

The approved noise insulation scheme and vibration and reradiated noise mitigation measures shall be completed before any of the dwelling units are occupied. Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in the residential accommodation shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non compliance shall be suitably mitigated in accordance with an agreed scheme.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

17) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

## Reason

To ensure a safe form of development that poses no unacceptable risk of contamination to controlled waters pursuant to section 10 of the National Planning Policy Framework Core Strategy policy EN14 and EN17.

18) Notwithstanding the TV reception survey prepared by Hoare Lee G High Street, Manchester Pre-Construction Television and Radio Reception Survey 15/08/2018 Revision 03 and Deloitte's E-mail dated 25-06-19 in relation to TV Reception, within one month of the practical completion of each phase of the development or before the residential element of the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the City Council as local planning authority in response to identified television signal reception problems within the potential impact area a study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception - In the interest of residential amenity, as specified in policy DM1 of Core Strategy

19) The ground floor commercial units shall not be occupied until a scheme for the storage (including segregated waste recycling) and disposal of refuse for each unit; has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

20) a) Prior to the commencement of the development, 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).

21) Final details of the method of extraction of any fumes, vapours and odours from (a) the apartments; and (b) each of the ground floor units shall be submitted to and approved in writing by the City Council as local planning authority prior to occupation of each use / ground floor A3 / A4 unit The details of the approved scheme shall be implemented prior to occupancy and shall remain in situ whilst the use or development is in operation.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy

22) No externally mounted telecommunications equipment shall be mounted on any part of the building hereby approved, including the roofs other than with express written consent of the Local Planning Authority.

Reason - In the interest of visual amenity pursuant to Core Strategy Policies DM1 and SP1

23) Before any use hereby approved commences, within each of the ground floor units details of the proposed opening hours shall be submitted to and approved in writing by the City Council as local planning authority. The units shall be not be operated outside the hours approved in discharge of this condition.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

24) Prior to implementation of any proposed lighting scheme details of the scheme including a report to demonstrate that the proposed lighting levels would not have any adverse impact on the amenity of residents within this and adjacent developments shall be submitted to and agreed in writing by the City Council as local planning authority:

Reason - In the interests of visual and residential amenity pursuant to Core Strategy policies SP1, CC9, EN3 and DM1 of the Core Strategy.

25) Prior to the first use of the development hereby approved, a detailed Residential Management Strategy including:

Details of how 24 hour management of the site in particular in relation to servicing and refuse (storage and removal) and noise management of communal areas and protecting Metrolink infrastructure from objects thrown from the roof gardens shall be submitted to and agreed in writing by the City Council as Local Planning Authority. Full details of a maintenance strategy for the areas of public realm adjacent to the site including surfaces, planting and litter collection and details of where maintenance vehicles would park

shall be submitted to and agreed in writing by the City Council as Local Planning Authority.

The approved management plan shall be implemented from the first occupation of the residential element and be retained in place for as long as the development remains in use.

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.

26) The development hereby approved shall be carried out in accordance with the Travel Plan Framework prepared by Mott McDonald dated July 2018. In this condition a travel plan means a document that includes the following:

- i) the measures proposed to be taken to reduce dependency on the private car by residents and those [attending or] employed 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 and to secure a reduction in air pollution from traffic or other sources in order to protect existing and future residents from air pollution, pursuant to policies SP1, T2 and DM1 of the Core Strategy, the Guide to Development in Manchester SPD (2007) and Greater Manchester Air Quality action plan 2016.

27) No part of the development shall be occupied unless and until details of a parking management strategy for residents has been submitted to and approved in

writing by the City Council as Local Planning Authority. All works approved in discharge of this condition shall be fully completed before the development hereby approved is first occupied.

Reason - The development does not provide sufficient car parking facilities and in order to provide alternative arrangements (e.g. parking leases with car parking companies; car sharing; or car pool arrangement) for the needs of future residents whom may need to use a motorcar and Policies DM1 and T1.

28) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

07:30 to 20:00 Monday to Saturday  
10:00 to 18:00 Sundays and Bank Holidays

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

29) No infiltration of surface water drainage into the ground on land affected by contamination is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - To prevent pollution of controlled waters from potential contamination on site. Infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

30) The apartments hereby approved shall be used only as private dwellings (which description shall not include serviced apartments/apart hotels or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

Reason: To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as serviced apartments/apart hotels do not commence without prior approval pursuant to Core Strategy policies SP1 and DM1 area, 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 and to ensure the permanent retention of the accommodation for normal residential purposes

31) Before development commences a scheme for dealing with the discharge of surface water and which demonstrates that the site will be drained on a separate system, with only foul drainage connected into the foul sewer, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be implemented in full before use of the residential premises first commences.

Reason - Pursuant to National Planning Policy Framework policies (PPS 1 (22) and PPS 25 (F8))

32) Prior to occupation of the development a servicing strategy for the building which includes details of how servicing access will be maintained to adjacent buildings, shall be submitted to and approved in writing by the local planning authority to include evidence of consultation to seek agreement to the plan with the adjacent building owners and their agents.

Servicing shall be carried out in accordance with the approved management plan.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (July 2012).

33) No development shall take place unless and until a scheme for the provision of overhead line building fixings to replace the existing overhead line fixing has been submitted to, and approved in writing by Manchester City Council as Local Planning Authority.

Reason - In order to contribute toward the reduction of street clutter and improve visual amenity by reducing the number of overhead line poles directly adjacent to buildings, pursuant to Core Strategy policies DM1 and SP1.

34) No amplified sound or any music shall be produced or played in any part of the site outside of the building other than in accordance with a scheme detailing the levels at which any music shall be played and the hours during which it shall be played which has been submitted to and approved in writing by the City Council as local planning authority.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

35) The development hereby approved shall include for full disabled access to be provided to all areas of public realm and via the main entrances and to the floors above.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions Core Strategy policy DM1

36) Prior to occupation of any of the commercial units details of a signage strategy shall be submitted to and approved in writing by the City Council as Local Planning Authority.

Reason - In the interests of visual amenity to enable careful attention to signage details and the level of visual clutter associated with any external seating is required to protect the character and appearance of this building in accordance with policies SP1 and DM1 of the Core Strategy.

37) In the event that any of the commercial units as indicated on drawing 1816 FCBS P0200 P2 are occupied as an A3 or A4 use, prior to their first use the following details must be submitted and agreed in writing by the City Council, as Local Planning Authority. These details are as follows:

Management of patrons and control of external areas. For the avoidance of doubt this shall include:

\*An Operating Schedule for the premises (prevention of crime and disorder, prevention of public nuisance, Management of smokers)

\*Details of a Dispersal Procedure

\* Mechanism for ensuring windows and doors remain closed after 9pm

The approved scheme shall be implemented upon first use of the premises and thereafter retained and maintained.

Reason - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to policies SP1, DM1 and C10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

38) The window(s) at ground level, fronting onto shall be retained as a clear glazed window opening at all times and views into the premises shall not be screened or obscured in any way.

Reason - The clear glazed window(s) is an integral and important element in design of the ground level elevations and are important in maintaining a visually interesting street-scene consistent with the use of such areas by members of the public, and so as to be consistent with saved policy DC14 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

39) If during works to demolish the building hereby permitted any sign of the presence of bats is found, then all such works shall cease until a survey of the site has been undertaken by a suitably qualified ecologist and the results have been submitted to and approved by the Council in writing as local planning authority. Any recommendations for the protection of bats in the submitted document shall be implemented in full and maintained at all time when the building is in use as hereby permitted.



Reason - for the protection of bats and in order to comply with the Habitats Directive and pursuant to Core Strategy Policy EN15.

40) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy

41) The commercial units as shown on drawing 1816 FCBS P0200 P2 shall remain as separate units and shall not be sub divided or amalgamated without the benefit of planning permission being secured.

Reason- In the interests of residential amenity and to ensure the future viability and vitality of the commercial units pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1, C5 and SP1 of the Manchester Core Strategy.

42) The commercial units, as indicated on drawing 1816 FCBS P0200 P2 can be occupied as A1(with the exception of food retail), A3, A4 and A5. The first use of each commercial unit to be implemented shall thereafter be the permitted use of that unit and any further change of use may be the subject of the requirement of a new application for planning permission or subject to the requirements of the Town and Country Planning (General Permitted Development) Order 2015.

Reason - For the avoidance of doubt and in order to secure a satisfactory form of development due to the particular circumstance of the application site, ensuring the vitality of the units and in the interest of residential amenity, pursuant policy DM1 of the Core Strategy for Manchester.

43) Prior to the first use of each of the commercial units as indicated on drawing 1816 FCBS P0200 P2 details of any roller shutters to the ground floor of the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt the shutters shall be fitted internally to the premises. The approved details shall be implemented prior to the first occupation of each of the commercial units and thereafter retained and maintained in situ.

Reason - To ensure that the roller shutters are appropriate in visual amenity terms pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

**121446**

1) The permission hereby granted is for a limited period only, expiring on 28-06-2024 and the use comprising the development for which permission is hereby granted is required to be discontinued on that date.

Reason - The use hereby approved is of a temporary nature only and in order to allow the City Council the opportunity to reconsider the appropriateness of this use the consequences of which have not been considered beyond the 28th June 2024 pursuant to Core Strategy Policies SP1, CC1, CC7 and DM1.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority:

(a) Site Plans 816-FCBS/P/0099-P1, 1816-FCBS/P/0100-P1;

(b) Dwgs 1816-FCBS/P/0130-P1, 1816-FCBS/P/0131-P1, 1816-FCBS/P/0132-P1, 1816-1-FCBS/P/-0200-P2, 1816-1-FCBS/P/201-P2, 1816-1-FCBS/P/202-P2, 1816-FCBS/P/0700-P1, 1816-FCBS/P/0701-P1, 1816-FCBS/P/0800-P1, 1816-FCBS/P/0801-P1, 1816-FCBS/P/0802-P1, 1816-FCBS/P/0803-P1, 1816-1-FCBS-P-0200-P4 and 1816-1-FCBS-P-0200-P5.

(c) Recommendations to improve security within GMP (Design for Security) letter dated 07-09-19; and

(d) Management measures detailed within sections 5.1, 5.2, 5.3 and 5.4 of the submitted Design and Access Statement by FCB.

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to Core Strategy policies CC1, CC7, SP1, DM1 and saved UDP policies and DC26

3) Prior to the commencement of the development a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority which for the avoidance of doubt should include;

\*Display of an emergency contact number;

\*Details of how the construction phasing will have due regard to the approved development at Red Lion Street (application ref no 113713 as amended by 119143 and 123173)

\*Details as necessary of Wheel Washing and Dust suppression measures;

\*Compound locations where relevant;

\*Location, removal and recycling of waste;

\*Routing strategy and swept path analysis;

\*Parking of construction vehicles and staff;

\*Sheeting over of construction vehicles;

\*Communication strategy with residents which shall include details of how there will be engagement, consult and notify residents during the works;

\* Details of the loading and unloading of plant and materials;

\* Details of the storage of plant and materials used in constructing the development;

Development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents and highway safety, and to ensure that the delivery of the adjacent development detailed above is not compromised pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012).

4) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the 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 agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this.

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 Section 11 of the National Planning Policy Framework and policy EN18 of the Core Strategy

5) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

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.

6) Final details of the method of extraction of any fumes, vapours and odours from each units shall be submitted to and approved in writing by the City Council as local planning authority prior to occupation of each use A3 /A4/A5 use. The details of the approved scheme shall be implemented prior to occupancy and shall remain in situ whilst the use or development is in operation.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy

7) Prior to occupation of each unit within the development a scheme for the acoustic insulation of any externally mounted ancillary equipment to ensure that it achieves a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location 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 equipment. The approved scheme shall be completed before the premises is occupied and a verification report submitted for approval by the City

Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation. The approved scheme shall remain operational thereafter.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy

8) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

07:30 to 20:00 Monday to Saturday  
10:00 to 18:00 Sundays and Bank Holidays

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

9) The premises including the external areas shall not be open to the public outside the following hours:-

0900 to 17.00 Monday to Sunday

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Core Strategy Policies DM1 and SP1 and saved UDP policies DC26.1 and 26.5.

10) The consent hereby granted shall not allow for the use of amplified sound or any music in these external areas at any time.

Reason - In the interests of the amenities of occupiers of nearby properties pursuant to policies SP1 and DM1 of the Core Strategy

11) Prior to the first use of the Markets Stalls hereby approved commencing, a scheme of highway works and details of any footpath reinstatement shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include the following:

(a) Any necessary highway works to ensure pedestrian safety in relation to the operation of the Markets;

(b) Removal and relocation of redundant and other street clutter required for the operation of the Markets.

The approved scheme shall be implemented and be in place prior to the first occupation of the Market Stalls within the final phase of the development hereby approved.

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).

### **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: 121375/FO/2018 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**  
**Corporate Property**  
**MCC Flood Risk Management**  
**Environment & Operations (Refuse & Sustainability)**  
**Oliver West (Sustainable Travel)**  
**Strategic Development Team**  
**United Utilities Water PLC**  
**Greater Manchester Police**  
**Historic England (North West)**  
**Environment Agency**  
**Transport For Greater Manchester**  
**Greater Manchester Archaeological Advisory Service**  
**Greater Manchester Ecology Unit**  
**Greater Manchester Geological Unit**  
**Greater Manchester Pedestrians Society**  
**Manchester Markets**  
**Northern Quarter Development Officer**  
**Planning Casework Unit**  
**Manchester Airport Safeguarding Officer**  
**National Air Traffic Safety (NATS)**  
**Civil Aviation Authority**  
**Planning Casework Unit**  
**Corporate Property**  
**Environmental Health**  
**MCC Flood Risk Management**  
**Highway Services**  
**Manchester Markets**  
**Northern Quarter Development Officer**  
**Environment & Operations (Refuse & Sustainability)**  
**Strategic Development Team**  
**Oliver West (Sustainable Travel)**  
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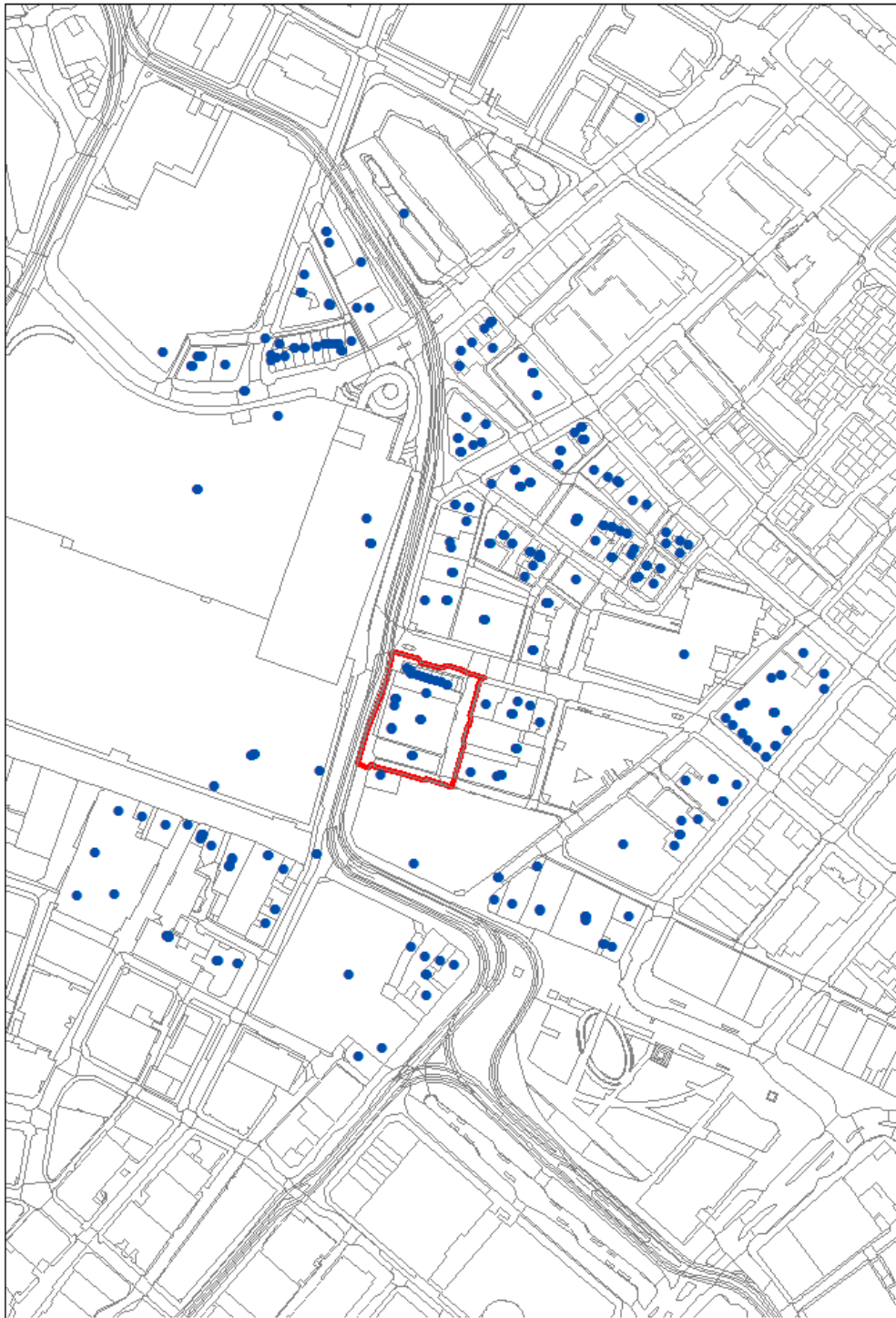
**Civil Aviation Authority  
Environment Agency  
Greater Manchester Archaeological Advisory Service  
Greater Manchester Police  
Historic England (North West)  
Manchester Airport Safeguarding Officer  
National Air Traffic Safety (NATS)  
Transport For Greater Manchester  
United Utilities Water PLC**

**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 :** Angela Leckie  
**Telephone number :** 0161 234 4651  
**Email :** a.leckie@manchester.gov.uk

Sit121121375/FO/2018



□ Application site boundary ● Neighbour notification  
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**121447**

1) The permission hereby granted is for a limited period only, expiring on 28-06-2024 and the use comprising the development for which permission is hereby granted is required to be discontinued on that date.

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(c) Recommendations to improve security within GMP (Design for Security) letter dated 07-09-19; and

(d) Management measures detailed within sections 5.1, 5.2, 5.3 and 5.4 of the submitted Design and Access Statement by FCB.

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\*Details of how the construction phasing will have due regard to the approved development at Red Lion Street (application ref no 113713 as amended by 119143 and 123173)

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Environmental Health  
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Strategic Development Team  
City Centre Regeneration  
United Utilities Water PLC  
Greater Manchester Police  
Transport For Greater Manchester  
Greater Manchester Archaeological Advisory Service  
Manchester Markets**

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