

## **Planning and Highways Committee**

### **Minutes of the meeting held on 25 July 2024**

**Present:** Councillor Lyons - In the Chair

**Councillors:** S. Ali, Chohan, Collins, Davies, Gartside, Hassan, Hewitson, Hughes, Kamal, Kilpatrick and Riasat

**Apologies:**

Councillors L. Bell, Curley and Lovecy

**Also present:**

Councillor Flanagan, Miles Platting and Newton Heath Ward

#### **PH/24/37      Supplementary Information on Applications Being Considered**

A copy of the late representations received had been circulated in advance of the meeting regarding applications 138662/FO/2023 and 139751/FO/2024.

**Decision**

To receive and note the late representations.

#### **PH/24/38      Minutes**

**Decision**

To approve the minutes of the meeting held on 28 June 2024 as a correct record.

#### **PH/24/39      138910/FO/2023 - Henesy House, 4 Nobby Stiles Drive, Manchester, M4 4FA - Miles Platting and Newton Heath Ward**

The Committee considered the report that reminded Members that this application was initially considered by the Planning and Highway Committee on 30 May 2024, where it was deferred in order to undertake a site visit and to allow further information and clarification to be provided on how the accommodation would be managed, and about other similar uses in the ward. The site visit took place on the morning of 28 June and was later considered by the Committee. At the May Committee Members were minded to refuse the item, with a decision being deferred to allow officers to address the concerns raised as follows:

- How resident's contracts would be terminated in the event of a breach of their agreement, and if/how the operator could move residents on.
- The signposting and provision of access to daycentres for residents to meet friends and families, and the general management of and support given to residents outside of the facility.
- The impact on the neighbouring school's accesses, and the impact on the local community and operation of the school.

- The overconcentration of uses of this nature in Miles Platting and Newton Heath and their subsequent wider effect on the ward.

In reporting back to Committee, officers advised that these concerns could not form the basis of defensible planning reasons to refuse the application, on the basis that:

The termination of a resident's license and the protocol for moving residents on would be addressed through the management and operation of the facility. The Management Plan could be controlled via a planning condition (See condition 12). It has been confirmed that residents would occupy on a license agreement, which could be terminated without notice if they breach the terms of the agreement. No notice is required and there are no legal rights of appeal. Causing anti-social behaviour, congregating outside the site or on local streets would be in breach of the license agreement and could lead to immediate eviction. Effective management of residents outside of the facility would be achieved through the deterrent of the termination of their license agreement.

Residents would be encouraged and signposted to attend other sites in the local area to meet friends and family. These measures would be included in the Management Plan. The site is on the boundary of Piccadilly ward and the facilities that residents would be signposted to are in neighbouring areas. These include day centres, educational, volunteering and training services and other leisure facilities. Examples include the Booth Centre, Barnabus, Lifeshare and Caritas facilities. Other examples include Mustard Tree and Back on Track. Other leisure facilities include Central Library, Aquatics Centre, The art gallery and MOSI.

All residents would be registered at the Urban Village Medical Practice under their homeless person contract ensuring services would not be taken away from local people. The practice is fully supportive of this scheme.

Residents would access the facility through the main entrance at the southern end of the site. The vehicular access to the car park and the pedestrian gate at the northern end of the site would be used only by staff, with the latter being locked and used in the event of an emergency. These measures would be secured by condition 12. The only entrance for residents would be as far away as possible from the school's access.

Policy H10 states that housing for people with additional support needs will not be supported in areas where there is a high concentration of similar uses. However, there is no threshold in the policy and demonstrable evidence to support impact due to an alleged over concentration is required. The ward has only a marginally higher number of such uses than other neighbouring areas, and for the reasons set out above there is no basis to refuse permission as the management plan, license agreement, controlled access points and the spread of facilities for residents in a wider area would not cause adverse impact or cause disproportionate stress on local infrastructure and facilities.

The applicant stated the proposed scheme would accommodate 19 single males who had been assessed as low risk and with low need. She reiterated the difference between a license to occupy as opposed to a tenancy agreement, and the associated

license conditions relating to congregating and antisocial behaviour. She said occupants would be permitted to smoke in their bedrooms and the communal courtyard. She said that the management and operation plans had been fully endorsed by the Council's Homelessness Service. She further reiterated the use of the main entrance as the primary access route and that discussions had been undertaken with Abbott Primary School, including options for additional screening between the site and the school. She added that no formal letter of objection had been submitted by the school to the proposed development. She stated that dialogue with both the school and local residents would continue. She said that training and educational sessions would be delivered to the occupants on site, in addition to occupants being signposted to relevant support services outside of the ward, but within a mile walking distance. She said that Urban Village Medical Practice were fully supportive of the scheme. She concluded that by stating that the applicant had a proven record of delivering quality, well managed support services.

Councillor Flanagan stated that the area in which the scheme was proposed already had proliferation of services and schemes designed to support vulnerable residents, including drug and alcohol services; a bail hostel (Approved Premises); homelessness services; in addition to the high levels of temporary accommodation. He commented that the area experienced high levels of deprivation and there was a lack of shops in the vicinity that had resulted in a food desert. He reiterated that he was not anti-homeless services and that he had met and spoke with the applicant to discuss concerns previously discussed at Committee. He stated that an absolute redline would be the site being used for the 'A Bed Every Night' scheme, for the reasons that those individuals referred could not be adequately risk assessed. He proposed that the Committee, if minded to approve should consider including a condition that excluded the site from being used as part of the 'A Bed Every Night' scheme or reject the application.

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

Councillor Davies stated that the Council was committed to supporting rough sleeping and those experiencing homelessness, however appropriate consideration needed to be given to where services were located and the impact these could have on the local community. She noted that the 'A Bed Every Night' scheme had been very important in the support offered to rough sleepers and questioned if the Operational Management Statement could be modified to include a condition to exclude the site from accepting referrals from the 'A Bed Every Night' scheme.

Councillor Kilpatrick referred to the minutes of the previous meeting where he had asked for a condition regarding restrictions on the use of other entrances and noting the discussions at this meeting regarding the use of the main entrance. He requested that a condition be agreed in relation to this. He further questioned what controls the operator could reasonably have once an occupant had left the premises.

Councillor S. Ali asked how an individual would be assessed as being low risk before being accommodated at this site.

The Planning Officer stated that a condition could be included that addressed the discussion regarding the use of the main entrance and the installation of appropriate screening with the school.

The Legal Officer said that the test for any condition would be if it was enforceable and therefore this would have an impact on a specific condition regarding 'A bed for Every Night'.

The Director of Planning stated that the proposed operational and management plans were robust and this set out how the premises would be occupied. In response to a comment made regarding the funding of the scheme, she said that this was not a material planning consideration. With reference to the 'A Bed Every Night' scheme she said that it would be very difficult to categorically rule out excluding this site from ever being used and said that if the Committee were minded, she could discuss this with the applicant to agree a suitable condition in consultation with the Chair about reinforcing the content of the Management Plan.

Councillor S. Ali, noting the discussion and views of the Committee moved the recommendation to approve the application, subject to a conditions being agreed by the Director of Planning and the applicant, in consultation with the Chair, to be included in the management plan in regard to the relationship of the site and the 'A Bed Every Night' scheme; the use of the main entrance by occupants and the establishment of additional screening between the site and school.

Councillor Gartside seconded this motion.

## **Decision**

The Committee resolved to approve the application subject to the inclusion of conditions that were to be agreed by the Director of Planning and the applicant, in consultation with the Chair in regard, to be included in the management plan in regard to the relationship of the site and the 'A Bed Every Night' scheme; the use of the main entrance by occupants and the establishment of additional screening between the site and school.

## **PH/24/40     138662/FO/2023 - 98 Wilmslow Road Manchester M14 5AL - Moss Side Ward**

The Committee considered the report that described the proposal for the erection of a 4 storey building to form 42 no. residential units (Use Class C3) with ground floor commercial restaurant / cafe and retail units (Use Class E and sui generis), car parking, cycle parking and associated infrastructure following the demolition of the existing building on site.

Following the notification process of the application proposals 13 responses were received 11 of these raising concerns and objections and 2 indicating support.

The key issues were:

- The scale and massing of the proposals.

- Impact on residential amenity and neighbouring properties.
- Highway impacts arising from the development.
- Demolition and construction impacts.

The agent for the applicant attended the hearing and addressed the Committee on the application, stating that they had worked closely with the Planning Department to address the issues relating to the previous decision to refuse and submit an amended application. These amendments included an alteration to the northern elevation facing the adjacent 'Jobs Centre Plus building' to improve the window relationship of proposed residential units to that site and also alterations to the internal layout including relocation of the entrances to the retail units so these reflect the more commercial frontages on Wilmslow Road and Grandale Street opposite the site. These amendments were subject to further notification of residents and consultees. He said that the height and footprint of the proposal had been reduced and the architecture was sympathetic to the local area, and an increase in onsite car parking and the provision of 100% secure cycle storage. He said that occupants of these high quality residential properties would not be able to access the local residents parking zone in the area, noting that the site was well accessed by sustainable modes of transport and there had been no objections to the amended proposal by Highways. The agent concluded by stating that he was confident that sufficient measures and controls had been proposed to address any concerns and requested the Committee endorse the Planning Officers recommendation to approve the application.

The Chair invited the Committee to ask questions or make comments

Councillor Gartside stated that she recognised the benefits of developing this site and welcomed the application. She enquired about the implications of the amendments to parking bays on Grandale Road.

Councillor Kilpatrick welcomed the provision of 100% secure and covered cycle parking provision within the ground floor of the development. He commented that the development would deliver 15 on-site car parking spaces and questioned whether this would be sufficient for the number of units. He further sought an opinion as to whether it would be lawful to exclude residents from this development from having access to the Resident Parking Zone scheme.

The Planning Officer stated that the loss of the parking bay was on the North side of Grandale Street and was not one that was part of the Resident Parking Zone scheme, adding that the bay to the South side would not be lost. He said that the option proposed by the applicant to the removal of the northern parking bays and conversion of the southern bays from '3-hour maximum stay' bays to '1-hour maximum stay' bays is accepted in principle. He said that any costs associated with any amendments to the Traffic Regulation Order would be met by the applicant.

Councillor Davies said that Condition 9 provided no assurances in relation to the management and operation of internal risers to manage fumes, vapours and odours that were discharged from the retail units. She said that issues such as noise nuisance and fire risks could result from such installations.

The Planning Officer stated that the ongoing maintenance of the internal ducts would be required through the details to be submitted as part of the discharge of that condition. and would be agreed in consultation with the Planning Department and the Environmental Health Department.

Councillor S. Ali moved the recommendation to be Minded to Approve for the application.

Councillor Riasat seconded this motion.

## **Decision**

The Committee resolved to be Minded to Approve 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; and, provision of car club membership for 2 years and not permitting residents of the development applying for resident parking permits.

### **PH/24/41      139751/FO/2024 - Fallowfield Shopping Centre Birchfields Road Manchester M14 6FS - Rusholme Ward**

The Committee considered the report for the erection of a new foodstore (Use Class E) and 1no. retail unit (Use Class E) and 1no. hot food delivery unit (sui generis) with associated car parking and landscaping.

Planning permission was granted in May 2022 for a new foodstore, following the demolition of existing retail units on this site.

The current application also proposes the erection of a new foodstore (Use Class E) to be operated by Lidl, with associated car parking and 2no. new sub-let units, within Fallowfield Shopping Centre.

The main changes between the two applications relates to an increase to the proposed building footprint, alterations to the car parking arrangement, the addition of a further sub-let retail unit and the loss of the existing medical centre.

Following notification of the application, one representation has been received, objecting to the proposal, on the grounds undue operational and construction.

The key issues were:

- *Regeneration and sustainable location within an established shopping centre.* The application site relates to accessible, brownfield land and would offer favourable regeneration to provide appropriately scaled economic development which would create a range of local employment opportunities.
- *Loss of the existing medical centre.* The site currently accommodates a medical centre to be demolished and not re-provided. This issue is covered in detail in the body of the report.

- *Environmental*. The proposed redevelopment has the potential to bring about significant environmental and visual improvements, offering the redevelopment of an underutilised brownfield site to deliver a modern foodstore development. Such development would improve the appearance of a prominent site adjacent to a key arterial route.

- *Impact to residential amenity*. Given the context of the proposal within an out-of-town retail park, the levels of activity would not be untypical.

- *Impact to the operation of the highway*. The application has been considered by both TfGM and Highways Services. Subject to necessary off-site highway works to be secured by an attached planning condition, no significant issues are raised.

The agent for the applicant attended the hearing and addressed the Committee on the application, stating that the application reflected the Lidl operating model. He commented that the provision of car parking had been increased from 94 to 102 and the proposal would deliver 40 new jobs and the subletting of two retail units. He commented that there had been no objections from statutory consultees. He said that the NHS were of the opinion that the current medical centre building was not fit for purpose, and it was understood that the NHS who operated the medical centre were presently exploring options for its relocation nearby and they had been granted an additional 12 months to secure an alternative site.

Councillor Kilpatrick asked if approval had been agreed with HS2 to develop the site, noting that the northern part of a site currently used for wider car parking provision and was previously earmarked for a HS2 ventilation shaft. This area was still subject to a safeguarding direction.

Councillor Hewitson noted that the medical centre was very well used by residents and welcomed the agreement reached to allow the NHS 12 months to secure an alternative site.

The Planning Officer stated that HS2 had given their approval for the site to be developed subject to appropriate conditions.

Councillor Kamal moved the recommendation to approve the application.

Councillor Hughes seconded this motion.

## **Decision**

The Committee resolved to Approve the application.

**PH/24/42      139537/FO/2024 - Clever Clowns Day Nursery Greenbrow Road  
Manchester M23 2UH - Baguley Ward**

The Committee considered the report for the erection of a three-storey apartment block comprising 20 apartments following demolition of existing building, supported by access, parking, landscaping, drainage, and other associated works.

The proposals related to the development of a site that currently contains a two-storey vacant building last used as a day nursery and prior to that a public house. The building is proposed to be demolished with the site redeveloped to provide 20 affordable residential apartments in a three-storey building with associated car parking area to the rear of the site.

Following notification of the application 7 representations were received objecting to the proposals.

The key issues were:

- Scale and height of the proposed building.
- Impact on adjacent existing residential properties.

The agent for the applicant attended the hearing and addressed the Committee on the application, stating that the proposal would realise the redevelopment of a vacant building for the provision of 20 affordable residential units within a sustainable location. The units would comprise of 1 and 2 bedroom apartments that would be of a high-quality design providing good size accommodation. These would support older residents to right size. She commented that the proposal would not impact on local amenities as the proposed height and depth of the development had reduced so as not to be detrimental to neighbouring properties. Further she commented that the car parking proposal were considered to be acceptable by the Planning Department and the proposal was in a location accessible by public transport and the proposal would provide 20 internal cycle parking spaces.

Councillor Gartside welcomed the proposal and the delivery of affordable housing. She also welcomed the opportunity this proposal presented for people to right size.

Councillor Hughes moved the recommendation to approve the application.

Councillor Kamal seconded this motion.

## **Decision**

The Committee resolved to Approve the application.