

Planning and Highways Committee

Minutes of the meeting held on 16 March 2023

Present:

Councillor Curley – in the Chair

Councillors Andrews, Y Dar, Davies, Flanagan, Hewitson, Kamal, Leech, Lovecy

Apologies: Councillors Baker-Smith, Riasat, Lyons, S Ali and Sadler

Also in attendance: Councillors Hilal, Midgley, Rawson and Shilton Godwin

PH/23/21 Supplementary Information on Applications Being Considered

A copy of the late representations received had been circulated in advance of the meeting regarding applications 135048/FO/2022, 134946/FO/2023 and 135647/FO/2022.

Decision

To receive and note the late representations.

PH/23/22 Interests

Councillor Flanagan declared a Pecuniary Interest in Item 6 - 134946/FO/2022 Jessiefield Spath Road, Manchester, M20 2TZ - Didsbury West Ward.

PH/23/23 Minutes

Councillor Leech referred minute number PH/23/14. It stated that Councillor Leech had felt a site visit would not be helpful. Councillor Leech corrected this, stating he did support a site visit but noted that a site visit may not assist Members in understanding noise concerns of residents as the court was not yet built.

Decision

To approve the minutes of the meeting held on 16 February 2023 as a correct record, subject to the amendment above.

PH/23/24 135048/FO/2022 - Northern Lawn Tennis and Squash Club, Palatine Road, Manchester, M20 3YA - Didsbury West Ward

The Committee considered the report of the Director of Planning, Building Control and Licensing that presented an application relating to the erection of an 8.3-metre-high building to house two padel tennis courts, with associated lighting and infrastructure.

At its meeting held on 16 February 2023, the Committee deferred the application and requested the Director of Planning to submit a more detailed report regarding noise mitigation.

The Planning Officer noted that additional information was now contained within the report to show the impact from noise for residents would be within acceptable limits.

An objector attended and addressed the Committee on the application, raising concerns about the noise the development would create. A noise report had been commissioned by objectors and it was felt this had been left out of the published report. Concerns were also raised about the damage caused to the conservation area by this application.

The applicant attended and addressed the Committee, noting that noise impact was a consideration when choosing the location for this application. Acoustic testing was completed from outside the court, not inside, which would provide further noise mitigation, therefore providing a worst-case scenario. There was a proposed planning condition to provide further acoustic testing once the courts were constructed to ensure compliance. Further mitigation measures were available if noise levels were found to be not compliant. The applicant also addressed concerns relating to the conservation area.

Councillor Hilal addressed the Committee as ward councillor, raising resident concerns relating to noise and that the noise report submitted by local residents had been seemingly left out of the published report. Councillor Hilal requested the Committee had a site visit to determine if the application would have a detrimental impact on the local area.

The Planning Officer noted that a full and detailed, robust noise assessment was submitted as part of the planning application. They stated that colleagues in Environmental Protection were satisfied that the noise impact was within acceptable limits. The report commissioned by objectors was also considered in detail, but this did not change the conclusions of Environmental Protection. Once constructed, a verification report would be required to ensure that the correct mitigation was incorporated and an acoustic fence was also required to be erected next to the nearby residential gardens to provide further protection. In terms of the conservation area impact, this was fully assessed and considered to be acceptable, with the public benefits of the application outweighing any harm.

Members of the committee sought clarity on how the acoustic report commissioned by objectors had been considered. It was also suggested a site visit would be beneficial to the Committee.

The Planning Officer stated that their colleagues in Environmental Protection had fully assessed the report provided by the applicant and were happy that the conclusions of that report were correct. The report commissioned by the objectors did not change those conclusions.

The Director of Planning explained that the Committee had been provided with the conclusions of professionals in environmental health.

A member of the committee raised similar concerns related to the noise report commissioned by objectors.

The Planning Officer stated that both the applicant's and objector's reports had been fully considered by colleagues in environmental health. The report commissioned by objector's had not changed the conclusions they reached from the applicant's report.

A member stated that a site visit would not to be beneficial to the Committee as the application had been deferred based on noise and the impact of that could not be seen without it being built. The member suggested that he would be minded to approve, provided a condition was added for the Council to appoint an independent expert to assess both the applicant's and objectors' noise reports, with the Chair and Director of Planning to then determine whether the noise impacts were acceptable.

A member questioned if 50 decibels were the requirement for noise levels and if there was a possibility for swearing to be heard from the courts within neighbouring homes and their gardens.

The Planning Officer noted the information provided by the published report relating to the noise report. They stated that swearing was a management issue, and it was not appropriate to refuse a planning application based on this.

A member requested legal opinion relating to the proposal made for the committee to be minded to approve, subject to the assessment of the noise reports.

The Committee was informed that the proposal was not a condition that could be imposed on the Council and were reminded that council officers were the independent assessor.

The member withdrew the proposal.

Councillor Andrews moved the Officer's recommendation to approve the application.

Councillor Leech requested that an additional condition be imposed for additional noise mitigation measures to be implemented.

The Planning Officer stated that the conditions of the application required a verification report once constructed. They noted that safeguards were already built into the conditions as part of the application before the Committee.

The Director of Planning assured members that all representations received are looked at in great deal.

Councillor Dar seconded Councillor Andrew's proposal to move the Officer's recommendation to approve the application.

Decision

The Committee resolved to approve the application as set out in the reports submitted.

PH/23/25

**134946/FO/2022 - Jessiefield, Spath Road, Manchester,
M20 2TZ - Didsbury West Ward**

Councillor Leech declared an interest and moved to the public seating area, in order to address Committee on the application.

The Committee considered the report of the Director of Planning, Building Control and Licensing that presented an application regarding the erection of part two, part three storey building to provide 26 retirement apartments with associated communal facilities, landscaping, boundary treatments and car parking following the demolition of the existing dwelling.

At its meeting held on 16 February 2023, the committee agreed the proposal of Minded-to-Refuse, based on the scale and mass of the scheme coupled with the lack of adequate parking and disabled parking spaces.

The Planning Officer noted the applicant had taken on board concerns raised at the previous meeting and increased the number of car park spaces to 26. The ridgeline of the roof facing Lancaster Road had also been reduced by 0.65m. The officer also stated that additional images and CGIs are included within the report to demonstrate that the proposed scheme is in line with the conclusions reached by the inspector who dismissed the previous appeal.

An objector attended and addressed the Committee, raising concerns regarding scale and mass, and car parking having an impact on the street scene.

The applicant's agent attended and addressed the Committee, providing information on the purpose of the application. They noted a lower percentage of their residents would utilise a car. They stated the changes that the applicant had made since the previous meeting relating to parking, scale and mass, and tree planting.

Councillor Leech addressed the meeting as a ward councillor, noting his disappointment that there had not been a re-consultation for the significant changes proposed. Councillor Leech felt that the increase in car parking created a different problem in terms of the loss of landscaping. He felt that the site was too small for the proposal and the reduction in size was insignificant. He considered that the scale and massing of the development was still too large.

Councillor Leech then left the meeting and took no further part in the discussion or decision-making process.

Councillor Hilal addressed the meeting as a ward councillor, raising concerns about the increase in car parking and its impact on green space and not being in-keeping with the area. It was felt that the reduction in height was not a reduction as it took the size down to the original application that was previously rejected on appeal. Councillor Hilal felt the application would still be overbearing. It was noted that this application did not offer affordable housing, and this was not in line with Manchester's policy.

The Planning Officer noted the two reasons for Minded to Refuse at the last meeting. One was car parking, which had been addressed with the increase to 26 spaces and was considered to be visually acceptable on the street scene. In regard to scale and mass, there had been a substantial reduction since the previous appeal.

A member sought clarity on the Officer's recommendation of Minded to Approve subject to a legal agreement.

The Planning Officer stated the legal agreement related to the future retesting of the viability of affordable housing now the scheme had been reduced.

Councillor Andrews moved the Officer's recommendation.

A member noted the additional provision of car parking but still felt that the scale and mass of the application was not appropriate.

Councillor Kamal seconded Councillor Andrew's proposal to move the Officer's recommendation.

Decision

The Committee resolved that it was Minded to Approve the application, subject to a legal agreement containing a reconciliation clause which would require the future retesting of viability for the provision of affordable units, as set out in the reports submitted.

(Councillor Flanagan declared a Pecuniary interest in the item and withdrew from the meeting for the duration taking no part in the discussion or decision-making process).

PH/23/26 135278/FO/2022 - St Gabriels Hall, 1 Oxford Place, Manchester, M14 5RP - Ardwick Ward

The Committee considered the report of the Director of Planning, Building Control and Licensing that proposed a development involving some demolition and the erection of part 4 storey, part 5 storey buildings and the refurbishment and restoration of existing buildings to form student accommodation, with associated landscaping, cycle parking, car parking and associated works 319 student bedrooms are proposed, including 217 studios and 102 cluster units, split across two new-builds and a refurbished St Gabriel's Hall and Woodthorpe Hall.

At its meeting held on 16 February 2023, the Committee was Minded-to-Refuse the application, owing to a lack of electric vehicle charging points and disable parking.

The Planning Officer had no further information to add to the published report.

The applicant's agent attended and addressed the Committee, noting the applicant had addressed the Committee concerns from the previous meeting, particularly relating to disabled parking, doubling the number of spaces available.

Councillor Flanagan welcomed the increase in parking provision for disabled students and moved the Officer's recommendation of Approve.

Councillor Andrews seconded the proposal.

Decision

The Committee resolved to Approve the application as set out in the report submitted.

(Councillor Leech left during this item and took no part in the discussion or decision-making process).

PH/23/27 135647/FO/2022 - 550 Mauldeth Road West, Manchester, M21 7AA - Chorlton Park Ward

The Committee considered the report of the Director of Planning, Building Control and Licensing that related to the erection of a retail foodstore (Class E) with new access arrangements, following demolition of existing structures.

At its meeting held on 16 February 2023, the Committee agreed to undertake a site visit, owing to concerns raised around traffic and pedestrian safety, junctions and highways at the site.

The Planning Officer stated there had been a site visit on 16 March 2023, with the physical context of the site being observed. Also, that following this application being deferred additional information has been included within the report in relation to highway and pedestrian safety as well as additional information submitted by the applicant. The additional information includes details of the independent road safety audit which was undertaken, the increase of customer cycle parking provision to 24 cycle spaces including provision for 4 cargo bikes. Also, 15 safety bollards on Nell Lane, the restriction of servicing during morning school drop off and additional information in relation to the junction at Nell Lane amongst other matters. Additional information within the report also compares anticipated movements with the use of the existing office building which has a 105 space car park.

An objector attended and addressed the Committee, highlighting the concerns of local Head Teachers and local residents. Concerns were raised relating to the suitability of the location, traffic and accident data and child safety. It was noted that holding a site visit on the day of a teacher's strike did not highlight the full extent of the problems relating to highway and pedestrian safety at peak times.

The applicant's agent attended and addressed the Committee, noting the changes since the deferral. Those changes included the introduction of safety bollards on Nell Lane, a Planning condition preventing deliveries during the morning school drop-off period and a Planning condition to ensure management of the car park prevented parent use for school drop-off and pick-ups. There was also a commitment to review travel planning in the first three months of the store opening to ensure it operated in a safe and appropriate manner. It was noted that the Council's Highways Team and Transport for Greater Manchester were satisfied that the application was safe and acceptable in terms of highway and pedestrian safety.

Councillor Shilton- Godwin addressed the Committee as ward councillor, raising concerns related to highway and pedestrian safety. It was felt the application would add to traffic on the route to four local schools, hindering pupil safety. Car and Van

use in the area had increased by 28% but there had been no similar increase in parking, which in turn had created issues with pavement parking. Councillor Shilton Godwin stated that if the store was to be a local store for local people, then the size of the car park should be decreased, whilst increasing the cycling parking. Whilst welcoming the idea that parents could not use the car park for school drop-off and pick-ups, there was uncertainty on how that would be achieved.

Councillor Midgely addressed the Committee as ward councillor, noting the need to acknowledge the positives of the application too. During a cost-of-living crisis, it was stated that for residents to have a local budget supermarket within walking distance was a positive. Residents had often been paying for taxis to different areas for their shopping. The local employment opportunities were also welcomed.

The Planning Officer stated that mitigation measures had been proposed at the junction of Nell Lane, with all evidence fully assessed showing that the junction can operate safely. The Mauldeth Road West junction was to be upgraded. An independent safety audit had been carried out and concluded that the impact of the proposals on the highways were not unacceptable. It was noted that the Committee should take account that the office building that occupied the site could be used at any point, with a 105-space car park, without any controls.

Councillor Flanagan raised concerns relating to traffic management. It was stated that there was a need to consider the possibility of the use of the 105-space car park but noted this was only 20 more spaces than within the application. Councillor Flanagan noted that there was a Mosque nearby that would increase traffic for Friday Prayers but that had been omitted from the report. Councillor Flanagan was not satisfied that this was a safe application and therefore proposed that he was Minded to Refuse based on highway safety for traffic to the supermarket, pedestrians, and cyclists.

The Planning Officer repeated that all junctions had been fully tested and they were satisfied that they could operate safely. An internal safety audit had been carried out and was considered in the Officer's recommendations.

Councillor Lovecy noted that the site visit had been helpful. Councillor Lovecy supported Minded to Refuse, with further work completed on traffic management at the site.

A member welcomed the site visit but noted that it had been a teacher's strike on the day, so it was not representative of the scale of the problem. The member also referenced page 190 of the published reports, that stated the offices being used for their original purpose would increase traffic further than this application. He stated that he did not accept those figures due to the changes in people's working habits in recent times. The member felt that the highways data that concluded there would be no additional traffic as a result of changes to Barlow Moor Road and this application was completely false.

The Chair requested that the member amend the comments relating to completely false data being used by the highway's teams. The member amended his statement to say the data was flawed.

The Planning Officer repeated that all junctions had been fully tested and they were satisfied that they could operate safely. The modelling used is nationally recognised and one that all Local Authority's must consider in Planning applications.

A member sought clarity that the impact of the changes to Barlow Moor Road had been factored in.

The Planning Officer stated that their colleagues in highways had assured them that they had.

The Chair recognised that Councillor Flanagan had moved a recommendation of Minded to Refuse, which had been seconded by Councillor Lovecy.

Decision

The Committee resolved that it is Minded to Refuse the application, owing to traffic management issues.