Planning and Highways Committee

Minutes of the meeting held on Thursday, 27 June 2019

Present: Councillor Curley (Chair)

Councillors: Nasrin Ali, Shaukat Ali, Clay, Y Dar, Davies, Hitchen, Kamal, J Lovecy, Lyons, Madeleine Monaghan, Riasat, Watson and White

Apologies: Councillor Wilson

Also present: Councillors: Judge, Whiston, Wheeler, Igbon, Douglas, Ahmed Ali

PH/19/50. Minutes

The minutes of the meeting on 30 May 2019 were approved as a correct record.

PH/19/51. 121375/FO/2018 and 121447/FO/2018 20 - 36 High Street Including Church Street Market Stalls, Manchester, M4 1QB and Land Bounded by the Northern Quarter Multi-storey car park, Church Street and Red Lion Street, Manchester, M4 1PA

The committee considered a request for a site visit to allow members to assess the extent that the brown-field site in question contributed to the local area and the active street-frontages of that location. The request for a site visit was agreed.

Decision

To defer consideration of the matter to allow a site visit to be carried out by the members of the Committee.

PH/19/52. 123274/FO/2019 - Xaverian College, Lower Park Road, Manchester M14 5RB

The committee considered a request for a site visit to allow members to assess the possible impacts on the Victoria Park Conservation Area and the setting of a listed building nearby. The request for a site visit was agreed.

Decision

To defer consideration of the matter to allow a site visit to be carried out by the members of the Committee.

PH/19/53. 122897/FO/2019 - Land at the Corner of Bank Bridge Road and Tartan Street Adjacent to and comprising Ilk Street and Alpine Street, Manchester, M11 4GD

The application was for redevelopment of vacant land to create 66 no. 2, 3 and 4 bedroom dwellings incorporating new access roads off Bank Street and Tartan Street, pavements and associated landscaping and boundary treatments. The application site comprised of an area of brownfield land, which was formerly occupied by housing and the site of the former Ravensbury Infant and Primary schools, which had been demolished. It was now comprised of grass and self-seeded scrubland.

In addition to the information in the report, at the meeting the history of the consideration of the use of the site by the Council's Executive was reported. It was also explained that a finalised Air Quality report had been received which addressed the air quality concerns that were raised in the report.

A representative of the applicant addressed the Committee. He explained that the finished homes would offered be a mixture of shared-ownership and rent to buy tenures to help address the need for good quality housing in the area, including adequately sized back gardens. He outlined how the scheme sought to address loss of landscaping in the area and the provision of replacement trees. He also explained how the existing use of the area as parking for the nearby Ravensbury School had been successfully relocated.

The Committee welcomed the application and the provision of more high quality affordable home in this part of the city. They also welcomed the intention to use the proposed landscaping condition to secure the replacement of tress to be lost during the development, ideally on a 2 for 1 basis if that was possible. The Committee also welcomed the proposed condition removing "permitted development" rights from the homes.

Decision

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

PH/19/54. 122042/00/2018 - Land off Cringle Road, Manchester

The application was for outline planning application for the erection 57 dwellings, with all matters reserved expect for access, with associated access off Cringle Road, car parking, landscaping and other associated works. The application had been considered by the Committee at the meeting on 11 April 2019 (Minute PH/19/36) and again at the meeting on 30 May 2019 (Minute/PH/19/41).

On both those occasions the Committee had been minded to refuse the application for the reasons that the proposed financial agreement between the Council and the applicant was insufficient to mitigate against the significant harm to Highfield Country Park, loss of green space and infrastructure and conflicts with policies EN9 – Maintaining green infrastructure; EN10 – Safeguarding open space, sport and recreation facilities; and Saved Policy LL3 - Environmental Improvements and Protection.

A report submitted by the Head of Planning, Building Control and Licensing examined each of the concerns that the Committee had raised in April and May. The officer's advice was that the proposal would result in the loss of a low quality landscape which had been determined to have a limited recreational value through the recent appeal decision. The provision of 57 new homes at the application site was therefore considered to be acceptable and would contribute positively to the new homes required in the City. Furthermore, the provision of 20% affordable housing, provided on a shared ownership basis, would provide access to affordable home ownership at the application site together with monies to make improvements at the adjacent Highfield Country Park. These obligations would be secured by a legal agreement. The indicative layout for the residential element demonstrated that it was possible to achieve a suitable development at the application site arranged around the new road network. The indicative scale of these properties would respond positively to the character of the area.

The report confirmed that the City Council has been notified of an appeal against non-determination. Members cannot now determine the application but a resolution is required as to what decision Committee would have made if it was still within its power to determine the application.

Having considered the report and the advice of the officer the Committee agreed with the officer's conclusions.

Decision

Minded to approve subject to the conditions and reasons in the report and also subject to the signing of a legal agreement in order to secure monies associated with mitigating and improving access to Highfield Country Park as a result of the development together with securing 20% on site affordable housing on a shared ownership basis.

PH/19/55. 122945/FO/2019 - 328 - 336 Stockport Road, Manchester

The application was for the erection of a 7 storey building to form 96 residential apartments (Use Class C3a). This would consist of 7 three bedroom townhouses, 32 one bedroom apartments and 57 two bedroom apartments. There would also be associated car parking, amenity space, boundary treatment, landscaping and other associated works following demolition of existing buildings. The site currently comprised a three storey vacant former factory building with associated hardstanding, vegetation and trees and boundary treatment. The site was within walking distance of the shops and other services and amenities of the Longsight District Centre.

At the meeting it was reported that an additional response to the consultation had been received from the Council's Neighbourhood Services Department. That explained that due to the site's poor condition there had been a long-held aspiration to see improvements that would benefit the area, therefore the proposed development would represent significant progress in the regeneration of Ardwick.

The late representations made the Head of Planning, Building Control and Licensing also proposed a further condition on the granting of the application that would prevent the apartments being used as serviced apartments/apart hotels or similar uses. They also proposed the revision of the wording of conditions 3, 4, 5 and 7 from that set out in the report.

A representative of the applicant addressed the Committee. He explained that the site is in a prominent location adjacent to a trunk road into the city and currently in a poor state of repair. The majority of the residential unit created would be suitable for families. The design of the new building was to a high standard and it would significantly enhance the streetscape and neighbourhood and helping to make it an attractive place to live. The proposals included 54 car parking spaces and some chagrining points for electric vehicles. There would also be 100% cycle spaces for residents and further cycle stands for visitors. He also spoke of the viability assessment that had been undertaken and the scheme's financial contribution to affordable housing. He welcomed the support of a local ward councillor for this intended regeneration of the vacant site.

In welcoming the development, the Committee questioned the details of the proposals for the separation and handling of different forms of recyclable waste, including food waste. It was agreed that proposed condition 17, which related to the waste management strategy for the development, should be revised so as to make clear how the different forms of waste would be handled appropriately.

Decision

Minded to approve subject to: the conditions and reasons proposed in the report; the revised conditions 3,4,5 and 7 as set out in the Late Representations made by the Head of Planning, Building Control and Licensing; the further condition also proposed in those Late Representations; the revision of condition 17 in relation to the waste management on the site; and the signing of a section 106 agreement for a commuted sum for off-site affordable housing and recreational and amenity improvements at Coverdale and Newbank Community Centre.

PH/19/56. 123261/FO/2019 - Land Bounded by Arundel Street, Ellsmere Street, The A57 (M) Inner Ring Road (Mancunian Way)

The application was for the erection of a part 8 and 9-storey building located on Arundel Street and Worsley Street, a part 11 and 23-storey residential building located on the Mancunian Way, and refurbishment and conversion of the existing DOT Building to form 355 residential apartments in total (Use Class C3a) together with commercial uses (Use Classes A1, A2, B1, D1 and D2) along with associated car parking, cycle parking, access, landscaping and other associated work. At present the site included the 4-storey DOT building fronting Ellesmere Street and a single storey gym on Arundel Street. It was divided into two plots by Balmforth Street, an un-adopted highway. An area of green space at the top of Balmforth Street contains trees.

The site was within the Castlefield Conservation Area and the listed buildings nearby included: Church of St George (Grade II*); Churchyard walls, gate, piers and gates at Church of St George (Grade II); Former Canal Flour Mills (Grade II); Hulme Lock Branch Canal (Grade II); Castlefield railway Viaduct Manchester Central to Dawson Street (Grade II); Rochdale Canal lock number 92 and Castle Street Bridge (Grade II); Merchants warehouse (Grade II); Middle Warehouse at former Castlefield goods yard (Grade II); Bridgewater canal offices (Grade II); 215-219 Chester Road (Grade II); Former Campfield Market Hall (Grade II); Former LNWR goods transfer shed (Grade II); and Former Liverpool Road station goods warehouse (Grade II).

The site had been the subject of a previous application. That had been refused in October 2018 ((Minute PH/18/91) for the reason that the erection of a 35 storey tower and 10 storey building would, by virtue of its siting, scale and appearance result in a form of development that would be overly dominate and would harm the form, character and setting of the Castlefield Conservation Area and the setting of the adjacent Grade II* listed former St George's Church.

The Committee considered the report submitted by the Head of Planning, Building Control and Licensing as well as further Late Representations presented to the meeting. Those representations included the views of a Hulme Ward councillor who supported and welcomed the application, and those of a Deansgate Ward councillor who objected that the application would harm the form, character and setting of the Castlefield Conservation Area and the setting of the adjacent grade II* listed former St George's Church. Reference was made to the need for an informative to be imposed on any planning permission to address the need to safeguard aviation from high cranes during construction. The representations also recommended an additional condition be applied to any consent to prevent the residential accommodation being used as serviced apartments/apart hotels or similar uses.

Councillor Igbon, another of the Hulme Ward councillors, spoke in objection to the application. She welcomed the way that the developer had worked with and consulted with the local community to result in a set of proposals that were considered to be much improved on earlier schemes for the site. She also was grateful that there would be community facilities included within the proposals and expressed a wish that any affordable housing arising from the proposed Section 106 agreement was also in the Hulme Ward. However, she expressed concern for the loss of light and views for the residents of Arundul Street and Worsley Street and therefore asked the committee to refuse the application.

A representative of the applicant addressed the Committee. He spoke of the way that the applicant had worked to improve the size and design of the proposal after the earlier scheme for the same site was refused consent in 2018, and of the dialogue there had been with the Britannia Basin Community Forum since then. He outlined all the ways that the proposals had changed and evolved since October 2018 and how the design and materials now being proposed were of high quality and influenced by the buildings in the vicinity and within the Conservation Area. He also explained how the construction plan would make provision for vehicles to access and egress the site with minimum disruption to local residents.

The officer's report explained how this application was significantly different to those previously presented. The key changes being:

- the tower element (building 2) had been reduced from 35 storeys to 23 storeys to minimise the impact on the listed building and the adjacent residential properties;
- change in material and composition of the tower element from a linear glass tower to a simple brick frame with punched window reveals to respond to the characteristics of the conservation area;
- reduction in the height of building 1 from 10 storeys to 8/9 storeys;
- increased active frontages to Worsley Street, Arundel Street and Ellesmere Street with commercial frontages; and
- Worsley Street would benefit from enhanced public realm improvement including street trees and furniture. Ellesmere Street and Arundel Street would also have improvements to the public realm including trees and planters where possible.

In considering the application, the Committee welcomed the way that the applicant had significantly improved this scheme over that which had previously been refused. They also welcomed the wider public realm improvement that would be brought about, and the contribution to affordable housing that the development would make. A concern was expressed about the possible darkening of the surrounding streets during the construction and it was therefore agreed that a condition should be added to the consent to ensure a scheme of mitigation had been agreed to address the loss of street lighting in those street prior to the development commencing.

Decision

Minded to approve subject to: the conditions and reasons set out in the report; the further condition and informative set out in the Late Representations; a condition on street lighting during the construction; and the signing of a section 106 agreement in respect of financial contribution for off-site affordable housing and review mechanism.

PH/19/57. 122523/FO/2019 - Land Bound by Back Turner Street, Shudehill, Soap Street and High Street, Manchester, M4 1EW

The application was for the erection of part 17 (plus mezzanine level), part 6 storey building and the conversion with single-storey rooftop extension of the existing building at 1 & 3 Back Turner Street (comprising 13 x 1-bedroom, 1 person apartments, 9 x 1-bedroom, 2 person apartments, 24 x 2-bedroom, 3 person apartments, 13 x 2-bedroom, 4 person apartments, 6 x 3-bedroom, 6 person apartments (65 total)) above ground floor commercial floorspace (Class A1 (Shop), A2 (Financial and Professional Services), A3 (Café and Restaurant), A4 (Drinking Establishment) B1 (Office) and D2 (gym and cinema) use, with associated landscaping and other works following demolition of existing buildings at 30 & 32 Shudehill and 1 & 3 Nicolas Croft.

At present the site comprised one storey shops, some of which were vacant; 1-3 Back Turner Street, a five-storey warehouse in a poor and dilapidated state of repair. 5 Back Turner Street had been demolished in 2018 owing to its dangerous condition and around a third of the site was cleared and untreated land. The site therefore had a poor appearance overall. The site was in the Smithfield Conservation Area and

adjacent to the Shudehill Conservation Area. The nearby grade ll listed buildings included: 75-77 High Street, the Hare and Hounds (29 Shudehill), CIS Building (Miller Street), 9-19 Thomas Street and 79 High Street (being the remains of a former fish market), 10-20 Thomas Street and 1-33 Thomas Street.

The report of the Head of Planning, Building Control and Licensing was considered, as was further representations submitted to and reported to the meeting. The further matters drawn to the attention of the committee were a letter of support and three more letters of objection. The contents of those letters were summarised for the Committee. It was also proposed that Condition 25 (Residential Management Strategy) be amended to include details of how impacts on external appearance from blinds, curtains and any other privacy screening to windows would be managed.

A local resident of the Market Buildings spoke in opposition to the application. He said that a group of local residents were strongly opposed to the proposal on the grounds of (a) the design and height of the high building, its proportion to adjacent buildings and the poor fit with the architectural heritage of the area, stating that a 17-storey glass tower did not respect the heritage of the area; (b) the impact the development would have on the residents of neighbouring buildings and the harm to the amenity of the open-space square within the former market buildings; and (c) the poor way that the local people had been engaged with and consulted during the drawing up of the plans, stating that the Statement of Community Involvement did not reflect the views or feelings of local residents.

The meeting was addressed by Councillor Douglas, a Piccadilly Ward Councillor. She was concerned that the development, in particular the 17 storey glass building, would have a detrimental impact on the Shudehill and Smithfield Conservation Areas and would not fit with the historical characteristics of the area. She felt that this was not the right building for this site.

Another Piccadilly Ward councillor, Councillor Wheeler, also spoke. He said that many local residents had been in contact with him to express their objections, and that the Committee should therefore be aware of the strength of local opposition to these plans. He also questioned the reported financial viability of the scheme and why it was being asserted that the high costs of retaining and redeveloping the dilapidated 1-3 Back Turner Street building prevented the developer from also making a contribution to affordable housing. He also referred to the cost of purchasing an apartment within the completed development, feeling that the accommodation was therefore not of the sort being sought by the majority of Manchester's residents.

A representative of the applicant then addressed the meeting. He explained how the plans were felt to be unrecognisable from the previous proposal and that they now represented the best possible development of the site. He spoke of responding to the concerns and criticisms of earlier schemes and how the retention and refurbishment of the brick warehouse at 1-3 Back Turner Street was in response to that, and how that warehouse would now provide be centre-piece of the new scheme and be an important part of the character of the site. However, preserving that building was going to make the development of the constrained site much more complex. So in order to make the overall scheme viable the height of the tower building had been

increased. Historic England were supporting these plans and were endorsing the need for the additional height of the tower to allow for the preservation of the historic building. He concluded by saying that he did not see how else this site could be redeveloped with the historic building preserved and so felt that site would otherwise remain in poor condition and he harmful to the Norther Quarter's character.

In response to the issues that had been raised the Planning Officer explained that the site was obviously in need of investment and redevelopment. This scheme included a lower form of development at the High Street end of the site, and the retention and redevelopment of the 1-3 Back Turner Street building, and a small area of open space. All those changes had affected the viability of the whole scheme, with the retention of the historic building adding significant abnormal costs and increasing the construction time for the whole scheme. That was all reflected in the contribution to affordable housing for these proposals and the increased height of the building at the Shudehill end of the site.

The committee discussed the impact of the taller building on the conservation areas and the character of the Northern Quarter, as well as the weight to be given to the need for investment in the site and the high-quality redevelopment and preservation of the historic warehouse building that was part of these proposals. Members accepted there was a balance to be struck between the various elements of this scheme and on balance agreed that the scheme should be supported.

Decision

Minded to approve subject to the conditions and reasons set out in the report including the amendment of condition 25 referred to above, and a legal agreement in respect of reconciliation payment of a financial contribution towards off site affordable housing.

(Councillor Lyons left the meeting after consideration of this item and so took no part in the further business)

PH/19/58. 122464/FO2019 - Land at Junction of Honford Road and Broadoak Road, Manchester

The application was for the erection of 2 no. 4 bedroom bungalows and 1 no. 2 bedroom bungalows with parking, gardens and amenity space. The bungalows were to be built for occupation by households that included a permanent wheelchair user. The application site was approximately 0.3 hectares in size and consisted of a semi-circular area of informal open space enclosed by Broakoak Road and Honford Road that was mainly a maintained grass lawn area and a small number of mature trees. Once the development was complete about a third of the open space would still be available and some of the existing tress would be retained.

Further representations submitted by the Head of Planning, Building Control and Licensing explained that a 198 signature petition had been received suggesting revision of the plans for this site and another. They also summarised representations the applicant had made regarding the submitted Open Space Assessments of this

site. A further letter of objection from a local resident about the loss of green space was also reported.

A local resident spoke in opposition to the scheme. She described the work done to capture the views of residents, and the concerns they had expressed about the loss of green space, the loss of important play space for children, and the potential harm to the mental health of local residents that would arise from those losses. She stressed how much the green meant to the local people and how they would like to see it being used in the future as a village green and community garden.

The meeting was also addressed by Councillor T Judge, who also spoke against the proposal. He also stressed the importance of the green space as a community asset and opposed its loss to housing. He felt that the scheme was contrary to policy SP1 in that it would not make a positive contribution to neighbourhoods of choice; and also contrary to policy H1 as he felt that the design and density of the scheme would not contribute to the character of the local area.

A representative of the applicant then spoke to the committee. She explained these homes built would be socially-rented adapted bungalows for disabled people. These was very high demand in the area for adapted and accessible housing that was designed for use by wheelchair users. She explained the intention that these bungalows would help meet that demand and so free-up other social housing in the area for occupation by other families on the housing waiting list. She spoke of the work that the Wythenshawe Community Housing Group does in the community and its support for environmental, health, and social wellbeing of the communities it operates within.

Members of the committee debated the social benefit of more adapted housing for disabled peoples and the loss of part of the green space and the potential impact that could have on the local community. They raised possible traffic calming needs and highways considerations and the officer responded to those. The committee then agreed that the application should be supported.

Decision

To approve subject to the conditions and reasons set out in the report.

PH/19/59. 122466/FO/2019 - Land at Junction of Panfield Road and Broadoak Road, Manchester

The application was for the erection of 4 no. two bed bungalows with associated parking and landscaping works. As with the previous application (Minute 1PH/19/58 above) the bungalows would be built for occupation by families that included a permanent wheelchair user. The site was similar and close by that of the previous application and similar in character, being approximately 0.23 hectares in size and consisting of two open spaces enclosed by Panfield Road and Broadoak Road, mainly of areas of maintained grass lawns with a single mature oak tree on one part.

Further representations submitted by the Head of Planning, Building Control and Licensing explained that a 198 signature petition had been received suggesting revision of the plans for this site and another. They also summarised representations the applicant had made regarding the submitted Open Space Assessments of this site. A further letter of objection from a local resident about the loss of green space was also reported.

The same local resident spoke in opposition to this scheme as she had the previous scheme. She explained that the residents' concerns and objections to this application were the same as for the pervious one as the same neighbourhood was to lose two of its green spaces.

Councillor T Judge also asked the committee to accept his view on and objections to the previous application as being relevant to this.

The representative of the applicant again spoke to the committee. She explained that for this site there would be 56% of the green space left intact for the community's use and 18 new trees will be planted. She reiterated the high demand in the area for this type of housing.

Members agreed that the balance of the issues was again the provision of affordable homes for families that included a disabled person and the loss of the green space. Again, having considered the merits of the application and the objections to it, the committee agreed that the application should be approved.

Decision

To approve subject to the conditions and reasons set out in the report.

PH/19/60. 122638/FO/2019 - Land to the South of Wilmslow Old Road, and to the West Aviation Viewing Park, Manchester, WA15 8XQ

(Councillor Monaghan left the meeting and returned during the discussion and so took no part in the decision of this item)

The application was for the development of a combined bussing and motor transport service centre consisting of a part single/part two storey motor transport building, a single storey bus washing building, provision of a public long stay car park (2,700 car parking spaces), amendments to the layout of Wilmslow Old Road, together with the provision of landscaping and surface water drainage infrastructure and the demolition of four residential properties (Vicarage Cottages).

The site was allocated as Airport Operational Area and comprised 12.06 hectares (ha) to the south west of the airport's cargo and maintenance area. It was bounded by Wilmslow Old Road to the north east, the Runway Visitor Park to the east and two arms of Cotterill Clough ancient woodland to the west and south. Cotterill Clough is a statutory designated Site of Special Scientific Interest (SSSI) and also encompasses a non-statutory designated Site of Biological Importance (SBI). The site is predominantly made up of open fields that have previously been used for grazing.

Within the site is a Grade II listed building, the former Cloughbank Farm, and a small complex of associated brick outbuildings and two metal barns. Listed Building Consent (ref. 122399/LO/2019) was granted in April 2019 to undertake works to existing farmhouse and to demolish a number of outbuildings. On the north-eastern boundary of the site were the four Vicarage Cottages to be demolished.

The Late Representations submitted to the meeting proposed the amendment of Condition 12 to address mitigation of the harm to Great Crested Newt ponds within the site.

A resident of one of the Vicarage Cottages addressed the meeting. She objected to the loss of her home and that of her neighbour who was elderly. She criticised the consultation process that the applicant had used. She told the Committee that Historic England had suggested to her that the cottages might be worthy of being listed buildings. She spoke of the concerns about the ecological impact of the proposals.

A representative of the applicant also addressed the committee. He outlined the redevelopment strategy for the airport and how this scheme was part of the overall programme of works to relocate operational facilities whist the other parts of the strategy were implemented. It was therefore a very important component of the airport's future.

Commenting on the issues raised the Planning Officer reported that whilst the loss of houses was regretted and would normally be resisted, there was a set of unique circumstances in this case that justified their demolition. He also explained the consultations that had been undertaken by the Council in relation to the planning application, and that consultations by the applicant in their capacity as landlord for the cottages was a separate matter.

Members of the Committee satisfied themselves that the ecological impacts of the development were to be mitigated and noted the possibility of the cottages having listed building status in the future. They agreed that given the circumstances of this application the loss of the family homes was justified.

Decision

To approve subject to the conditions and reasons set out in the report and the amended condition as set out in the Late Representations.

(Councillors Nasrin Alii and Riasat left the meeting after consideration of this item and so took no part in the remaining business)

PH/19/61. 119100/FO/2018 - Former Hardy's Well Public House 257 Wilmslow Road, Manchester

The application was for the erection of a part two, part three, part four and part five storey building to provide 8 ground floor A1 retail / A2 financial and professional

services at ground floor and 35no. apartments above with associated access, parking and landscaping arrangements.

The report submitted to the meeting explained that that at the Planning and Highways Committee meeting on 30 May 2019, the Committee resolved to be minded to approve the application (Minute PH/19/43). However, one of the Councillors who sat on Committee at that meeting, and who participated in the decision on this application, was not a member of the Committee. This error did not come to light until after the meeting had concluded. It is considered to be likely that the balance of the vote on this matter would have been different had the member in question not been present or voted. Accordingly, it is considered that the previous decision on this matter is not sound and that this item should come back to this Committee for reconsideration and re-determination.

Councillor Ahmed Ali spoke as a ward councillor against the application and gave the views of local community. The issues he raised included increased traffic resulting from the development, that the commercial element of the proposals was too large, and that the vicinity of the site would benefit from the provision of a “zebra crossing”.

A representative of the applicant also spoke to stress the features and design merits of the scheme and the provision of new homes and employment opportunities in that area. The scheme included 100% parking provision including disabled bays and electric vehicle charging points, as well as cycle parking.

Having debated the highways implications of the application it was moved and seconded that the committee be minded to refuse the application. That motion was voted on and rejected. The committee then voted on the officer’s recommendation that the committee be minded to approve, as it had been at the May meeting. That recommendation was accepted.

Decision

Minded to approve subject to: the conditions and reasons set out in the report; and the signing of a legal agreement which will include a provision for a reconciliation, which would require a contribution to be paid if values change at an agreed point, there would also be provision for a future review mechanism so if the residential units are to be retained as a rented scheme or are changed from rented to sale at a future date.