

MANCHESTER CITY COUNCIL

PLANNING AND HIGHWAYS

**APPENDIX TO AGENDA
(LATE REPRESENTATIONS)**

**on planning applications to be considered by
the Planning and Highways Committee**

at its meeting on 19 December 2019

This document contains a summary of any objections or other relevant representations received by the Department since the preparation of the published agenda. Where possible, it will also contain the Director of Planning, Building Control & Licensing's own brief comment. These summaries are prepared on the day before the Committee. Very late responses therefore have to be given orally.

**APPENDIX TO AGENDA
(LATE REPRESENTATIONS)**

Planning and Highways Committee 19th December 2019

Plans List No. 5

Application Number 122160/FO/2018

Main Agenda No.

Ward Longsight

Description and Address

Proposed residential development comprising erection of 80 no. apartments within 1 no. part 3 part 4 storey block and 1 no. 3 storey block and the erection of 167 no. 2 and 2 1/2 storey dwellings with associated car parking, boundary treatments and landscaping, the creation of new roads and access points off Kirkmanshulme Lane, site remediation and other associated engineering works following the demolition of the existing buildings.

Belle Vue Stadium, Kirkmanshulme Lane, Manchester

1. Member of the public

A further observation has been received from a member of the public from Hunton, advising that affordable homes are desperately needed and Greyhound racing is not. They state that the racing is not viable.

A further letter has been received from the Friends of Belle Vue and Startrax Oval Motorsport Ltd which is quoted below.

“The fact that this application has taken one year and two days to reach the planning meeting for a decision is indicative of the sheer volume of correspondence and genuine interest in the retention of this iconic stadium together, more importantly with the lack of quality of the original application and supporting reports from the developer. This has not improved in response to questions asked and may well have been rejected had it been heard as originally scheduled in March.

It should be noted as this is highly relevant, the occupiers, GRA Limited, have a clause within their lease that at no point may they comment or defend their activities at the site, to do so would result in the forfeiture of their lease. Whilst this may not be uncommon on leasehold land, with regards such a vital community asset it has stymied Friends of Belle Vue and Startrax in terms of gaining support and financial information from GRA Ltd as their ongoing business would be prejudiced. In essence, this is a 'gagging' clause which you should consider as of importance.

It is disappointing to note that in the planners 'weighting' towards housing

many submissions and reports are missing, an impact assessment from Mark Bird, MD of GBGB, stating how many jobs would be lost and how the closure would impact on greyhound rehoming centres illustrates just one.

The then Animal Welfare Minister, David Rutley MP, wrote two letters with concerns regarding rehoming of vast numbers of greyhounds and the official reply from Jeni Regan stated that animal welfare is not a matter of consideration for planning applications, if this is the case, why have animal welfare submissions been taken?

The committee report does not adequately refer to the Governing Bodies submissions indicating a continuing need for the motorsports, a pretty big omission!

The report fails to identify that Sport England were not aware of the motorsport use when they submitted their original representations. The SE argument about recognised sports is unviable even if only a common sense assessment is undertaken. A planning inspector elsewhere has cited that stock car racing falls under the auspices of Sport England, again submitted

These are serious omissions.

We also question the justification in recommending this application for approval. It is acknowledged the importance of the site however a key reason seems to be weighted around 'noise' and amenity and activities from the stadium. Yet it fails to mention the same noise and amenity issues exists from the Council owned stadium adjacent only opened in 2016. The fact that Speedway had been at the Greyhound stadium since 1927, one of the first homes for this new sport, stock car racing has been in the area since 1954 and at the Greyhound stadium since 1999. Worthy of note is that even today, between the two venues, less motorsport events are actually staged overall compared to the mid 1990's. We do not see this as reasonable justification. The stadium itself has been in existence and popular since 1926.

The need for housing plays into the planning balance BUT the site is not allocated in the development plan and Manchester already has a five year supply so the need is not pressing.

The affordable housing is also played up yet the proposed agreement already appears to write in for the developers a get-out clause. Of course this would not be applied until after the demolition has occurred as suggested elsewhere and of course, too late to save this iconic stadium

We also seriously question the developers 'viability' report.

1. The scope of this development would normally be the subject of an 'outline planning application. However under the terms of the lease agreement between GRA Ltd and Crown Oil pension fund, there is a singular break clause in the lease providing a six month notice period subject to 'full planning' consent.

2. It is our fear that this application may be requested to vary after consent is permitted - and the stadium is demolished based on viability. Once demolished, on behalf of the occupiers, there is little recourse for the present occupiers to object, the community asset has been demolished.

3. We feel that the developer's viability report is bereft of fact and requires further interrogation. The price the land is being acquired for development appears 'far too reasonable' given the purchase price originally when Crown Oil acquired the freehold. At this price, Startrax and Friends of Belle Vue would almost certainly be able to find investors to retain this asset for the long-term.

4. The yield to the developer, whilst within acceptable 'average' clearly leaves little room for margin and amendment and specifically states that no funds would be available for a section 106 to protect the amenity within the region. The provision for affordable housing is very much on the 'margin' of acceptance. One can only speculate on potential amendments and extra costs incurred since with requirements raised by Sport England pertinent to the adjoining Sports Village,

Solely based upon the above, we believe that this application should be refused.

The stadium is described as a 'former Greyhound Stadium' in the application, wholly inaccurate as it continues, as it has since the 1920's to be a viable and popular destination, currently running over 150 race events a season and events transmitted to over 40 countries across the globe. Indeed, it is operating more events than at many periods of its existence. It is also one of the most popular stock car racing venues in Mainland Europe attracting families and visitors locally and from a wide area. Much has been said about lack of investment in the site, which has been addressed and the GRA business is now owned by proven investors in the sport together with other interested parties in terms of investment in the site in the future.

Manchester once boasted 5 Greyhound venues [and venues for stock car racing] and now, only Belle Vue exists. To allow it's redevelopment as part and parcel of the fabric of Manchester with Greyhounds first launching in 1926 and stock car racing in 1954 would be comparable to wiping out the vibrant and historic 'music' scene in the city for which it is also renowned.

Friends of Belle Vue and stock car racing operators Startrax Ltd have provided detailed submissions, many endorsed by relevant MP's in government departments with regards many legal points pertaining to this application.

Such correspondence has not, in most cases, been adequately responded to by the Developers, certainly in key areas of the provisions of paragraph 97 of the National Planning Policy Framework (NPPF)" which are very clear in their purpose, to protect sports and leisure venues. The provisions of paragraph 97 of the National Planning Policy Framework (NPPF)". require a robust needs

assessment and viability study, neither of which have been addressed adequately. The quality of the developers response is poor and without substance and therefore merit.

The stadium is not only the sole remaining venue for Greyhound and stock car racing within the region, it is well supported, viable and the operating company has in recent months been acquired by a proven investor in sport, Arena Leisure and the stadium would be looking towards a period of significant investment. Many millions have been invested in stadiums around the UK in recent years underlining the viability of the sport.

The suggestion that the proposal, on balance, is compliant with the development plan is questionable. It appears to rely on financial assumptions about declining viability. It is well known that sports facilities do not work to usual financial rules and often means that sports are supported, for example, through sponsorship.

The need for housing plays into the planning balance BUT the site is not allocated in the development plan and Manchester already has a five year supply so the need is not pressing.

The affordable housing is also played up yet the proposed agreement already appears to write in their get-out clause. Of course this would not be applied until after the demolition has occurred!

The provisions of paragraph 97 of the National Planning Policy Framework (NPPF) are clear that they require sound argument to prove that it is no longer required and the activities contained within it are no longer required. That has not been proven. quite the contrary, there has been overwhelming response.

In this case, section 97 states that a meeting between the occupiers, the council and the developers should have taken place to identify that, if planning is approved, an alternative site and venue should be identified so the activities may continue. This discussion has not taken place and the developers admit in their own viability report that margin is tight and there may be no provision for a section 106 agreement to allow this to happen. This is a legal requirement.

This argument and legal requirement seems to have been ignored and 'weighted against'

There also exists a covenant dating back to the late 1800's from the original Belle Vue leisure park deeming that this land must be retained for 'leisure', it cannot be ignored as Manchester City Council addressed this in 2013 when developing the adjacent Belle Vue sports Village. It is disingenuous to suggest that the sports village be built yet the adjacent stadium on the same land may be surrendered.

An asset of community value was legally approved by Manchester City Council in recent years with 'Friends of Belle Vue' originated to fight against the demise of such iconic and legacy stadiums. That too, seems to have been

weighted against thereby meaning that the only option open to those protecting the stadium may be a probably prohibitive cost wise High Court legal challenge by means of review.

The report before you regrettably is inadequate, in many cases 'flawed' and lacking substance in several key areas. Other City councils have identified that these stadiums are disappearing, in recent months, Oxford City Council have opposed the development of the Cowley stadium and are looking into compulsory purchase to enable it to re-open for Greyhound racing and motorsport. Similarly, the Rugby Council have opposed the redevelopment of Brandon Stadium, Rugby since 2016 and the stadium remains with efforts again being supported for its re opening. We sincerely look to the planning committee to think very carefully at such decisions and the impact of the loss of this stadium in terms of the industry, employment and what it provides to the community in terms of being unique, well supported and provides incremental income.

In conclusion, we respectfully suggest that the arguments for redevelopment are inadequate, bereft of fact and fall well short of the requirements of aforementioned section 97.

We strongly urge that this application is 'refused' as there is no merit when compared to the alternate arguments and specific requirements. These activities must be protected for the future, granting the application today means this facility and its potential will be lost forever.

The stadiums freehold is retained by Crown oil Pension fund who have in the past publicly stated its yield is satisfactory. It has a remaining number of years on its lease. A refusal or deferment would enable proper discussion to ensue in re siting the activities as per paragraph 97 of the National Planning Policy Framework (NPPF)

We acknowledge that Greyhound racing has its detractors with an activist group being relatively successful in its rhetoric lobbying against the sport with council members. However, much of this argument is hugely emotional and inaccurate and has been answered by the relevant government ministers, departments and industry professionals who endeavour to ensure the sport is 'safe and humane. This decision must not be based upon emotional rhetoric that is distorted and from activists. This is a legal industry and activity.

As Startrax and FoB we are not ignorant to the requirement and urgent need for housing. What we are suggesting is 'not here, not now'.

Once it has been passed for redevelopment and demolished, there is not time for reflection. Please protect this huge community asset which is the last remaining remnant of Belle Vue's illustrious legacy heritage,

Understanding the legalities of Paragraph 97 of the National Planning Policy Framework (NPPF) and many other submissions contained within the bundle, it should prove conclusive that this application should be rejected to avoid all parties the cost and time involved in a potential full judicial review.”

A further objection has been received from a resident. They are of the view that they should have received correspondence about the scheme. They also raise the following concerns:

1. The impacts to air pollution as a result of the proposed development are not properly considered. Hyde Road already exceeds the thresholds in relation to air pollution, and there are no monitors for nanoparticles anywhere in the Council area so residents do not know what damage these will cause. Nano particles get into the bloodstream via the lungs.
2. There are already serious problems with traffic on Mount Rd to the south where it meets the A57 Hyde Rd. The traffic model of the Council is not correct. The 247 extra houses will add to that.
3. There are no Solar Panels visible on the artist's impression of the housing, so zero emissions for housing cannot be achieved.
4. There is no facility for underground car parking / charging Electric cars.
5. The destination of the so called 14% of Social housing as to exactly who benefits is not defined.
6. The train service at Belle Vue station is limited, and nothing is being done to improve that.
7. There is a threat to Green Space in the area as it appears no provision has been made for a school for these houses

2. Ward Members

Advises that as a local Councillor the concerns she raised through the planning process have been addressed in the final report (around the location of the affordable / social housing on the site) Although the applicant has not addressed the pepper potting issue she is happy to accept this, as the location of the housing has been moved to a more favourable position. She thinks the plans as submitted provide a good compromise. The only thing she asks is that as the development progresses if it is approved that the viability assessment continues to be reviewed (in line with our usual procedure) and push the affordable housing contribution up to 20% if this become possible.

The mix of family housing is much needed in the area and my discussions with residents on the neighbouring estates is that the housing will be welcomed.

3. Applicant/Agent

Finalised details of the proposed boundary treatments have been submitted for consideration, including the use of low walls and railings to the boundary with Kirkmanshulme Lane and Mount Road, hooped railings above a solid plinth to the front garden areas fronting the new estate roads, and 1.8m close boarded fencing to the rear garden boundaries ,with the exception of short sections of rear garden boundaries on corner plots which come to the back of pavement, which would comprise 1.8m brick walls.

Furthermore, further elevational plans for the proposed Southwick SA house types have been received which now fully reflect the location of the doors and

windows and roof orientation, as shown on the submitted planning layout plan.

4 Head of Planning - Further Observations/Modifications to Conditions/Reasons for Refusal

The issues raised above by Friends of Belle Vue and Startrax Oval Motorsport Ltd have been dealt comprehensively within the main report.

It is not appropriate in this case to consider the application under Paragraph 97 of the NPPF or Policy EN10 of the Core Strategy, as these relate to the protection of open space, sport and recreational facilities. The subject matter of this application is not a recreational facility protected in this policy and written justification to it. Therefore, it is considered that the Development Plan does not specifically protect greyhound or stock car racing as a sport or cultural provision and neither is there any such protection of it in the NPPF.

The City Council acknowledges that there is interest in these existing spectator activities, and the loss of such a facility may be detrimental to these activities locally.

This carries some weight as a material consideration counting against the development proposal. However, it is considered in this case that the loss of the facility is outweighed by the provision of a good quality residential development that provides a wide range of new accommodation for the residents of Manchester. The development provides a mix of 1 and 2 bed apartments, and 2 up to 4 bedroom houses all of which meet the Manchester Space Standards and have adequate access to private outdoor amenity space, off street car parking, secure cycle parking, electric vehicle charging points all within a high quality landscaped setting. Also, as discussed below, the proposals include the provision of 35 affordable units again with a mix of shared ownership and social rented options, to deliver a much needed supply of new homes within this area of the City.

With reference to jobs, as stated within the report the loss of employment has been carefully considered, and this includes the loss of secondary jobs in kennels. However, in terms of the planning balance, it is considered that the benefits of providing family homes outweighs the loss of jobs at the greyhound stadium.

Issues in relation to the loss of an Asset of Community Value are also covered in detail within the printed report.

Issues relating to covenants are a matter for the developers to overcome, and this matter does not prevent the grant of planning permission.

In relation to issues relating to consultation, 1496 notification letters were sent to local residents and local businesses, and notices were put in the local press and on site.

Issues in relation to air quality, and sustainability are covered in detail within the printed report. Whilst solar panels are not incorporate on the houses, they

are incorporated into the apartment blocks, Furthermore, electric vehicle charging points would be provided at a level 10% for the apartment blocks and 100 % for the proposed dwellinghouses (1 per dwellinghouse).

In view of the observations outlined above, it is proposed to rephrase Condition no.2 which relates to specified plans and condition no.27 which relates to boundary treatment to include reference to the additional plans received on 11 December 2019 listed below:-

- SK441-MAT REV C MATERIALS SCHEDULE
- SK441-BP-01 REV H BOUNDARY TREATMENTS PLAN
- NSD – 9102 TIMBER FRAME MASONRY EXTERNAL BOUNDARIES, FENCE TYPES A TO D
- NSD - 9202 REV A 500MM DWARF WALL WITH 700MM HOOP TOP RAILING DETAIL
- NSD - 9202 -01 HOOPED TOP METAL RAILINGS/BRICK PIERS
- NSD - 9104 CLOSE BOARDED FENCE DETAILS CONCRETE POSTS
- NSD – 9001 REV F TIMBER FRAME MASONRY EXTERNAL BOUNDARIES, WALL TYPES 1 TO 2
- NSD - 9113 SLIDING ENTRANCE GATES

Received on 11 December 2019

The additional elevational plans for house type Southwick SA listed below would also be referenced in condition no.2

- STHKSA-01 REV B THE SOUTHWICK SA (NDSS) – GROUND FLOOR PLAN
- STHKSA-02 REV C THE SOUTHWICK SA (NDSS) – FIRST FLOOR PLAN
- STHKSA-6.0A THE SOUTHWICK SA ELEVATION 6.0 – BRICK
- STHKSA-6.0-SEMIGH THE SOUTHWICK SA ELEVATION 6.0 – BRICK (SEMI) GABLE HIPPED

Received on 18 December 2019

The proposed boundary treatment for the overall site and elevational revisions to the Southwick house type are considered to be acceptable.

In relation to matters relating to privacy /overlooking, it is advised that the nos. 275 and 279 Stanley Grove would be the closest residential properties to the proposed development. In the case of no.275 Stanley Grove there would be 10m between the rear elevation of the existing dwellinghouse and the proposed side gable of plot no.130, and in regard to no.279 Stanley Grove there would be 20m between habitable room windows of the existing house and the proposed dwelling on plot no.129. It is considered that the siting of the proposed dwellinghouses would not give rise to adverse impacts to the residential amenity enjoyed by the existing occupiers of the properties on Stanley Grove in respect of loss of privacy.

The recommendation remains to MINDED TO APPROVE the proposed development subject to subject to the signing of a legal agreement for the delivery of affordable housing at the site, and the rephrased conditions detailed above.

**APPENDIX TO AGENDA
(LATE REPRESENTATIONS)**

Planning and Highways Committee 19 December 2019

Item No. 11

Application Number 124237/FO/2019

Ward Chorlton Park
Ward

Description and Address

Erection of a five storey building and a three storey building to accommodate 39 no. apartments (15 x one bed and 24 x 2 bed) following demolition of buildings, retention and change of use of Unit 1 as ancillary cycle and bin storage, with associated landscaping and parking

419 - 421 Barlow Moor Road, Manchester, M21 8ER

1. Ward Councillors

Councillors queried the inclusion of the security gate to the site frontage as they do not wish to see the establishment of gated communities. They also queried whether or not the scheme committed to achieving zero carbon and whether or not it was possible to see consideration for affordable homes for young people in close proximity and with family ties in the area.

2. Applicant

The applicant has provided a revised landscaping plan which takes into account Greater Manchester Police comments in relation to boundary treatment heights, the revised plan also takes note of the Greater Manchester Ecology Unit's comments about regarding apple tree specimens and has substituted these trees for an appropriate species in line with the recommendations of Greater Manchester Ecology Unit.

The applicant has also suggested minor amendments to the wording of conditions attached to the report to Committee, minor alterations which are acceptable will be made to the wording of the conditions.

3. Director of Planning

The plans originally submitted did not include security gates. Greater Manchester Police recommended in their Crime Impact Statement that there should be separation of private areas to the rear of the site for security reasons. Conversations were had with the agent for the application as to how to achieve this and the agent indicated gates on a revised plan subject to being discharged at a later date through the Secured by Design condition.

There are a number of ways that security can be achieved without gates to the frontage and a bespoke condition is recommended to agree the position of gates and other security measures to stop the establishment of a gated community.

The condition recommended is as follows:

Notwithstanding the details shown on the approved plan and prior to the occupation of the development hereby permitted details of the location and design of all security gates and other security measures necessary shall be submitted to and agreed in writing by the local planning authority. Development shall only be carried out in accordance with the approved details.

Reason – To reduce the risk of crime and to achieve permeable design, pursuant to policy DM1 of the Adopted Core Strategy for the City of Manchester.

With regards to the commitment of the scheme to addressing climate change, the scheme does include photovoltaic panels, three electric vehicle charging points and would be built using high specification building fabric, efficient energy systems and with mechanical ventilation with heat recovery. This is considered to effectively commit to addressing climate change.

With regards the query about who the affordable units will be offered to, Southway have confirmed that they are happy to work with City Council housing officers.

The applicant has submitted a plan that amends the height of boundary treatment from 1.8m to 2.1m as requested and has altered the fruit trees to a viable species.

It is therefore recommended that the specified plans condition (2) and the landscaping condition (16) are updated to reference the updated landscaping plan.

The recommendation of the Director of Planning is to **MINDED TO APPROVE subject to the completion of a Section 106 agreement relating to affordable provision.**