

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 21 January 2021

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 21 January 2021

Item No. 5

Application Number 128189/FO/2020

Ward Rusholme Ward

Description and Address

Change of use to a residential care home providing accommodation for up to 6 people (Class C2)

39 Daisy Bank Road, Manchester, M14 5GP

1. Director of Planning, Building Control and Licencing

The applicant has submitted details relating to a staff travel plan that have been assessed by Highways. Although further details are required in relation to its implementation and future monitoring, it is considered that the submission gives assurance that the details of the recommended staff travel plan condition are capable of being delivered as part of the development.

The recommendation remains one of APPROVE.

**APPENDIX TO AGENDA
(LATE REPRESENTATIONS)**

Planning and Highways Committee 21 January 2021

Item No. 6

Application Number 121252/FO/2018

Ward Deansgate Ward

Description and Address

Partial reconfiguration of existing Multi-Storey Car Park (MSCP), including temporary access off Great Marlborough Street, construction of 5 storey external ramps, closure of vehicular access to top level; and construction of new facade; and partial demolition of the surplus part of existing MSCP and erection of a part 55, part 11 storey, part 4 storey mixed-use building comprising 853 Purpose Built Student Accommodation units (sui generis), ancillary amenity space and support facilities, and 786sqm (GIA) SME incubator workspace (Use Class B1), including public realm improvements and other associated work

Great Marlborough Street Car Park, Great Marlborough Street, Manchester, M1 5NJ

1. Public opinion

Further comments have been received from the Macintosh Village Residents Company. The comments can be summarised as follows:

- The objection to the third notification was on behalf of 425 individual objectors;
- Members should receive a copy of their legal advice, and a more professional and accurate record of the impact for the developer, given residents would be successful in injunction (the possibility must be understood by Members);
- A 6-year construction plan has been communicated to residents. The 3 years within the report was a fictional plan and is misleading
- The price point was issued in the consultation documents stating £275 per week so it needs to be in the document and link to profitability and a more transparent S106. The committee report suggests the applicant is borrowing £150 million but is yet to land on a business model or price point?
- A legal offer was made during the second consultation of a direct payment to Macintosh Village Residents after sharing street crime CCTV footage and the acknowledgement that anti-social behaviour will increase pro rata with the increase from student caste V1 before they sold it;
- The statement regarding the track record of the applicant is biased. They no longer own student castle and a balanced report would inform members know of their track record of selling every 3 years;
- There are deliverability challenges and highways have said no access nor use of Hulme Street for cranes. The applicant says they will not use a tower crane as HSE would not allow residents to use the car park. So where is the crane shown on the construction plan during residents' consultation 2 and 3 going to go?

- A miscalculation with the UNITE scheme regarding access for the crane and site was made and the whole road was closed for the duration. You cannot close Great Marlborough Street for the duration nor use or access Hulme Street so where is the evidence of deliverability?
- The report does not reference the previous planning refusals in the area for over dominance of a tall building not on a podium;
- The report does not reference the Manchester Residential Design Guide;
- The report does not reference Part L of the Building Regulations that does not allow the use of an energy tariff to pass sustainability.

2. Director of Planning

Whilst the proposal would create 853 units, the size of the units means that some could be shared and up to 934 students could live there. The applicant intends to offer room to single occupants with the larger studios reserved for those with disabilities. However, for the purposes of considering the impact of the development, the planning submission, including the Environmental Statement, has considered the maximum capacity of the building. The report notes that room sizes are larger than other nearby student accommodation. 97% of the studios exceed 18 sqm,

The response of the Macintosh Village Residents Company (third notification) was supported by 425 individual objectors. The third notification was subject to a 30-day consultation, and publicised in the form of a press notice, due to information being received under the EIA Regulations. In addition, this information was the subject of a 21 days re-notification was undertaken with local residents.

The construction period is expected to be 5 years with the build lasting 3 and half years and the remainder for fit out.

The constrained nature of the site and the need to ensure that the MSCP remains operational throughout, creates construction and highway management challenges together with disruption to the surrounding residential area from noise, dust and traffic. The specific logistical requirements are still being considered with Highway Services and indicative details are provided in the report. The final location of the tower crane(s) has yet to be agreed, but Hulme Street would not be used for its erection or dismantling. A tower crane strategy would be required and condition 11 should be amended to make this more explicit.

Access to the MSCP would be managed when the crane is erected/dismantled in the interest of safety and access would be restricted/supervised during this time. The users of the car park would be given prior notification of any restrictions. In any instance where access is required without prior notice, or in the event of an emergency, the car park areas would be made safe in order to facilitate the request for access at the earliest opportunity. It is envisaged that this will be for short periods of time only during the lifting operations.

Once the crane has been erected, general construction exclusions zones would only apply to specific construction areas of the MSCP which include the roof of the car park. As detailed within the report, the car park would remain in use with appropriate

protection measures in place to ensure segregation from the construction site. Use of the lifts and main stair core would remain accessible. Any changes to access routes will be communicated in advance and clearly sign posted.

The applicant's contractor has developed management measures to minimise localise impacts on residents and the local highway network. This includes air quality monitoring measures and Just In Time (JIT) delivery systems which ensures that waggons do not idle on the surrounding road network.

The construction impacts of this development can be managed and mitigated so that amenity or highway impacts would not warrant refusal. Condition 11 would ensure that construction impacts are mitigated and agreed to maintain the operational effectiveness of the highway network and pedestrian safety and minimise impact on residential amenity.

Officers are in receipt of a legal opinion obtained by Macintosh Village Residents Company with regards to the impact of the redevelopment of the site on the leaseholders car parking spaces within the MSCP. It notes that the Residents Company oppose the redevelopment of the car park and that the purpose of the legal opinion is to determine whether the redevelopment of the car park is allowed within the confines of the leases and whether the redevelopment would result in an actionable interference with the rights of leaseholders.

The legal opinion states that the redevelopment of the car park, insofar as it would reduce the number of spaces available, is not permissible by the lease in or of itself and that the development of the car park (both during the 6 year construction phase and upon the completion) would likely result in actional interference with the rights of tenants with the benefit of the right of way and the right to park. The legal opinion concludes that the tenants with the benefits of the rights would be able to seek restrain such interference by injunction.

Members are advised that there are private third-party property rights relating to the right to park in the MSCP. Such rights are protected and enforced through other legislation and are not material planning considerations.

It is noted that Macintosh Village Residents Company disagree with this position and state that the presence of such rights effect the deliverability of the scheme which they believe is material to the planning decision.

Increasing the supply of purpose-built student accommodation would help to relieve pressure on existing homes in the city centre which drives up rents and are Council Tax exempt. There are also known issues, particularly at Manchester Metropolitan University, who is unable to offer all first-year students' accommodation in purpose-built student accommodation. The scheme on New Wakefield Street was promptly delivered upon the grant of planning permission and is now ready for occupation.

The applicant has a track record of delivering student accommodation schemes. It is not material to the determination of this planning application whether the applicant chooses to then sell their interest in a site and all obligations are attached to the land and not the applicant.

This planning application has to be determined on its merits. The scale, height appearance is considered in detail in the report particularly the impacts on the wider townscape and heritage. The images within the report, including cumulative impacts (shown in wire lines) comprehensively considers the local and wider impact on the City scape and concludes, that in most cases, the impacts are beneficial or commensurate with other nearby developments.

Where harm does arise, particularly to the setting of the conservation area and nearby listed buildings, this harm is suitably mitigated by the significant public benefits which would arise from a project of this nature. The proposal therefore accords with paragraphs 193, 194 and 196 of the NPPF and section 72 of the of the Planning (Listed Building and Conservation Areas) Act 1990.

Localised impacts on the wind environment and impacts on daylight, sunlight and loss of privacy are also considered likely and the effects are outlined in some detail in the report. Such impacts are not unusual in a city centre context and would therefore not warrant refusal of this planning application.

The report does reference the Residential Quality Guide a summary of which is included in the policy section of the report.

The correspondence relating to a legal offer etc is not part of this planning application and is not a relevant planning consideration. Designing out crime is a key planning consideration and the application has been reviewed by Design for Security at GMP with recommendations in the Crime Impact Statement. The recommendations in their report have each been included in the design including increased CCTV.

The development exceeds relevant planning policies and those outlined within Part L of the Building Regulations without a specific energy tariff. Commitment to a zero-carbon energy tariff is one additional means, beyond Part L, that forms part of the low carbon strategy.

The recommendation remains **Minded to Approve** subject to the signing of a section 106 agreement and amendments to condition 11.