

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
117470/FO/2017	15th Nov 2017	18th Oct 2018	Piccadilly Ward

**Proposal** Erection of 6 storey building comprising a restaurant (Class A3) and retail unit (Class A1) at ground floor level and fourteen apartments above, together with basement parking.

**Location** 39 Mason Street, Manchester, M4 5FX

**Applicant** Mr H Rowlinson, Linson Construction Pension Fund, Abbeywood, Abbey Lane, Delamere, CW8 2HW

**Agent** Matthew Gilbert, The Planning Consultancy, Bridge Farm, Sarn, Malpas, SY14 7LN

### **Description**

The application site relates to a rectangular shaped area of land situated at the corner of Mason Street and Marshall Street and is presently used as a surface level, pay and display car park.



**View of application site when viewed from the corner of Mason St and Marshall St**

The site which was formerly occupied by the Hat and Feathers public house is immediately bounded to the south by a 5 storey office building (including basement and roof-space) known as the John Swift building and a 6 storey, light industrial building (including basement and roof-space) to the west, which is currently under consideration for conversion into 14 apartments.

The application site is located on the north eastern fringe of the city centre within a regeneration area covered by the New Cross Neighbourhood Development Framework and is situated a short distance from the busy inner relief ring road and the main north/south route of Rochdale Road to the west.

The immediate area comprises buildings built on a strong grid pattern and includes various uses consisting of a number of low level warehouses of a traditional red brick character and more recent style office buildings, interspersed with a series of surface level car parks. Just to the north west of the site is a 20 storey residential building known as Skyline Central.

The area has recently begun to undergo significant development activity, including residential conversions, new build apartment blocks and hotels to be built as part of the regeneration strategy for the area which aims to create a high quality, residential led neighbourhood.

The New Cross area is also home to a number of historic buildings both listed and non-listed heritage assets which contribute significantly to the character of the area.

In the case of this application, planning permission is sought for the erection of a 6 storey, contemporary building, comprising a restaurant (Class A3), retail unit (Class A1) and bin storage at ground floor level, with fourteen, two bedroom apartments above. At basement level, a parking area to accommodate 8 cars is proposed, together with cycle storage.

Pedestrian access to the building is served by three separate entrances serving each of the three uses from Mason Street, with vehicular access to the basement car park served off Marshall Street via a car lift.

The application relates to a revised proposal to that originally submitted. During the course of the application changes were requested to the elevational design detail, minor changes to the building footprint and an increased set back of the top floor apartment from the adjoining John Swift building.

The application follows the granting of planning permission in 2010 for a 7 storey building to form 15 student apartments involving the creation of 80 bedrooms and a ground floor retail unit (Ref: 087073/FO/2008/N1). Shortly after permission was granted, the public house previously situated on the site was demolished in anticipation of development, but due to economic conditions, the permission was never implemented. The permission has since lapsed and the site used as a car park since.

## **Consultations**

Local Residents/Occupiers – 1 objection has been received from a neighbouring business occupier. Comments are summarised below:

- Notwithstanding the revisions, the proposed development will result in a severe visual intrusion for occupiers of the neighbouring top suite which would undermine the amenity of the occupants. The building in such close proximity

to the neighbouring building will cause overshadowing and loss of daylight to the 5 roof-lights to the north eastern pitch of the neighbouring mansard roof and will prejudice daylighting for the occupiers of the top floor office, particularly in the early hours of the day.

- It is considered that the submitted daylight study should not be relied upon as a robust assessment.
- Given the proposed basement for underground parking, there is concern about the impact upon neighbouring foundations and the structural integrity of the neighbouring buildings.
- As the proposed structure abuts the neighbouring building, there is concern about how the neighbouring building and in particular the roof, will be maintained.

Environmental Health – No objection. Conditions are advised in relation to ground conditions, hours of opening, servicing hours, fume/odours, acoustic insulation, waste management, air quality and construction management.

Highway Services – It is noted that the site is situated in an accessible, sustainable location in close proximity to a range of public transport facilities.

It is anticipated that the proposal is unlikely to generate a significant increase in the level of vehicular trips and therefore there are no network capacity concerns.

The proposed access points and waste management arrangements are considered acceptable, as is the level of cycle parking provision.

In terms of car parking, the 8 parking spaces represents 0.57 spaces per apartment and is considered consistent with similar city centre developments. Additional parking demands generated by the retail unit and restaurant can be accommodated by the network of on-street parking bays and adjacent car parks.

The development is situated within the New Cross area of the city which is subject to a public realm strategy. The developer will be required to demonstrate whether a contribution can be achieved toward public realm and infrastructure improvements.

If planning permission is granted, it is recommended that a condition is included which will require the submission and approval of a construction management plan.

MCC Flood Risk Management – Further to the submitted drainage strategy, further information is requested in relation to overland flow routes. A condition is requested in this regard.

Greater Manchester Police – The proposed development should be designed and constructed in accordance with the submitted Crime Impact Statement and a planning condition should be added to reflect the physical security specification listed within the statement.

Greater Manchester Archaeological Advisory Service – There is little heritage interest and no further archaeological mitigation is required.

Greater Manchester Ecology Unit – The site appears to have no ecological interest. In addition, the adjacent buildings are unlikely to support bats.

United Utilities – No objection. Conditions are recommended in relation to foul and surface water drainage.

## **Other matters**

### **Consultation & Publicity**

The proposal, by virtue its site area has been classified as a small scale major development. As such, the proposal has been advertised in the local press (Manchester Evening News) as a major development. A site notice was also displayed at the application site and notification letters have been sent to neighbouring occupiers

## **Policy**

### **Local Development Framework**

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and

appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy CC1 (Primary Economic and Economic Growth in Manchester) – refers to key areas of economic growth and states that within the city centre and fringe, a variety of high quality accommodation types, sizes and foot-plates will be encouraged to boost investment by local, national and international businesses. The city centre and fringe will be considered a suitable location for the consideration of high density buildings and commercially led mixed use schemes.

Policy H1 states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors. New housing will be predominantly in the North, East, City Centre and Central Manchester, these areas falling within the Regional Centre and Inner Areas of Manchester.

The policy goes on to state that that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- Reflect the spatial distribution set out above which supports growth on previously developed sites in sustainable locations and which takes account of the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;
- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours.

Policy H2 'Strategic Housing Location' states that the key location for new residential development throughout the plan period will be within the area to the east and north of Manchester City Centre identified as a strategic location for new housing. Land assembly will be supported in this area to encourage the creation of large development sites or clusters of sites providing the potential for significant regeneration benefits.

Developers should take advantage of these opportunities by:-

- Diversifying the housing offer with particular emphasis on providing medium density (40-50 dwellings per hectare) family housing including affordable housing. In locations which are close to the City Centre, such as the Lower Irk Valley and Holt Town, higher densities will be appropriate. However, the provision of family homes should remain an emphasis in these areas, too.
- Including environmental improvements across the area.

- Creating sustainable neighbourhoods which include complementary facilities and services.
- Considering the scope to include a residential element as part of employment-led development.

The proposal will comply with the densities identified within this policy and bring about significant regeneration in an area identified for change.

Policy EC1 (Employment and Economic Growth in Manchester) looks to ensure priorities for economic growth, the Council will support significant contributors to economic growth and productivity including health, education, retailing, cultural and tourism facilities, and other employment generating uses.

Policy EC3 (Regional Centre) – states that within the Regional Centre development for employment generating uses including offices and other commercial development will be encouraged.

Policy T2 (Accessible Areas of Opportunity and Need) states that the Council will actively manage the pattern of development to ensure that new development: is located to ensure good access to the City's main economic drivers, including the Regional Centre, the Oxford Road Universities and Hospitals and the Airport and to ensure good national and international connections. Is easily accessible by walking, cycling and public transport; connecting residents to jobs, centres, health, leisure, open space and educational opportunities. Particular priority will be given to providing all residents access to strategic employment sites.

Policy EN1 'Design principles and strategic character areas' The proposal's considered to be a high quality scheme in terms of its design and appearance that would enhance the regeneration of the area.

Policy EN3 – states that the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains

Policy EN4 (Reducing CO<sub>2</sub> Emissions by Enabling Low and Zero Carbon Development) concerns reducing CO<sub>2</sub> emissions and states that where possible, new development and retrofit projects must be located and designed in a manner that allows advantage to be taken of opportunities for low and zero carbon energy supplies. The use of building materials with low embodied carbon in new development and refurbishment schemes is also sought.

Policy EN14 (Flood Risk) – refers to flood risk and amongst other issues states that all new development should minimise surface water run-off, including through

Sustainable Drainage Systems (SUDS) and the appropriate use of green infrastructure.

Policy EN16 (Air Quality) – states that the Council will seek to improve the air quality within Manchester, and particularly within Air Quality Management Areas, located along Manchester’s principal traffic routes. Developers will be expected to take measures to minimise and mitigate the local impact of emissions from traffic generated by the development, as well as emissions created by the use of the development itself.

Policy EN17 (Water Quality) states that developments should minimise surface water run-off and minimise ground contamination into the watercourse construction.

Policy EN18 (Contaminated Land and Ground Stability) - The Council will give priority for the remediation of contaminated land to strategic locations as identified within this document. Any proposal for development of contaminated land must be accompanied by a health risk assessment.

Policy EN19 (Waste) states that the Council will require all developers to demonstrate the proposals consistency with the principles of the waste hierarchy (prevention, reduction, re-use, recycling, energy recovery, and disposal). Developers will be required to submit a waste management plan to demonstrate how construction and demolition waste will be minimised and recycled.

PA1 ‘Developer Contributions’ states that where needs arise as a result of development, the Council will seek to secure planning obligations. Through such obligations, the Council may seek contributions for a number of benefits, including affordable housing, with priorities assessed on a site by site basis. This is discussed later in relation to the submitted Financial Viability Assessment.

In addition to the above, a number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy.

#### Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policies of the Unitary Development Plan are also considered relevant:

Policy DC10 (Food & Drink Uses) determines that planning applications for development involving the sale of hot food to be consumed off the premises the Council will have regard to, particularly in this instance:

- The general location of the proposed development;
- The effect on the amenity of neighbouring residents;
- The storage and collection of refuse and litter.

The Council will normally accept the principle of development of this kind in the City Centre, industrial and commercial area and, at ground level, in local shopping parades of more than 8 shops or offices.

Where the Council considers food and drink premises to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. Such conditions include limitations in terms of the hours of opening and the need to deal adequately with the storage of refuse and collection of litter.

Policy DC26 (Noise) states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise.

#### The Guide to Development in Manchester (SPD) (2007)

The Guide to Development in Manchester is a supplementary planning document which contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability. This guidance is relevant not only to permanent development, but also to temporary uses such as that proposed in this application.

#### New Cross Neighbourhood Development Framework (July 2015)

The New Cross Development Framework was adopted by the City Council's Executive in July 2015. This document has been prepared to guide development in the New Cross area to ensure a quality of new development that will result in a safe, accessible, vibrant, distinctive and sustainable residential led neighbourhood where people want to live.

The framework in particular seeks to build upon New Cross's location adjacent to the City Centre, Northern Quarter and other key regeneration areas along with close proximity to sustainable transport hubs.

The application site falls within 'Zone A' where an illustrative masterplan has been prepared which demonstrates how the development principles identified within the neighbourhood framework could be delivered. Zone A is particularly identified as having a distinctive historic grid pattern, along with some key Listed Buildings, which help reinforce a sense of place and character to the area.

The framework states that 'Zone A' "*will accommodate a range and mix of residential accommodation in a high quality and well managed environment that will ensure the emergence of vibrant new neighbourhoods of choice*". Such residential developments should respond to the grid pattern for the area along with ensuring active frontages. There should also be amenity space provided as balconies and roof spaces. The document goes on to state that night time uses beyond 11pm will not be supported in order to reflect the residential neighbourhood feel to the area.

### New Cross Public Realm Strategy (2018)

The New Cross Public Realm Strategy provides a co-ordinated approach to public realm delivery and a series of mechanisms for maximising developer contributions, with the intention of supporting the provision of appropriate public realm and core neighbourhood infrastructure.

### Manchester Residential Quality Guidance (2016)

The City Council's Executive has recently endorsed the Manchester Residential Quality Guidance. As such, the document is now a material planning consideration in the determination of planning applications and weight should be given to this document in decision making.

The purpose of the document is to outline the consideration, qualities and opportunities that will help to deliver high quality residential development as part of successful and sustainable neighbourhoods across Manchester. Above all the guidance seeks to ensure that Manchester can become a City of high quality residential neighbourhood and a place for everyone to live.

The document outlines nine components that combine to deliver high quality residential development, and through safe, inviting neighbourhoods where people want to live. These nine components are as follows:

- Make it Manchester;
- Make it bring people together;
- Make it animate street and spaces;
- Make it easy to get around;
- Make it work with the landscape;
- Make it practical;
- Make it future proof;
- Make it a home; and
- Make it happen.

### City Centre Strategic Plan 2015-2018 (March 2016)

On the 2 March 2016 the City Council's Executive approved the City Centre Strategic Plan which seeks to provide an up-to-date vision for the City Centre within the current economic and strategic context along with outlining the key priorities for the next few years for each City Centre neighbourhood. This document seeks to align itself with the Manchester Strategy (January 2016) along with the Greater Manchester Strategy. Overall the City Centre plan seeks to "shape the activity that will ensure that the City Centre continues to consolidate its role as a major economic and cultural asset for Greater Manchester and the north of England.

The plan identified that there has been strong population growth over the last 20 years and demand for city centre living is rapidly increasing. It should also be noted that the strategic plan also endorsed an extended boundary of the City Centre upon which the strategic plan is based. This extended boundary includes the application site and the wider New Cross area.

The strategic plan states that the growth of the City Centre “*has contributed additional residential accommodation, commercial property and leisure destinations, and these locations (together with others including the Irk Valley and New Cross) have clear potential to contribute to the City Centre offer: their relationship with, and proximity to, existing concentrations of activity demands their inclusion with the City Centre boundary. The expansion of the City Centre boundary to incorporate edge of centre neighbourhoods and developments will increase a population that has already trebled over the last decade and subsequently further enhance the City Centre economy*”

The City Centre plan particularly recognises the role that New Cross can play in terms of delivering residential growth and providing a higher quality residential offer in line with the regeneration framework.

As a result, one of the key priorities for the Northern Quarter is to “*explore options to develop connections to Ancoats/New Islington and New Cross, spreading the creativity of the Northern Quarter eastwards and also maximising the opportunities presented by the growing communities in those areas*”.

#### Manchester Strategy (January 2016)

The strategy sets the long term vision for Manchester’s future and how this will be achieved. An important aspect of this strategy is the City Centre and how it will be a key driver of economic growth and a major employment centre. Furthermore, increasing the centre for residential is fundamental along with creating a major visitor destination.

#### Greater Manchester Spatial Framework (GMSF)

The Association of Greater Manchester Authorities (AGMA) is preparing a sub-regional spatial framework in order to prepare a vision for a better, more productive and successful Greater Manchester.

The draft plan is at early stage of preparation, but it sets out a number of key strategic approaches and issues and objectives that a successful Greater Manchester needs to address in the coming years.

#### National Planning Policy Framework (2018)

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

The Framework underlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Relevant to this application, Section 6 provide guidance in relation to 'Building a Strong Economy', Section 11 underlines the need to 'Make Effective Use of Land and Section 12 provides design guidance – 'Achieving Well-Designed Places'.

### National Planning Policy Guidance (March 2014)

The Government produced a suite of documents to act as a live resource which set out advice and best practice on a wide range of planning issues following a detailed review of planning policy guidance as a way of streamlining policy.

The relevant sections of the NPPG in this case are as follows:

*Noise* - Local planning authorities' should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

Mitigating the noise impacts of a development will depend on the type of development being considered and the character of the proposed location. In general, for noise making developments, there are four broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

*Design* states that where appropriate the following should be considered:

- layout – the way in which buildings and spaces relate to each other;
- form – the shape of buildings;
- scale – the size of buildings;
- detailing – the important smaller elements of building and spaces;
- materials – what a building is made from.

*Air Quality* – Guidance states that when air quality is considered relevant to a planning application, which includes when proposals:

- Give rise to potentially significant impact (such as dust) during construction for nearby sensitive locations;

- Significantly affect traffic in the immediate vicinity of the proposed development site or further afield; or
- Expose people to existing sources of air pollutants. This could be by building new homes, workplaces or other development in places with poor quality.

### Other legislative requirements

Section 149 Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

### **Issues**

#### Principle

Having regard to the existing planning policy framework, City Council policy and national planning guidance, the principle of the development is considered acceptable.

Policy H1 outlines the strategic approach to housing growth in the City. Approximately 60,000 new homes need to be provided in the City between 2009 and 2027. This growth is expected to be accommodated principally within the North, East, City Centre and central areas of Manchester which fall within the Regional Centre and inner areas of Manchester. This is as a direct response to Manchester's growing economy and population growth, the latter of which is expected to rise significantly over the next 20 years.

New developments in the City will therefore be expected to contribute towards this growth strategy ensuring that development takes place within the right areas to meet demands along with creating high quality places and neighbourhoods of choice.

Policy H1 goes on to state that the Regional Centre is a priority area for residential schemes in order to support regeneration and drive regional growth. This approach is supported by the Regional Centre policy within the Core Strategy, policy EC3, which states that high density housing will be appropriate in the Regional Centre, particularly where it complements employment generating uses. This high density approach for the Regional Centre is also reiterated within policy H4 which seeks to achieve 30% of new residential development (approximately 18,280 new homes) in East Manchester.

Policies SP1 and H1 also seek to encourage development on previously developed land including the renewal of areas characterised by poor quality housing, whilst the NPPF advocates a presumption of sustainable development particularly where existing resources can be utilised and shared.

The proposal is situated within the regional centre and within the extended city centre boundary as defined by the City Centre Strategic Plan 2015-2018 (March 2016).

The application site is also identified within the New Cross Development Framework area which advises that the site should be developed for residential led development as part of supporting the ongoing redevelopment and renewal of the area and creating a sustainable community

The proposal will therefore assist in delivering upon the City's growth objectives for residential, commercial and population growth.

The City Centre plan particularly underlines the role that New Cross and adjoining areas can play in terms of delivering residential growth and providing a higher quality residential offer in line with the regeneration framework. This will allow for better linkages with the communities of North Manchester to the City Centre along with providing a catalyst that can drive further residential development in these areas.

Given the above, the proposal is considered to accord with the policy framework set out within the report, though consideration should also be given to specific planning issues and the impact of the proposal upon its surroundings and adjoining occupiers. These issues are explored in more detail below.

### Site Layout

In this case, the proposed layout maximises the potential of the site with the proposed development occupying the entire site up to the back of pavement to maintain the continuity of the street-scene and street edge and to reflect the layout and form of adjoining buildings and the highly urbanised context of the immediate area. The resultant development creates an urban block which envelopes the adjoining buildings to the south and west.

The development will provide active frontages to Mason Street and Marshall Street, whilst the residential accommodation on the upper floors will be separated from activity at street level.

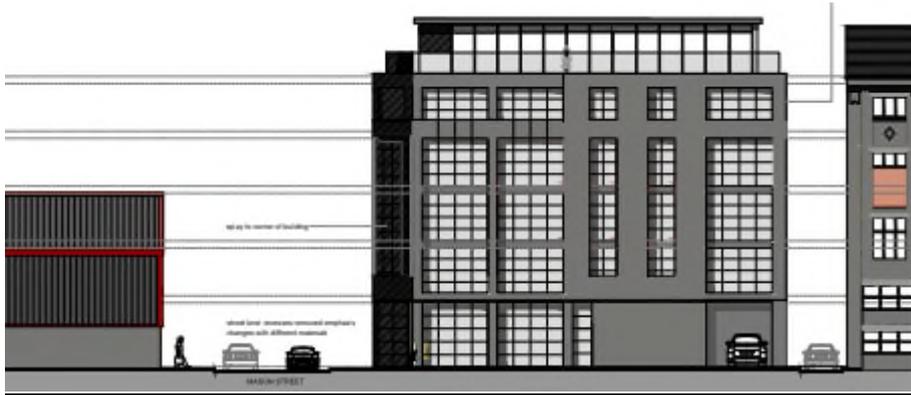
Once inside the development, access to each of the apartments is achieved from a single pedestrian entrance off Mason Street and via an internal staircase and lift to the upper floors. The same arrangement allows access to the waste store on the ground floor and the basement car parking area.

The residential accommodation is arranged with 3 apartments to each of the 1<sup>st</sup> to 4<sup>th</sup> floors and two further penthouse apartments situated on the fifth floor.

In terms of the commercial accommodation, access to the retail unit is achieved from a separate entrance on Mason Street, with access to the restaurant to be gained from an entrance situated at the splayed corner of Mason Street and Marshall Street. Access to the basement car park is achieved via an access point serving a car lift on Marshall Street.

On balance, it is considered that the proposed arrangement maximises the main street frontages that the development addresses, reinforces the historic grid iron





View of proposed building (centre) looking from Marshall Street

The scale and density of new development within the Framework area needs to be informed by the critical requirement to retain and reinforce the strong street grid pattern that exists in the area and for which it is considered that the proposed development responds.

It is maintained that the urban block to which the site relates can, given the adjoining context, comfortably accommodate a 6 storey building and the juxtaposition between the neighbouring buildings would not result in an awkward or uncomfortable relationship, nor would it would have any significant undue impact upon amenity.

In terms of appearance, the applicant has adopted a contemporary approach, influenced by the local context and which reflects the strong vertical emphasis to respond to neighbouring buildings and notably the neighbouring John Swift building which is of strong visual and historic interest and one of the few buildings in the immediate area that is most likely to survive the regeneration of the area. It is therefore relevant and important that the proposed development responds to this building more than any other, to allow for an integrated approach within the street-scene.

With regard to materials, the exact specification is to be agreed by way of a planning condition. Indicative details indicate the use of contemporary materials, comprising a combination of grey facing brick, cladding and large sections of glazing to give a lightweight feel.

The materials are to be selected to compliment the neighbouring building, with changes to materials proposed to reflect the strong eaves line with the neighbouring Johns Swift building and the use of facing brick with deep reveals to mirror the punctuation and rhythm of the neighbouring façade.

In addition to the above, a key design detail needs to take into account the relationship between the proposed building and that of neighbouring structures, particularly the neighbouring building on the corner of Marshall Street and Hatter Street.

The rear (western) elevation is bisected by a narrow backstreet between the application site and a neighbouring light industrial building further along Marshall Street and has been designed with a blank elevation containing no windows to

prevent any overlooking and so not to prejudice any potential future development of the neighbouring building.

The neighbouring building at the corner of Marshall Street and Hatter Street is also under consideration for its conversion into 14 apartments (Ref: 117058/FU/2017) with both proposals having been designed to take account of each other so to prevent any awkward, future relationship in terms of overlooking or loss of daylight.

On balance, it is considered that the proposed development will make a substantial addition to the street-scene and will provide a high quality façade to both Mason Street and Marshall Street frontages and will assimilate appropriately into the street-scene.

### Visual amenity

The proposed development will regenerate a previously developed site within the heart of the New Cross area, along a key frontage.

The site which is presently used for surface parking in an area that has a large amount of similar parking provision, albeit on a predominantly temporary basis, presently makes a negative impact on the visual character and appearance of the area. The proposed development will contribute to the evolution of the regeneration of the New Cross Framework area to provide high quality development and the opportunity to allow improvements to the appearance of the area to the benefit of visual amenity.

### Density/Balance of Accommodation

The proposal will provide 14 residential units within the development comprising 14 x 2 bedroom apartments. The plot occupies a site measuring 0.04 hectares in area. This represents a development of 350 units per hectare.

Policy H1 states that developments of over 75 units per hectare will be appropriate on sites in the City Centre and in the Regional Centre. Whilst this development is considered to represent a dense form of development, it is considered appropriate given the character of the area given its location on the City Centre fringe.

In terms of the type and standard of accommodation, policies SP1, H1, H2 and H4 of the Core Strategy seek to ensure that the right type and standard of accommodation is created in the city. This is reiterated within the Residential Quality Guidance which outlines space standards for new accommodation across the city.

Internally, the development comprises a variety of apartment sizes, ranging from 78.2 sqm to 96.5 sqm which adhere to the spirit of the guidance and are acceptable.

### Commercial development

The proposal will provide two small commercial units at ground floor level, involving a retail unit (Class A1) comprising 75 sqm of floorspace and a café/restaurant (Class A3) measuring 62.3 sqm.

It is anticipated that the proposed ground floor will be occupied by the applicant's own company which presently operates gardens, a hotel and wedding function venue at Abbeywood, Cheshire and will enable them to extend aspects of their operations and business model into the city centre.

It is considered that given the city centre location of the site following the expansion of the city centre boundary and the aspirations highlighted within the New Cross Neighbourhood Development Framework which seeks to create a residential led neighbourhood of choice, the proposed commercial uses are believed to be acceptable in this location by providing local amenities, creating local job opportunities and by creating an active frontage to Mason Street and Marshall Street. The proposal will create a positive catalyst for the wider regeneration on the area and allow increased connectivity to the traditional city centre to support the aspirations of the development framework.

### Residential Amenity

Given the site's city centre fringe location, the former use of the site as public house and its current use as a surface car park, together with the mixed use nature of the area which contains a variety of nearby residential, light industrial and office uses, a hotel and surface car parks, a further residential use and two small commercial units in the area are unlikely to have any significant, detrimental impact upon the nearest residential occupiers, due to existing background noise levels and levels of activity in the area.

The proposed site is situated within an emerging and expanding residential neighbourhood and developments such as that being proposed are typical of the city fringe. It is not uncommon for developments of a higher density and sited in such close proximity to each other, with reduced levels of light and sense of openness being substantially less than suburban areas. On that basis, the impact upon the residential amenity is considered satisfactory.

Due to the semi industrial nature of the surroundings in this area, it is however important to protect future occupiers from any undue noise and disturbance and whilst the surrounding uses are typically low key, daytime operations, conditions are recommended that the building and external equipment are appropriately acoustically insulated. A further condition is required to control any fumes/odours that may arise from the proposed ground floor restaurant.

Similarly, the proposed hours of operation for the commercial units will be no later than 11pm, in line with the New Cross Neighbourhood Development Framework, in order to maintain the amenity of the area.

### Economic Impact

In this case, the proposal is expected to enable the creation of 3 full time and 6 part time jobs. Further employment will be created on a temporary basis during construction.

## Effect on Neighbouring Occupiers

A representation has been received by a neighbouring building owner objecting to the proposal on the basis of loss of sunlight, daylight, overshadowing and visual intrusion, due to the proximity of the proposed development to the roof slope of the adjoining John Swift building. This building is used as an office and neighbours the site to the south. Whilst there are no windows on the main side elevation facing the proposed building, the facing mansard roof slope contains a series of 5 skylights (see photograph on first page).

It is contended that the proposed building would be intrusive and cause a loss of daylight and sunlight which would prejudice the conditions of daylighting for occupiers of the top floor office suite, particularly in the early hours of the day.

In response to this, the applicant has set back the top two floors of the proposed building from the neighbouring building, with the top floor set back 3.7 metres and the floor below set back 2.4 metre. The external terrace area is to also be enclosed by 2 metre high opaque screen in front of adjoining window to prevent any unlikely overlooking, whilst no terrace faces onto the roof-lights. A condition to ensure the inclusion of the opaque screen has been included. It is considered that such measures will go some way to negating the impact upon neighbouring occupiers.

In addition, the applicant has commissioned an External Daylight Study using industry standard methodology as prescribed by the Building Research Establishment (BRE) and British Standard guidance.

The main criteria used in such analysis includes the Vertical Sky Component (VSC) which measures the general amount of light available on the outside plan of a window as a ratio (%) of the amount of total unobstructed sky viewable following the introduction of visible barriers such as buildings.

The relevant BRE recommendations for daylight and sunlight are for VSC, measured at the centre of a window and should be no less than 80% of its former value, where the windows(s) do not meet this criteria. If the VSC at the centre of the window is more than 27% of available light, then the diffuse daylighting will not be adversely affected.

Analysis also involves Annual Probable Sunlight Hours (APSH) which measures the amount of potential direct sunlight that is available to a given surface. Only windows which face within 90 degrees of due south need to be assessed. BRE guidance states that windows should continue to receive in excess of 80% of their pre-development value or 25% of available hours over a year / 5% of hours in the winter to be considered well lit.

In this case, the neighbouring roof-lights that may be affected all face in a north-easterly direction and are therefore discounted from the assessment.

In terms of the VSC analysis, the assessment adopts a worst case scenario and concludes that all roof-lights on the north-east facing roof slope of the neighbouring building receive more than 27% of available light, with the % of existing daylight

ranging from 53% to 68% of existing levels following the proposed building. It is therefore concluded that the roof-lights will experience a negligible impact in terms of daylight and therefore the diffuse daylighting will not be adversely affected. All windows would still receive in excess of 27% available daylight and therefore satisfy and exceed the industry standard recommended change in daylighting levels as consequence of the proposed development.

Given the above, it is considered that the neighbouring building and its occupants will not be significantly affected by a loss of daylight and the impact of the proposed building is not so severe or unusual to have a serious impact upon living conditions, nor would such impact be materially different to many other urban blocks in the city fringe. Higher density developments generally experience lower daylight and sunlight levels than lower rise buildings in suburban areas. The neighbouring building is commercial in nature and the windows affected are situated upon a roof slope. It is not therefore considered that the same level of amenity should be afforded than if the neighbouring building was used for residential purposes or situated within a less dense location outside of city centre environment.

In terms of any loss of privacy it is considered that due to the relationship of the proposed building to the neighbouring John Swift Building and the angle of adjacent roof slope, together with obscured boundary treatment to the terraced areas, direct overlooking is highly unlikely. The facing walls of each building do not contain any windows and therefore the relationship is considered satisfactory.

Whilst the neighbouring building to the north contains windows, the buildings are separated by a narrow access road and the facing windows relate to a light industrial building where the windows have been covered over. This building is also pending consideration for conversion to residential apartments and has been specifically designed to take account of the application site and to avoid facing residential windows.

### Impact upon the Highway

A Transport Assessment accompanies the application which sets out existing highway and transport conditions, an assessment of trip generation, highway safety, parking demand and accessibility by non-car modes of transport.

In terms of trip generation and following traffic modelling using the industry standard TRICS database, it is anticipated that the proposed multi uses would generate additional vehicular trips than is currently the case. The numbers involved however are likely to be negligible, particularly at peak times and will therefore have an immaterial impact in terms of network capacity, the operation of the highway and road safety.

In relation to parking, 8 off road parking spaces are to be provided within the basement area, with space for disabled provision if required. This supplemented by 16 cycle parking spaces (1 per unit and 2 for proposed restaurant). A Sheffield cycle stand is to be located on the adjoining pavement to serve visitor of the proposed retail shop.

The 57% proposed parking ratio is consistent with similar city centre developments and considered acceptable by Highway Services. Additional parking demands generated by the commercial units can be satisfactorily accommodated by the network of on-street parking bays or nearby car parks.

The recently adopted Manchester Residential Quality Guidance provides specific guidance on what constitutes a suitable level of car parking for high density apartment schemes in the city centre and states that for city centre developments:

*“There is a need to create a critical mass, mix and diversity of apartment / house types in the city centre and therefore a site by site consideration of appropriate car parking provision based on an assessment against key criteria”*

In this case, the level of off-street parking is considered appropriate. Given that car ownership associated with the development is likely to be low and as the site is located within a short walking distance of city centre, within easy walking distance of shops, services, business and public transport options, prospective residents are well placed to walk to most amenities that they require or to use public transport options to travel further afield.

Government guidance states that amongst core planning principles, there is a need to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. This will also lessen the impact of vehicular emissions.

On balance, it is believed that the on and off-site parking provision, together with likely low levels of car ownership and the highly sustainable location of the site and the range of non-car modes of transport available will ameliorate any negative effects upon on-street parking and competition for spaces, as result of both the proposed development and the cumulative impact of emerging and future developments. Whilst the proposed development will result in a net loss of parking spaces in the area due to the loss of the car park, it was always envisaged that the site would be brought forward for development and the former public house was only demolished to make way for regeneration of the site. In any event, ample public car parking provision remains in the immediate area.

In light of the above, there are no material concerns relating to the impact upon the local highway network, highway safety or on-street parking. On this basis, the impact of the development from a highways perspective is considered satisfactory.

### Servicing

Servicing to the ground floor commercial units will take place on-street adjacent to the application site, which reflects a typical servicing arrangement for a city centre commercial use. The existing Traffic Regulation Order regime around the site would allow this to occur legally and the local road network is relatively quietly trafficked so that the free flow of traffic is unlikely to be disrupted by infrequent servicing events.

Given the size of the floorspace proposed and the nature of the operations, the frequency of servicing movements is not anticipated to be high or involve large vehicles.

To safeguard the amenity of nearby occupiers, the times that servicing can take place is controlled by an appropriate planning condition.

### Waste Management

A refuse store will be located on the ground floor of the building, with separate areas provided for each of the proposed uses.

The submitted strategy indicates sufficient space for the required number of waste receptacles including 770 litre bins for mixed recycling, pulpable waste and food waste for the proposed restaurant, 2 x 240 litre bins for general waste and pulpable recycling for the retail unit and a series of 240 litre bins for each of the waste stream for the apartments.

Access to the waste store can be achieved internally via coded locks, with waste to be moved to the alleyway at the rear of the building by an appointed management company and collected by a private waste contractor.

This arrangement is considered acceptable by both Environmental Health and Highway Services. A condition has been included to ensure compliance with the submitted strategy.

### Crime and Disorder

The applicant in partnership with Greater Manchester Police (Design for Security) has provided a 'Crime Impact Statement' as part of the application. This enables measures to be incorporated within the scheme, in order to design out crime.

The development is supported by Greater Manchester Police, subject to the measures detailed being implemented. A condition to this effect has been included.

### Public Realm

As part of the New Cross Neighbourhood Development Framework, the Council have also created a Public Realm Strategy which has arisen following the requirements to improve public realm and the highway in the area in order to create environmental improvements and create better linkages with the city centre.

In response to this, the applicant has produced a viability appraisal which comprehensively concludes there is no scope to provide any form of financial contribution without making the proposal unviable. The Assessment has been thoroughly assessed by the Council's surveyors who agree with the calculations and conclusions provided.

It is still necessary however to bring about improvements to the public realm and whilst the appraisal concludes that it is not viable to contribute to the wider public

realm objectives in the area, the applicant has agreed to upgrade the pavements adjoining the building along the Mason Street and Marshall Street frontages. A suitable planning condition has been included to ensure that this is the case.

### Ground Conditions

Policy EN18 of the Core Strategy requires that consideration should be given to potential sources of ground contamination and the effect on new development.

Whilst a Desktop Study was submitted as part of the application, this is dated 2008 and relates to a previous planning application. The report is therefore out of date and as such, Environmental Health require the submission and approval of a preliminary risk assessment, site investigation report and any subsequent remediation strategy to ascertain current ground conditions prior to the commencement of development. A relevant condition has been included.

### Flood Risk/Surface Water Drainage

The application site is located in flood zone 1 '*low probability of flooding*'.

In line with the strengthening of Government guidance relating to the provision of sustainable drainage systems (SuDs) for major planning applications, the applicant has prepared a Surface Water Management Statement in support of their planning application.

This statement has been considered by the City Council's Flood Risk Management Team who have requested that further detail is provided with respect to an assessment of overland flow routes. A relevant condition has been included. If these measures are successfully implemented, the surface water drainage arrangement is considered acceptable in principle.

### Air Quality

Policy EN16 of the Core Strategy which is supported by national guidance contained within the NPPF and NPG advises that when Local Planning Authorities are considering the appropriateness of locations for new development, they should consider the impacts on air quality, alongside other plan objectives.

An Air Quality Assessment has been submitted as part of the application to determine baseline conditions, consider site suitability for the proposed end use and assess potential impacts as a result of the scheme.

The Assessment considers the potential effects during the construction phase, including dust emissions and the impact during the operational phase, taking into account exhaust emissions from road traffic generated by the proposal.

Given the existing use of the site as a car park, the reduction of on-site parking spaces, the number of proposed apartments, the upper floor position of the residential accommodation and the similar level of vehicular trips spaces, it is considered that the impact upon air quality would not be significant, particularly given

the sustainable location of the site. It however advised the mechanical ventilation be installed at all points across the first floor of the development to ensure a clean supply of air for future occupants

The submitted assessment anticipates that dust sensitive receptors could experience increased levels of dust and particulate matter before using any mitigation measures. These are predicted to be short term and temporary impacts and throughout this period, any potential impact upon air quality will be managed through site specific mitigation measures detailed within the assessment, resulting in a less than significant impact. Similarly, the effects associated with respect to NO<sub>2</sub> are predicted to be controlled to a satisfactory level if mitigation measures such as mechanical ventilation to first floor areas is installed.

It is considered that if the mitigation measures during the construction and operational phases are adopted, air quality is not considered to be a constraint to development will accord with the relevant local policy and national guidance. To ensure this is the case, conditions have been included which will require the mitigation measures detailed with the accompanying assessment to be implemented, for electric car charging points to be incorporated and for a separate construction management plan to be submitted and agreed.

### Affordable Housing

Policy H8 of the Core Strategy requires that consideration be given to the provision of affordable housing within all new residential developments on sites of 0.3 hectares and above or where 15 or more units are proposed for development to contribute to the City-wide target for 20% of new housing provision to be affordable.

Due to the size of the site and the number of units proposed (14), the proposed development falls below the threshold as prescribed by Policy H8.

In this instance, the proposal will consist of properties for private sale or rent and will therefore not include any affordable provision. It is considered that this approach is acceptable, given the relevant policy and as the proposal will result in with it other regenerative benefits.

### Construction Management

To ensure construction is effectively controlled and to prevent any disruption to existing occupiers in the area, or along key routes throughout this part of Ancoats, a condition is included which requires the submission and approval of a construction management plan which details working practices, dust suppression, the parking of construction vehicles and the removal of waste.

### Conclusion

On balance, it is considered that the proposal represents an appropriate and satisfactory form of development that fulfils the criteria laid down in policy and City Council guidance which seeks to provide high quality, residential accommodation of an appropriate density which will contribute to a vibrant and sustainable

neighbourhood with a high level of connectivity to adjoining neighbourhoods, including the city centre as well as nearby public transport. The proposal will involve the regeneration of a brownfield site, whilst contributing to national housing growth objectives and the continued evolution of the aspirations contained within the New Cross Neighbourhood Development Framework.

**Human Rights Act 1998 considerations** – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation      APPROVE**

### **Article 35 Declaration**

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

### **Reason for recommendation**

#### **Conditions to be attached to the decision**

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawings numbered 1268-01 received by the City Council as Local Planning Authority on 2 July 2018, drawings numbered 1268-02/E, 1268-06/D, 1268-07/E received on 2 August 2018 and drawing numbered 1268-07/F received on 19 September 2018.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy.

3) No above ground development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be implemented in accordance with the agreed materials.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) Prior to the commencement of above ground development, full details of the garage door as shown on drawing numbered 1268-06/D received by the City Council as Local Planning Authority on 2 August 2018 shall be submitted to and approved in writing by the City Council as Local Planning Authority. Details shall include colour, means of operation/opening and material. The garage door shall be implemented in accordance with the agreed details and retained thereafter.

Reason - In the interests of visual amenity and highway safety, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

5) The development hereby approved shall only be implemented in accordance with the submitted Waste Management Strategy received by the City Council as Local Planning Authority on 6 September 2017 and as indicated on drawing numbered 1268-02/E received by the City Council as Local Planning Authority via e-mail dated 2 August 2018. The waste storage areas for each use shall be in situ prior to the each use becoming operational and retained thereafter.

Reason - In the interests of residential amenity and public health, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

6) The development shall be carried out in accordance with the Crime Impact Statement prepared by Design for Security at Greater Manchester Police (Ref: 2006/1291/CIS/02) received by the City Council as Local Planning Authority on 6 September 2017. The development shall only be carried out in accordance with these approved details. Prior to the occupation of the development the City Council as Local Planning Authority must acknowledge in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime, pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

7) The basement car parking area indicated on drawing numbered 1268-02/E received by the City Council as Local Planning Authority via e-mail dated 2 August 2018, shall be surfaced, demarcated and made available for use prior to any of the

residential units hereby approved being occupied. The parking area shall be for the sole use of residential occupants of the development and shall be available for use at all times whilst the apartments are occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to policies DM1, T2 and SP1 of the Manchester Core Strategy.

8) The bicycle storage area indicated on drawing numbered 1268-02/E received by the City Council as Local Planning Authority via e-mail dated 2 August 2018 shall be implemented in full and made available for use prior to first occupation of the development hereby approved. The approved scheme shall remain available for use whilst the apartments are occupied and retained thereafter.

Reason - To ensure there is adequate bicycle parking provision, pursuant to policies DM1, T1 and SP1 of the Manchester Core Strategy.

9) Prior to the first occupation of the residential development hereby approved, details of electric car charging points shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved details shall then be implemented as part of the development and be in place prior to the first occupation of any of the residential units.

Reason - In the interest of air quality, pursuant to policy EN16 of the Manchester Core Strategy.

10) No development shall take place until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the information contained within the submitted Drainage Strategy, the following additional information shall be submitted to and agreed in writing by the City Council as Local Planning Authority:

-Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site;

Reason - To prevent the increased risk of flooding, to improve water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN14 and DM1 of the Core Strategy.

11) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any

ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

12) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

13) The development hereby approved shall only be carried out in accordance with mitigation measures detailed within the submitted Air Quality Assessment produced by Redmore Environmental dated 6 November 2017 (Ref: 1995r1) received by the City Council, as Local Planning Authority on 7 November 2017.

Reason - To minimise the impact upon air quality and In order to minimise the environmental impact of the development, pursuant to policy EN16 of the Core Strategy, National Planning Guidance and National Planning Policy Framework (NPPF).

14) Before first occupation of the apartments hereby approved, the 2 metre high terrace screens to the penthouse (fifth floor) as shown on drawings numbered 1268-06/D and 1268-07/E received by the City Council as Local Planning Authority on 2 August 2018 shall be obscurely treated in accordance with details to be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall only be implemented in accordance with the agreed details and shall remain in situ in perpetuity.

Reason - To protect the amenity of adjoining occupiers from overlooking or perceived overlooking, pursuant to policies SP1 and DM1 of the Core Strategy.

15) Notwithstanding the information contained within the submitted Noise Impact Assessment by Hepworth Acoustics received by the City Council as Local Planning Authority on 6 September 2017, the building hereby approved shall be acoustically insulated and treated to limit the break out and break-in of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as Local Planning Authority.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

16) Notwithstanding the information contained within the submitted Noise Impact Assessment by Hepworth Acoustics received by the City Council as Local Planning Authority on 6 September 2017, before the ground floor restaurant (Class A3) use commences, the premises shall be acoustically insulated and treated to limit the breakout of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted and approved in writing by the City Council as Local Planning Authority. The scheme should include measures such as acoustic lobbies at access and egress points, acoustic treatment of the building structure, sound limiters linked to sound amplification equipment and specified maximum internal noise levels. The approved scheme shall then be implemented and retained for as long as the development remains in use.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

17) All externally mounted ancillary plant or equipment shall be selected and/or acoustically insulated in accordance with a scheme designed so as to achieve a rating noise level of 5dB (LAeq) below the existing background (LA90) at the nearest noise sensitive location. Following the installation of any external equipment, a post completion report shall be submitted to and approved in writing by the City Council as Local Planning Authority to validate that the plant has been installed as per the required limits. The post completion report shall be submitted within 1 month of first use of the external equipment and the agreed limits shall remain in operation thereafter.

Reason - To safeguard the amenities of existing and future occupiers of nearby residential accommodation, pursuant to saved policies DC10 and DC26 of the

Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

18) Before the ground floor restaurant use (Class A3) hereby approved commences, a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to and approved in writing by, the City Council as Local Planning Authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with saved policy DC10 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

19) Deliveries, servicing and collections, including waste collections shall not take place outside of the following hours:

- 07.30 to 20.00 hrs Monday to Saturday.
- No deliveries/waste collections on Sundays and Bank Holidays.

Reason - To safeguard the amenities of nearby residential occupiers, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

20) The ground commercial units shall not be open outside the following hours:-

- 08.00 - 23.00 hrs daily.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

21) Prior to any part of the development hereby approved being occupied, a scheme of highway works and details of footpath reinstatement/resurfacing in relation to the footpaths and for the areas between the pavement and building line shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include the following:

- Details of materials, including natural stone or other high quality materials to be used for the footpaths and for the areas between the pavement and the line of the proposed building/public realm

The approved scheme shall be implemented and be in place prior to the first occupation of the flats hereby approved and retained thereafter.

Reason - To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy.

22) Prior to first occupation of the ground floor retail and restaurant units hereby approved, full details of any roller shutters to the shopfronts of the premises shall be

submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt the shutters shall be fitted internally to the premises. The approved details shall be implemented prior to the first occupation of the commercial units and thereafter retained.

Reason - To ensure that the roller shutters are appropriate in visual amenity terms, pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012) and saved policy E3.3 of the Unitary Development Plan for the City of Manchester.

23) Prior to the commencement of development, a construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;

- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Detail of an emergency contact telephone number;
- Parking of construction vehicles; and
- Sheeting over of construction vehicles.

The development shall be carried out in accordance with the approved construction management plan unless otherwise agreed in writing by the Local Planning Authority.

Reason - To safeguard the amenities of nearby residents, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy. Certain elements of the construction phase are not known or fully defined at this stage. More detailed information is needed to prevent potential conflict with nearby residential properties and users of the site during construction works.

24) Prior to the first occupation of the flats hereby approved, a travel plan framework shall be submitted and approved in writing by the City Council as Local Planning Authority.

In this condition a Travel Plan means a document which includes:

- i. the measures proposed to be taken to reduce dependency on the private car by those living at the development;
- ii. a commitment to surveying the travel patterns of residents/staff during the first three months of the first use of the building and thereafter from time to time
- iii. mechanisms for the implementation of the measures to reduce dependency on the private car
- iv. measures for the delivery of specified travel plan services
- v. measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of first occupation a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority. Any Travel Plan which has been approved by the City Council as Local Planning Authority

shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel for residents, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy.

25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) none of the apartments hereby approved shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

### **Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 117470/FO/2017 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Highway Services  
Environmental Health  
Strategic Development Team  
MCC Flood Risk Management  
Greater Manchester Police  
Environment Agency  
Greater Manchester Archaeological Advisory Service  
Greater Manchester Ecology Unit

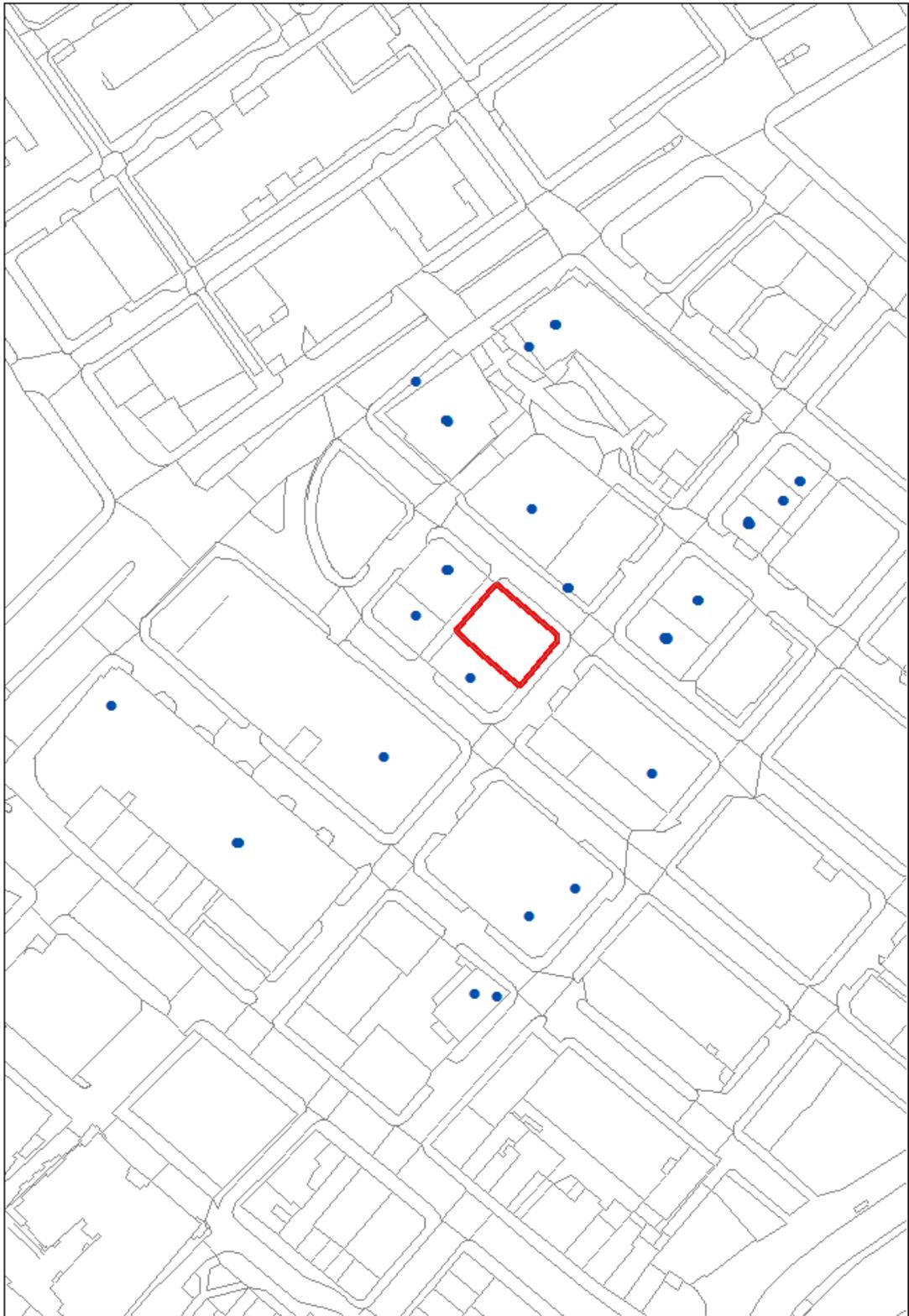
A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

Environmental Health  
MCC Flood Risk Management  
Greater Manchester Police  
Greater Manchester Archaeological Advisory Service

Greater Manchester Ecology Unit  
United Utilities  
Highway Services

**Relevant Contact Officer :** Steven McCoombe  
**Telephone number :** 0161 234 4607  
**Email :** [s.mccoombe@manchester.gov.uk](mailto:s.mccoombe@manchester.gov.uk)



 Application site boundary  Neighbour notification  
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