

## **Planning and Highways Committee**

### **Minutes of the meeting held on Thursday, 14 February 2019**

**Present:** Councillor Ellison (Chair)

**Councillors:** Shaukat Ali, Clay, Curley, Dar, Kamal, Kirkpatrick, J Lovecy, Lyons, Watson, White and Wilson

**Apologies:** Councillor Nasrin Ali and Madeleine Monaghan

**Also present:** Councillors: Hughes, Newman and Wheeler

#### **PH/19/12. Supplementary Information on Planning Applications on this agenda.**

To receive the supplementary information on Planning applications on this agenda.

#### **Decisions**

To receive and note the supplementary information on Planning applications on this agenda.

#### **PH/19/13. Minutes**

To approve as a correct record the minutes of the meeting held on 17 January 2019.

#### **Decision**

To approve as a correct record the minutes of the meeting held on 17 January 2019.

#### **PH/19/14. 120302/FO/2018 - Heald Green House Irvin Drive Manchester M22 5LS.**

This application was reported to the Committee on 17<sup>th</sup> January 2019. As Members resolved that they were minded to refuse the proposal, the application was deferred for the following reasons and asked that a report be brought back which addresses these concerns and provide for further consideration of potential reasons for refusal:

- Loss of visual amenity for local residents and loss of amenity relating to traffic and noise
- Loss of residential units
- Air quality – cumulative impact
- Pressure on the road network
- Sustainable Transport

The site measuring 0.9 hectares is currently occupied by a two storey residential apartment block known as Heald Green House.

The site sits to the south of a surface level airport car park consented under reference 072290/FO/2004/S2 for 640 long stay car parking spaces with associated landscaping and boundary treatment, access from Irvin Drive and 5 metre high lighting columns, operated by Peter Ashley.

## **Decision**

To refuse to grant the application for the following reasons.

1. The development proposals would result in a large expanse of surface level car parking that would be visible from outside of the site to the detriment of the character of the area thereby causing harm to the visual amenity of neighbouring property, contrary to policy DM1 of the Core Strategy and the National Planning Policy Framework.
2. The increase in comings and goings of vehicles and increase in the numbers of vehicles within the application site will lead to noise disturbance that would cause harm to the residential amenities of surrounding property, contrary to policy DM1 of the Core Strategy, saved policy DC26 of the Unitary Development Plan and the National Planning Policy Framework.

### **PH/19/15. 121709/FO/2018 - 111 Lapwing Lane Manchester M20 6UR.**

The application site relates to a vacant retail/off-licence shop formerly known as Didsbury Food and Wine which occupies one unit within a parade of nine mixed units that includes, a bar, cafés, a post office and a pharmacy. In addition to the Edwardian parade there is also a Pizza Express restaurant and a former bank which fronts the corner of Palatine Road and Lapwing Lane. The property is three storeys in height and in 2017 permission was granted to create two, one bedroom apartments on the upper floors (117372/FO/2017). The property fronts Lapwing Lane, where there are eighteen car parking spaces directly in front of the parade, a bus stop and tram services from the West Didsbury Metrolink Stop.

Change of use from retail (Class A1) to restaurant (Class A3) with new shop front and extraction flue to rear.

Officers advised that should the Committee be minded to approve the application, an additional condition would be added to ensure that roller shutters would be opened in the morning and remain open throughout the day until the restaurant was open and trading.

The applicant's agent spoke to the Committee and said that the application would bring back to use a currently empty unit, and that the use would be as a Sushi Restaurant which was a unique food offering in the immediate vicinity. He added that Sushi requires very little cooking, which meant that they had been able to reduce the size of the extraction flue following discussion with officers. He added that the unit has not attracted any interest for use as a retail business, and that all enquiries had related to food use.

He also said that the proposed operator had a great deal of experience in running a business of this type, and that the conditions contained in the report would be sufficient to mitigate the concerns raised by local residents. He said that they had worked closely with officers to ensure that the issues raised by residents were fully addressed.

The Committee considered that on balance the proposed change of use would not give rise to unacceptable impacts to warrant refusal of the application. The use would introduce additional activity to a parade that has been subject of recent environmental improvements led by a local organisation and bring back into use a currently vacant unit. It is not considered that the proposed use would give rise to unacceptable impacts in terms of residential amenity either by way of noise, odours or an increase in comings and goings within a commercial parade.

## **Decision**

To approve the application subject to the conditions and reasons in the report and the late representation.

### **PH/19/16. 121410/JO/2018 - McDonalds 312-316 Barlow Moor Road Manchester M21 8AY.**

The planning application site is located in Chorlton District Centre on Barlow Moor Road. The application relates to an established restaurant with the frontage to Barlow Moor Road, to the south there are established commercial uses, to the west are residential homes fronting Barlow Moor Road. To the immediate north of the existing building lies a commercial use fronting Barlow Moor Road, to the north east separated by a car park lies residential property at 324 Barlow Moor Road, beyond that lies Norbreck Avenue, immediately to the east separated by a car park lies residential property at Park Place.

Consent was granted under application 034033 for the McDonalds in 1989, the permission was subject to condition 8 which restricted the hours of opening to Sundays to Thursday: 8.00 a.m. to 11.30 p.m. Fridays and Saturdays: 8.00 a.m. to Midnight. This is the first application since 1989 to vary the hours of opening condition.

It is now proposed that the opening hours are extended as follows:  
Monday to Sunday - 6.00 am to 12 midnight. This would have the effect of allowing the addition of two hours in the morning and half an hour of opening hours in the evening Sunday to Thursday.

The application was originally submitted requesting 5.00am to midnight Sundays to Thursdays and 5.00am to 01.00am Friday and Saturday, but following consultation responses McDonald's altered their planning application and a further consultation process was undertaken.

Officers confirmed that an additional condition restricting servicing hours to those approved under the original consent would be added, should the Committee be minded to approve the application.

The applicant spoke to the Committee and said that surrounding businesses of a similar nature, had similar or longer opening hours than those applied for. For example, Tesco Express opens 6am to 11pm, KFC restaurant opens 10.30am to 01.00am (12.30am on a Sunday), Marks and Spencers Food opens 7.00am (8.00am on a Sunday) to 10.00pm.

She added that customers during the morning hours typically accessed the site as part of their commute, so would be very unlikely to exhibit anti-social behaviour or to create noise nuisance. She also said that the site was on a busy main road, and the longer hours were designed to attract road users, so no increase in traffic was anticipated as the vehicles were already on the road.

The applicant also told the Committee that a comprehensive noise impact assessment had been submitted as part of the application process. This report was submitted on the basis of the hours originally applied for, the hours are now more restrictive and the impacts would therefore be less than those assessed.

The applicant also explained that McDonalds was committed to ensuring that there would be minimal impact on residents, and would work proactively to ensure that this was the case.

With regard to resident's concerns about increased litter, she explained that in addition to regular litter picks around the site, they work with local Councillors and undertake a wider monthly litter pick, often alongside the Chorlton Wombles, a voluntary community group, friends of Chorlton Park and volunteers from the restaurants in the area.

She added that the evidence submitted with the application and summarised in the report showed that the grant of permission would not impact on the amenity of local residents, and that the conditions would alleviate their concerns.

The Committee asked if the car parking arrangements, which had been sold on to a 3<sup>rd</sup> party organisation, could be improved as the current parking officer is very difficult to deal with. Officers advised the Committee that this issue was not a relevant concern with regard to the Planning application, but that officers would discuss this issue with McDonalds.

The Committee also asked for confirmation of the service hours, and officers advised that the standard condition was that servicing should not take place before 8am.

The Committee also commented on the proximity of the restaurant to local schools, and the possibility of an increase in anti-social behaviour with extended hours. Officers confirmed that they expected McDonalds to fully comply with the Noise Management Plan submitted as part of the application. In addition, Greater Manchester Police had no objections to the application. It is not considered that the addition of two hours in the morning and half an hour in evening Sundays to Thursdays would increase the probability of anti-social behaviours occurring on site.

## **Decision**

To approve the application subject to the conditions and reasons in the report and the late representation, and an additional condition restricting service hours to those approved in the original permission granted.

**PH/19/17. 121380/FO/2018 - Swan House Swan Street Manchester M4 5DF.**

The site measures 0.3 hectares and is bounded by Rochdale Road, Swan Street, Cable Street and Mason Street. It includes a two storey, red brick, warehouse building that was used as a fish processing factory but has been split into several units used for textile manufacturing, storage, double glazing sales and a furniture shop with garages at ground floor.

The development proposes 373 apartments, 12 serviced apartments and 408 sq m of commercial space (Use Class A1, A2 or A3). The building would have two taller elements with a 31 storey tower on the corner of Rochdale Road/Swan Street and 13 storey building on the corner of Cable Street/Mason Street which would be joined by a low rise section of building along Cable Street.

Officers advised the Committee that the late representations contained information about several additional conditions that should have been detailed in the report, but had been omitted in error.

The applicant's agent spoke in support of the proposals and said that the development would enhance the New Cross Neighbourhood Development Framework (NDF) which will become a dense residential area and contribute to the City's economic and population growth. The Framework proposes development at a high to medium density with a taller building at the corner of Rochdale Road and Swan Street.

He added that the development would include several residential amenity improvements, as detailed in the report. 19 units would be reserved for affordable rent at 80% local market rents, the units being spread throughout the development, and would include a mixture of different types of accommodation on offer. He also said that the units would be directly marketed at key workers in Manchester. He explained that there would also be a S106 contribution, as determined by the viability assessment, for improvements to the public realm in the area.

He added that the principle of development accorded with Manchester Policies for growth, in particular the The Unitary Development Plan for the City of Manchester (1995). The construction phase would support over 700 new jobs, with a local labour agreement to be put in place. He added that this was a high quality, well designed development, and would accord with the highest architectural standards and positively connect to the surrounding area. The aim was to minimise car parking provision, but would include 1:1 cycle parking per unit.

Councillor Wheeler spoke regarding the proposals, and while he welcomed the fact that there would also be some on site affordable provision, was disappointed that this would only be 5% of the units developed. He also expressed concerns about eligibility for the affordable units, and questioned how key workers would be defined.

He said that the Council should have nomination rights to the affordable units, so that the Council would determine who was a key worker rather than the developer. He said that similar schemes in other local authority areas often used an ALMO or other local housing provider to determine who should occupy affordable units.

Officers confirmed that the issue of viability had been independently assessed on behalf of the Council, and that the independent assessment had concluded that a 5% provision was appropriate. Officers added that this was the first time that on site affordable housing would be provided in the City Centre for many years. The proposals had been fully tested against all local and regional benchmarks.

The Committee welcomed the provision of on-site affordable housing, but expressed disappointment that the scheme would not provide the Policy level of 20% affordable housing. The Committee also expressed some concern at the height of the Tower, and agreed that the Council, in conjunction with a local housing provider should retain nomination rights to the affordable units. The Committee also asked for more information regarding the proposed tree planting scheme, and asked for clarification as to how many trees would be planted.

Officers confirmed that the height of the tower was not unusual, and that the New Cross Neighbourhood Development Framework (NDF) actually required a tall building on this site. Officers also confirmed that the Policy required a contribution of up to 20% affordable housing, subject to viability. They added that the viability assessment had thoroughly tested the scheme, and the viable number of affordable units was 5%. With regard to the trees, officers said that there would be a minimum of 5, but that the number of trees planted would be limited by the constraints of the site itself.

While the Committee appreciated the provision of affordable housing, they also noted that consideration should be given to the provision of social housing in the city centre, as this was sadly lacking in the city centre environment. The Committee were satisfied that the affordable units would be of benefit to key workers, but commented that housing provision was also needed for the very poorest members of society.

The Committee also asked for clarification as to how the commercial units were assessed as part of the viability assessment, and officers advised that the commercial space is very small, but that this would have been factored in to the viability assessment.

The Committee asked for further clarification as to the provision of outside space and services that would be required for families living in the units. Officers confirmed that there were several green spaces within a short distance, and that further public realm being developed as part of the wider New Cross Neighbourhood Development Framework would add to this. In addition, there is a green roof on the development, which is designed as an amenity space. There is a school within a short distance of the site, and there will be ongoing dialogue with health providers to ensure that health provision is adequate.

Officers confirmed that the provision of disabled parking acceptable in light of the highly sustainable location. The level is in accordance with the Core Strategy and the

Residential Quality Guidance which states that the constraints of a site and the proximity of public transport should be a key consideration when considering onsite provision. Mobility scooters could be parked in safe and secure areas in the car park. In addition, there is a condition that will ensure that the developer will address any specific parking issues for residents that may arise.

### **Decision**

To approve the application subject to the conditions and reasons in the report and the late representation.

### **PH/19/18. 120893/FO/2018 - Land Bounded By Bengal Street, Primrose Street, Radium Street And Silk Street Manchester M4 6AQ.**

The Committee received a request for a site visit. The Committee considered that the report did not show the full context of the proposed development in the setting of the area, so concluded that a site visit was necessary.

### **Decision**

To defer the matter to allow a site visit to be carried out.

### **PH/19/19. 121806/JO/2018 - Cotton Field Wharf 4 New Union Street Manchester M4 6FR.**

The application site is approximately 0.99 hectares and consists of three interlinked residential blocks known as 'Cotton Field Wharf' which were granted planning permission in 2015 under planning permission 108562/FO/2015/N1.

Planning condition 22 of planning permission 118030/JO/2017 restricts the opening hours of the 3 ground floor commercial units within this development. CASK which operates under their own planning permission has the same restriction to their opening hours.

Condition 22 states that the commercial premises shall operate under the following opening hours:

*The commercial premises hereby approved (including external seating areas), as indicated on drawing P30000 Rev E stamped as received by the City Council, as Local Planning Authority, on the 30 June 2015 and drawing SK-RB001 Rev A stamped as received by the City Council, as Local Planning Authority, on the 26 October 2017 shall not be open outside the following hours:-*

<i>Monday to Saturday</i>	<i>08.00hrs - 23.00hrs</i>
<i>Sundays</i>	<i>09.00hrs - 23.00hrs</i>

*The external seating areas shall not allow for the use of amplified sound or any music at any time.*

*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.*

The applicant originally applied to vary the operating hours within the above condition as follows:

*Sunday to Thursday 08:00 to 23:30  
Friday and Saturdays 08:00 to 00:30*

The opening hours that were applied for were amended during the course of this planning application as follows:

*Sunday to Thursday 08:00 to 23:30  
Friday and Saturdays 08:00 to 00:00*

These opening hours are on the basis which this planning application is being considered.

Officers recommended that condition 22 should therefore be altered as follows:

*The commercial premises hereby approved, as indicated on drawing P30000 Rev E stamped as received by the City Council, as Local Planning Authority, on the 30 June 2015 and drawing SK-RB001 Rev A stamped as received by the City Council, as Local Planning Authority, on the 26 October 2017 shall not be open outside the following hours:-*

*Sunday to Thursday 08:00 to 23:30  
Friday and Saturday 08:00 to 00:00*

*The external seating areas shall not allow for the use of amplified sound or any music at any time and shall operate in accordance with the following hours:*

*Monday to Saturday        08.00hrs - 23.00hrs  
Sundays                      09.00hrs - 23.00hrs*

*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.*

## **Decision**

To approve the application subject to the conditions and reasons in the report.

**PH/19/20.    121537/FO/2018 - Land Bounded By Pottery Lane, Gorton Lane, Belle Vue Street And Polesworth Close Manchester M12 5JD.**

The application site is comprised of two separate pieces of land located either side of Gorton Lane at the junction with Pottery Lane within the Gorton area of the City. The

two sites measure approximately 0.98 hectares in combined area, with Site 1 measuring 0.286 hectares, and Site 2 measuring 0.695 hectares.

Planning permission is sought through this application for a proposed residential development comprising 13 no. houses and 102 no. apartments across the two sites. The houses are either semi-detached or detached properties, and the apartments are provided within 4no. blocks ranging in height from 3 to 6 storeys.

The proposed housing will be of an affordable tenure, providing a mix of shared ownership and rent to buy properties increasing access to new affordable homes in the East Manchester area.

The applicant spoke in support of the proposals and said that the development would support the strategic aims for the City and this neighbourhood by delivering a high quality scheme in a priority location. The redevelopment of this site with a quality development will bring forward major environmental and regeneration benefits to the neighbourhood. The proposals would bring about the comprehensive redevelopment of the site and will be a major catalyst for further regeneration in this area. It is considered that the scheme would transform this junction on a main radial route in the City with the provision of quality residential accommodation close to existing employment opportunities and a range of locally available services.

The proposal will see the redevelopment of a brownfield site where the site is currently underused, within the heart of one of Manchester's key regeneration areas and positioned along a main radial route in the City. A total of 115 spacious residential units will be created which will contribute to the City's residential growth strategy and help support neighbourhoods of choice by introducing affordable accommodation.

He said that the applicant had worked closely with officers to ensure that the scale and design of the proposals were appropriate, and the clarifications within the report would address the concerns of current residents.

The Committee welcomed the proposals, and asked for clarification as to whether older people would be targeted to attract them to the apartment blocks, as there was a current focus on initial home buying rather than older people home buying.

The Committee also commented that they would like to see the Council having at least 50% nomination rights to the properties, and would like to see a mixture of affordable housing, private sale and social housing at social rent.

Officers confirmed that the scheme would be open to anyone to apply for any of the units, and not just targeted at younger residents. In addition, The land is subject to a development agreement, so the Council would not manage the list of nomination through the planning process, but officers would consult with colleagues as to how this could happen in the future.

The Committee asked for clarification as to the arrangements for Waste Management, and officers confirmed that there will be a full Waste Management

Strategy employed, and that the arrangements had been fully tested and found to be adequate.

Officers confirmed that there would be retention of existing trees and additional tree planting, to assist with reducing noise as much as possible, but that the location of the site was already on a busy road, so the increased levels of noise were within acceptable limits.

### **Decision**

To approve the application subject to the conditions and reasons in the report and the late representation.