

## **Planning and Highways Committee**

### **Minutes of the meeting held on Friday, 28 June 2024**

**Present:** Councillor Lyons (Chair)

**Councillors:** Shaukat Ali, Bell, Chohan, Curley, Davies, Gartside, Hassan, Hewitson, Hughes, Kamal, Kilpatrick, Lovecy and Riasat

**Also present:** Councillors: Flanagan and Grimshaw

#### **PH/24/32. Supplementary Information on Applications Being Considered**

A copy of the late representations received had been circulated in advance of the meeting regarding applications 139133/FO/2024 and 137769/FO/2023.

#### **Decision**

To receive and note the late representations.

#### **PH/24/33. Minutes**

#### **Decision**

To approve the minutes of the meeting held on 30 May 2024 as a correct record.

#### **PH/24/34. 138910/FO/2023 - Henesy House, 4 Nobby Stiles Drive, Manchester, M4 4FA - Miles Platting and Newton Heath Ward**

This proposal was considered by the Planning and Highway Committee on 30 May 2024 when Members deferred consideration in order to undertake a site visit and for further information and clarification on how the accommodation would be commissioned and managed, and how it would relate to other similar uses in the ward.

A site visit took place on the morning of the meeting.

The accommodation would be occupied only on a referral basis in conjunction with the City Council's Homeless Team and residents would need to meet eligibility criteria to live there. Residents would be risk assessed relevant to their needs. Anyone who is considered to pose a risk of committing anti-social behaviour in the local area would not be accepted.

The accommodation would be staffed on a 24 hour basis. Staff would be working and on duty overnight. Residents would not be allowed visits and management arrangements would prevent residents from congregating outside of the building either within the grounds or on the public highway. Staff members would disperse any residents who are congregating outside and failure to comply with this could result their agreement being terminated. The applicant would make their contact

number available to surrounding residents and other users including the school, who can contact them directly and staff can immediately take appropriate action.

Residents would be encouraged to meet with their families in the family home or with friends at local day centres or other social/leisure facilities. It is recommended that the operational management, in condition 12, is modified in order to reflect these arrangements.

The City Council's Homeless Team and Support Housing Team support the proposal and do not believe that it would result in an over concentration of this type of use in the ward. The existing uses are low key in nature, housing a limited number of residents, and were dispersed across the ward avoiding a concentration in one location. As a percentage of the total population of the ward, these uses represented a small proportion of the total number of residents and would meet the needs of the most vulnerable.

The applicant stated that the proposal would help the council avoid the use of costly bed and breakfast accommodation. The applicant had worked with the city council and the scheme has the support of the Housing Team. It would accommodate low risk people who needed help. There would be a 24 hour staff rota and no sleeping quarters. People with a criminal record would be assessed on their individual case and any anti-social behaviour would not be tolerated. Clients would be contracted to a behaviour policy as part of their terms and conditions and anyone not adhering could be forcibly removed. Visitors would not be allowed on-site and there would be full control over who was in the building. Residents would be expected to meet family and friends at their premises or out in other social settings. GMP support the scheme and the applicant had engaged with Local Ward Councillors, redesigning the scheme from high to low risk clients. They had engaged with the local primary schools and met with Headteachers at an engagement event. The Diocese of Salford had provided the building free of charge for this purpose. Funding is available for additional security measures, such as CCTV and this scheme would enable low risk homeless males to build their lives back up towards a self-sustaining lifestyle and would reduce homelessness in Manchester.

Councillor Flanagan stated that it was a sad day for Ward Councillors and residents who had had to object to this scheme. They look for a compromise to any application, rather than object, adding that he had worked with and met the applicant as they have been involved in other homeless accommodation projects. He is not against homelessness accommodation sites but Miles Platting and Newton Heath Ward has a higher than average amount. It is not NIMBY-ism but the higher than average amount was an indicator of there being too many already. A senior Officer had advised him that the Ward is full to capacity and could provide a copy of the email. The Officer felt the proposal should not be supported when it could remain as an end of life and dementia care centre. The site could be considered for other uses and he was shocked to hear that money was the driving force behind this application. He stated that there is talk of relocating Abbott Primary School as it may be in jeopardy and closed by confirming that he was keen to continue working with the applicant.

Councillor Grimshaw stated that he did not completely agree with how the meeting had gone between Local Ward Councillors and the applicant. He noted that St

Patrick's RC Primary School were part of the Diocese so would clearly support the application. There had been no letter of support from Abbott Primary School and there is a lack of infrastructure to provide daytime meeting places in the Ward, with the library not being able to open full-time. Families and children would also use these places and it was posed whether these low-risk clients would make residents feel unsafe in their own communal areas. It was likely that the clients would meet their friends on street corners and make the area feel less safe. He stated that with some clients potentially coming from prison made him feel that the bigger picture remained unseen and expressed his disappointment with the application.

The Planning Officer stated that all formal responses to the application were contained within the report, adding that there may have been other conversations but Officers can only respond to what comes back to them. He confirmed that the Director of Homelessness is supportive and noted that there was not any over-concentration of these facilities in this Ward.

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

Councillor Kilpatrick noted the 1.69% concentration of similar homelessness projects in the Miles Platting and Newton Heath Ward but asked what the city average was.

Councillor Curley noted the Planning Officer's comments regarding comments sent to the Planning Team being all that could be recorded for the report and expressed that the applicant was a good organisation. He raised concern about vulnerable people and wished for them to be supported properly by their families and friends. There is a possible contradiction between there being a high need and the low risk nature of the potential tenants, adding that there were many who needed this kind of help due to mental health issues. He addressed Councillor Flanagan's comment around the issue of money by stating that this was a basic requirement for any project but would be concerned if this aspect was prioritised over health and wellbeing. Placing the scheme close to schools may not be best for either the project or the schools.

The Planning Officer stated that the scheme, if approved, would make 1.69% of dwellings for homeless families in the Ward and that the city average was 0.95%. The management plan would be a condition.

The Chair added that the site visit was useful in determining where the entrance would be located in relation to that of Abbott Primary School and that extra screening could be added if approved by the Committee today.

The Director of Planning confirmed this, noting that the Planning Team would work with the applicant for a suitable solution for screening between the school and the homeless unit if approved today.

Councillor Kilpatrick questioned the multiple entrances to the proposed scheme, one of which was directly opposite the foundation year's entrance, asking if there could be a condition placed on the application to restrict the use of these other entrances, where permissible for health and safety reasons.

The Planning Officer stated that the main entrance would be opposite the car park entrance and the other entrance was for staff use only, would be locked when not in use and there would be a condition to control this.

Councillor Davies concurred that the site visit had been useful, noting that the pedestrian gate entrance to the school would need to be open for emergencies but may be better if closed. She enquired on whether staff could prevent issues such as clients congregating outside of the building as an all-male presence would be intimidating. Further questions were raised on the issue of smoking and whether this was allowed in the individual residencies and also on control of drug use as this was another concern for passers-by and school children. If these behaviours were not considered anti-social but they could still be intimidating and threatening to others. Concern was raised around the potential for visitors to the clients being exploited in some cases.

The Planning Officer stated that the gateway would be locked 24/7 unless required for access or egress and referred the Committee to page 17, paragraph 4, regarding visits or congregating outside the unit or on the public highway, adding that this could lead to residents of the project having their residency terminated.

Councillor Hewitson questioned why this was not a scheme for Female clients, noting that that it had been refused for this purpose previously.

Councillor L Bell noted comments regarding clients meeting visitors at local day centres but considered that there was a lack of such provision in the Ward and had concerns about where the residents of the unit would congregate. He also raised concern around the amount of school children passing by the unit and asked what the overnight arrangements were for staff on-site, whether it would be staffed by 5 persons over a 24 hour period and how clients being “low risk” was assessed.

Councillor Lovecy noted that there was a need to determine the detail within the operations management plan. She noted that there was a similar scheme within her Ward which did have some issues previously but was now running well so noted how schemes like this can be successful and would want this to work as well. Councillor Lovecy stated that her concern was for this project to have arrangements for zero problems and an effective team. She questioned what these males would be doing in the daytime as the Ward didn't appear to offer much daytime provision. She noted that the Early Years centre also had an entrance on Nobby Stiles Drive. Councillor Lovecy requested for the Committee to have the assurances they needed to approve this application, noting specifically any contract with the Homelessness Service of the city council and issues of public concern. She supported the scheme in principle but had outstanding concerns.

The Planning Officer stated that the Committee could only deal with the application in front of them today, which was for 19 homeless low risk males. He referred to Councillor Bell's and Lovecy's comments, stating that the Homelessness Service were satisfied with arrangements for staff, managements and selective process of clients. Others support the scheme and all staffing and management operations.

The Director of Planning noted that there was a condition regarding how tenants would be assessed and that this had been worked over thoroughly with the Homelessness Service.

Councillor Davies expressed that she needed more information, adding that the Homelessness Service may be experts but would not address concerns of residents and were serving their clients. Councillor Davies asked for information on local day centres and leisure centres and on how tenants would be evicted if not complying with house rules, further enquiring about the legal process around this.

Councillor S Ali noted that his only concern was on the location of the proposal being next to schools, asking about the level of low risk and whether this may include drug users as he would consider them to be high risk.

The Director of Planning stated that any legal process around eviction is outside the remit of Planning, and any issues arising would be dealt with by a separate legal process. The assessment of client's risk and criteria was for the service to ascertain and promote, with assistance from city council colleagues.

Councillor Kilpatrick stated that it was disappointing to have asked for the concentration of similar schemes across the city on 21 June and be told today that it is higher than the city average and doesn't include travellers. There was a need for accommodation for homeless males but he asked how this scheme would impact on the local amenity and whether the school could deal with its operations. Councillor Kilpatrick inferred that it was difficult to make a decision as, on balance, there was general support for this type of provision but he felt that the application was lacking information on the overall concentration across the city and impact on the school. He directly enquired on what the operational impact would be to the school.

Councillor Davies enquired about the security of clients and why information regarding the potential termination of contracts was in the report if it was not something for the Committee's consideration. She noted the Condition 12 comment stating that the Operational Management Statement shall be submitted for approval and questioned how this was being applied, considering there was another step to follow.

The Director of Planning confirmed that the legal agreement was a separate process, not for the Committee to consider and that the tenancy details were not for the Committee to consider. There was an operational management plan, as per other Planning Committee applications with some level of detail and additional conversations will take place between the city council and the applicant, such as the issue of smoking on the site.

The Planning Officer addressed Councillor Kilpatrick's concern, stating that there would be no impact to the school, noting that the entrances to both the unit and the school were not opposite each other, there would be no outside gatherings allowed and children would be escorted to and from school as they were primary age.

The Chair passed back to the Committee to make a determination.

Councillor Lovecy still had concerns about Condition 12 and enquired about further assurances on an operational management plan. She noted that the school had not objected to the scheme and stated that this may add some weight in favour of the application and moved the officer's recommendation of Approve for the application.

The Chair asked Councillor Lovecy if her motion was to include additional conditions around screening.

Councillor Lovecy confirmed this to the Chair.

Councillor Gartside seconded the motion, adding that the applicant was present and would be able to take away the Committee's concerns and comments to address them with the Planning Team.

The Committee voted not to support the motion and the Director of Planning explained that the Committee would need to provide a reason to be resolved to a decision of Minded to Refuse.

Councillor Curley asked if the various concerns of the Committee could be consolidated into one reason by a member.

The Director of Planning stated that one reason was required from one member.

Councillor Curley motioned that the application be deferred due to a Minded to Refuse decision as the Committee resolved that they had concerns regarding – impact on community and school, the management of clients outside the premises, potential access issues to the premises and school, legal issues relating to the tenancy termination plans, provision of day care centres in the locality, concentration of similar projects in this Ward and that the scheme was considered the right application in the wrong location.

The Committee agreed that Councillor Curley's reasons addressed their concerns.

The Director of Planning noted that some of the comments in Councillor Curley's reasons were not relevant but noted that they would be taken away and the application would return for consideration.

## **Decision**

The Committee resolved to be Minded to Refuse due to the high concentration of similar schemes in the Ward, proximity of the scheme to primary schools, assurances around the operational management plan, tenancy termination concerns and lack of provision of local day centres.

(Councillor Kamal arrived during this item and took no part in the discussion or voting on the application).

**PH/24/35. 139133/FO/2024 - Land at Cornbrook Road, Manchester - Hulme Ward**

The Committee considered the report for the erection of a 24-storey mixed use building incorporating 224 residential apartments (Use Class C3a), 87 apart-hotel studios (Use Class C1), amenity space, flexible commercial space (Use Class E), and cafe (Use Class E(b)), together with infrastructure, landscaping, and other associated works.

The public realm would be improved including street tree planting, raingardens and high quality hard landscaping. There had been 3 letters of support and 9 objections.

The Planning Officer did not add anything to the printed report.

The applicant's agent addressed the Committee and stated that they represented the company and referred to their track record across the city centre and Salford with projects in Hulme, Ordsall and Ancoats. The developer wished to contribute to the city centre and this was a landmark development. The site in its current state was unattractive and subject to crime and the fear of crime. The application was a quality design of red brick with a sawtooth roof, harking back to the industrial heritage of the city. This development would provide much needed hospitality and access, adding public realm space to make the area feel safer whilst minimising impacts and improving economic growth. This was a good use of a brownfield site and the agent requested that the Committee approve the application.

The Planning Officer stated that the Cornbrook Metrolink stop was in dire need of improvement and this scheme would address that as part of the development and make the area much safer.

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

Councillor L Bell stated that his only concern was the lack of affordable housing within the scheme and hoped for some offer or support in this regard.

Councillor Kilpatrick noted that the height of the development had played a part in the objections received and stated that he made attempts to check the Strategic Regeneration Framework and questioned whether the increased height of the proposal was in line with this framework, as suggested in one of the objections. Councillor Kilpatrick moved onto a query around the light impact assessment and noted that the footprint of the scheme was the same as the previous application for this site. He raised concern over the impact to the Vox building and questioned why the development was compared to a theoretical building within the report. If the previously planned development was recommended for approval based on light assessments, then other factors should also be considered for this development, such as viability now that it was proposing a bigger building on the site. He noted that there appeared to be a different assessment as the Committee were being asked to approve a bigger building but lose the Section 106 agreement.

The Planning Officer stated that where affordable housing was concerned, the policy allows for a viability assessment to be undertaken. This is tested independently and then assessed in-house for consistency. It has been accepted that the profitability is way below the allowance for affordable housing to be considered on this scheme. This via a benchmark land value which shows that affordable housing could not be

sustainable for this proposal. However, it was noted that this could change and so a recommendation for a later stage assessment could be made when the development was 80% complete. The test would then be re-run and the possibility for the city council to arrange for a Section 106 contribution. With regards to the day/sunlight assessment, this was very technical and the Planning Officer stated that they had made best attempts to put this into plain language in the report. The BRE guidelines on day/sunlight are not subject to Planning Policy but could be used in court cases and is an accepted methodology of accepting readings. Regarding the mirror image of the development, it was practice for any application in the development stages to have a theoretical mirror image building also assessed for any high impact. There was agreement for a landmark building on this site as per a city centre situation. The day/sunlight assessment allowed for a higher build but this proposal was lesser than previously agreed. This information had been tested via appeal and court cases.

Councillor Lovecy enquired about the landscaping, asking if it was possible to add a condition to add a play area for children.

Councillor Curley addressed the issue around viability, noting that some city centre projects saw the developers unable to keep to promises, leading to project being kept on hold. Addressing the issue of the Section 106 agreements, he stated that Manchester would never get enough affordable housing, but stated that it always helps but felt that it was notable that the scheme would offer benefits to the broader area in tidying up a grim area of high use due to the Metrolink station. Councillor Curley expressed that the scheme should be welcomed for this improvement.

The Planning Officer referred to Councillor Lovecy's request, stating that it could be difficult to provide but the idea of a play area/apparatus would be investigated. He agreed with Councillor Curley's comments, stating that the application had been tested line by line and every value considered by three different services.

Councillor S Ali moved the officer's recommendation of Minded to Approve.

Councillor Curley seconded the motion.

## **Decision**

The Committee resolved to be Minded to Approve for the application, subject to the signing of a Section 106 Agreement to secure a late stage review of the viability to determine if there is any uplift in conditions to warrant a contribution towards affordable housing.

### **PH/24/36. 137769/FO/2023 - 190 Burton Road Manchester, M20 1LH - Didsbury West Ward**

The Committee considered a proposal regarding the erection of a single-storey rear and side extension to create additional retail space, internal bin store and WC and installation of new shop front and associated balustrading to forecourt.

The applicant proposed the erection of a single-storey rear and side extension to create additional retail space, internal bin store and WC, along with a new shop front



and balustrading to forecourt. Two letters of objections had been received from local residents and objections had been received from Ward Members. The main concerns raised included impact on residential amenity, the character of the Conservation Area and pedestrian/highway safety.

The Planning Officer did not add anything to the printed report.

Councillor Kilpatrick addressed the Committee as Local Ward Councillor, confirming that he had made representations prior to joining the Planning and Highways Committee. He stated that this was the only premises without infill to the rear in this location and expressed disappointment with the report for this application. The premises was for Class E use, café/restaurant and was temporarily operating as a yoga studio but should still be considered as Class E. He noted the potential impact on neighbours as the project was situated very close to local residents. Councillor Kilpatrick addressed his concerns regarding the use and movement of 1,000L waste bins and noted that he had spoken with the applicant who agreed to store these waste bins inside. Regarding the frontage, this premises was within the conservation area therefore restrictions apply on the frontage. Regrettably, many premises had required retroactive planning applications for work already done. Councillor Kilpatrick also noted the curtilage to the frontage of many premises in the area, noting that lots of shop frontages should not be there to obstruct the public highway. He urged the Committee to consider the Class E usage of the premises, not to consider what it was currently operating as, and consider the impact this would have on local residents. Councillor Kilpatrick concluded by stating that there were already notable impacts with bins regarding associated noise and waste issues and asked the Committee to reject the application.

Councillor Kilpatrick left the chamber after making his comments.

The Planning Officer addressed the concerns by stating that the applicant had altered plans for waste and Class E use. The planned internal bin was satisfactory for a restaurant and could be placed, but not stored at the rear of the building. Late representations gave greater control over acoustic insulation and front and back door opening being restricted and were addressed in the report. The front area would be allowed later hours for the bi-folding door usage. There was also an additional condition to reinforce that the premises would not be staying open to 01:00 hours, as was previously proposed.

Councillor S Ali moved the officer's recommendation of Minded to Approve.

Councillor Kamal seconded the motion.

## **Decision**

The Committee resolved to Approve the application subject to conditions set out within the report.