

## List No. 5

<b>City Centre Ward</b>	<b>Application Number</b> 085917/FO/2008/C1	<b>Date of Appln</b> 4th Mar 2008	<b>Committee Date</b> 10 April 2008
<b>Proposal</b>	Erection of a mixed use office building (Use Class B1) with ground floor and mezzanine retail (Use Class A1, A2, A3 and A5) with related access, basement car parking, servicing, landscaping and associated works		
<b>Location</b>	Land Bounded By Wood Street, The Avenue, Crown Square And New Magistrates Court In Spinningfields, Manchester		
<b>Applicant</b>	Allied London Properties, 1 Cavendish Place, London, W1G 0QF		
<b>Agent</b>	Drivers Jonas 5 New York Street, Manchester, M1 4JB,		

### **Description**

The site has an area of 0.4 hectares and is bounded by Wood Street, Crown Square, The Avenue (a new retail street within Spinningfields, which runs from Deansgate to the Crown Courts ) and the new Magistrates Court, within the Spinningfields area. The land forms part of Crown Square but is currently used as a temporary storage and servicing area for the construction of 3 Hardman Street.

The proposal is for a mixed-use development comprising a double height ground floor with an internal mezzanine floor for retail use (Classes A1, A2, A3 and A5) with four upper floors of office (Use Class B1) accommodation and a roof top plant area. There would be two levels of underground parking providing 48 car spaces with access via the adjacent 3 Hardman Street basement to the south of the site. Delivery and service access for both the retail and office components would be provided by a new pull-in area off Wood Street and Dolefield on the north of the site. The office entrance lobby would front onto Crown Square and the retail units would front onto Crown Square and 'The Avenue'.

The facades of the building at the upper levels would comprise double glazed panels, metallic painted spandrel panels and a series of vertical fins and horizontal ledges in different colours. At ground floor large 'picture frame' glazing is proposed.

The scheme is largely consistent with the Spinningfields Masterplan, although the proposed building would be linked to the rear of the Magistrates Court by a two storey building rather than leaving a pedestrian route through from The Avenue to Wood Street. This would create a continuous retail frontage along The Avenue with no footfall leakage.

The City Council has a land ownership interest within Spinningfields and members are reminded that in considering this matter, they are discharging their responsibility as Local Planning Authority and must disregard the City Councils ownership interest in the site.

### **Consultations**

Engineering Services – No objections received.

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Environmental Health – No objections received.

Contaminated Land Section – No objections received.

Environment & Operations (Highway Authority) – No objections received.

Environment & Operations (Refuse & Sustainability) – No objections received.

Greater Manchester Police – No objections subject to the recommendations of the Crime Impact Assessment.

The Ramblers Association – No objections.

Publicity – The application was advertised as a major development, affecting a public right of way and in the wider public interest. Neighbours within the vicinity have been notified and no representations have been received.

## **Issues**

### **Regional Spatial Strategy (RPG13)**

There are relevant policies in the Regional Spatial Strategy (RPG13) related to this proposal. These are as follows:

DP1 - This policy advises that new development and other investment in infrastructure and services should be located so as to make the most effective use of land, promote appropriate mixes of uses within a site and its wider neighbourhood, make efficient use of transport facilities and assist people in to meet their needs locally.

DP3 - This policy states that new development must demonstrate good design quality and respect for its setting.

Draft Regional Spatial Strategy (January 2006) - Policy DP1 continues the approach set out in policies DP1 and DP3 of the adopted Regional Spatial Strategy. The proposal is in accordance with the principles set out in policy DP1. Furthermore, the proposed development is consistent with policy RDF1 that sets out the main development locations across the region including the Manchester City Region.

Unitary Development Plan - The uses proposed would make a positive contribution to the area and street-scene and therefore the scheme is considered to be consistent with policies for regeneration (RC1), economic and employment development (I1.1, I1.6, I2.1) and appropriate mix of uses (RC3). The scheme would redevelop a brownfield site improving the area's appearance and is therefore considered to be consistent with policies relating to a better environment (RC4) and promoting tourism (RC6). The scheme would respect the City's and site's architectural and historic heritage, contribute to the re-use of an area so as to secure its economic future, improve the environment and encourage the area's safe use by the public (Policies E3.5, E3.6).

The scheme is largely consistent with the Spinningfields Masterplan. However the proposed building would abut the rear of the Magistrates Court rather than leaving a pedestrian route through from The Avenue to Wood Street. This change is considered to be acceptable, as it would create a continuous retail

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frontage with no footfall leakage along The Avenue. The pedestrian walkway shown in the Masterplan would have been a fairly narrow space with no significant destination and is duplicated immediately to the south with a much more attractive route which links in more effectively with the pedestrian priority network in the area.

The Scheme's contribution to regeneration - Regeneration is an important policy stance of the UDP and the site's location and the high quality nature of the development would contribute positively to the Spinningfields area. In this context, the scheme is considered to be acceptable and would promote the regeneration required by approved planning policy.

Design - The building would be of a contemporary design creating a strong form and mass, which is appropriate to this major site within the regeneration area. The heights of the buildings are considered appropriate and the double height ground floors are reflective of City Centre buildings. The elevations of the building would be largely glazed with coloured fins and ledges used to create shadows and resulting in a strong design feature. The buildings would have active uses at ground floor, creating a sense of place by promoting new activity, creating positive street frontages and a sense of place, particularly on the new shopping street and Crown Square, and enhancing the general townscape.

Amenity - The uses are compatible with other uses in the vicinity. An acoustic scheme has been submitted which recommends measures to stop noise break out from any A3 units and to ensure that plant and equipment does not cause a noise nuisance. The building would be an adequate distance from neighbouring buildings so as not to have a detrimental impact in terms of overshadowing or overlooking.

Crime and Disorder - The proposal would bring life to this area and create opportunities for natural surveillance of the streets. The agent is aiming to satisfy all the comments of the Greater Manchester Police and a condition requiring the development to meet 'Secured by Design' would be attached to any permission.

Parking/Servicing - The proposal would provide underground car parking with spaces provided for secure bicycle parking and a minimum of five per cent of the car parking spaces being for disabled drivers.

**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 Unitary Development Plan, the Head of Planning 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. He believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval

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and that such a decision falls within the margin of discretion afforded to the Council under the Town and country Planning Acts.

### **Recommendation      Approve**

The application is approved on the basis that the proposal is in accordance with the City Council's Unitary Development Plan, in particular policies: I1.1, I1.6, I2.1, I3.1, E1.5, E3.5, E3.6, S1.1, S2.5, RC3, RC4, RC6, RC10, RC18, DC9, DC10, DC26, along with Policy RC20 (Area 25), in that the development would support regeneration, economic and employment development, it would enhance the City Centre environment for shoppers, pedestrians and cyclists, it would provide shopping facilities of a high standard of design, it would provide a mix of uses, it would promote tourism and provide shopping facilities in an appropriate location, it would meet high standards of accessibility for disabled persons, and it would have an acceptable impact on amenity, and there are no material planning considerations to indicate otherwise, and subject to the following conditions:

### **Conditions and/or Reasons**

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) Details of the materials, which shall be natural stone, to be used in any reinstatement works for the footpaths and for the areas between the pavement and the line of the buildings shall be submitted to and approved in writing by the City Council as local planning authority. Any works approved shall be implemented in full within six months, or within a timescale to be agreed in writing by the local planning authority, of any part of the development first being occupied.

Reason - In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes, pursuant to Manchester Unitary Development Plan policy E3.6.

3) The applicant shall, with regard to television reception in the area containing the application site, provide the City Council as local planning authority with studies that:

a) Measure the existing television signal reception within the potential impact area, as identified in the Taylor Bros Installations (Bolton) Ltd report dated 4<sup>th</sup> and 5<sup>th</sup> June 2007, and within an area of 500 metres radius surrounding the building, before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Office of Communications (Ofcom), and shall include an assessment of the survey results obtained.

b) Assess the impact of the development on television signal reception within the potential impact area identified in (a) above within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the City Council as local planning

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authority in response to identified television signal reception problems within the potential impact area. The study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out in (a) above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception, as advised in Planning Policy Guidance Note 8: Telecommunications.

4) Construction of the works hereby approved by this permission shall not take place until samples and specifications of the materials to be used on all external elevations of the development shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

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, pursuant to Manchester Unitary Development Plan policy I3.1 and Objective E3.

5) The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to achieve the `Secure by Design` accreditation awarded by the Greater Manchester Police. Written confirmation of those measures are to be provided to the City Council, as the Local Planning Authority.

Reason - In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000; to reflect the guidance contained in Circular 5/94 'Planning Out Crime'; and pursuant to Manchester Unitary Development Plan policy E3.5.

6) The consent hereby granted is for a development that has full access to all areas of the buildings and throughout the site for persons whose mobility is impaired.

Reason - For the avoidance of doubt and so as to provide direct access for disabled persons, pursuant to Manchester Unitary Development Plan policies DC9.1 and DC14.2.

7) Provision shall be made, in accordance with the approved drawings and information, for the adequate storage and disposal of refuse. Such provision

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shall be available for use before the buildings are first occupied and shall remain in situ whilst the use or development is in use.

Reason - In the interests of amenity and public health, pursuant to Manchester Unitary Development Plan policy E1.2.

8) The parking spaces for disabled persons shown in the approved drawings shall be laid out and ready for use prior to the development being brought into use and shall be retained and permanently reserved for use by disabled persons.

Reason - To ensure that satisfactory parking provision for people with mobility impairments is provided within the scheme, pursuant to Manchester Unitary Development Plan policy T2.6.

9) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with the approved drawings. These facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport, pursuant to Manchester Unitary Development Plan policies T3.1, T3.7 and RC18.

10) The consent hereby approved shall only allow use of external areas associated with the application site by the A3 unit(s) in accordance with a plan showing areas of seating and a schedule of days and hours of operation submitted to and approved in writing by the City Council as Local Planning Authority, and shall not allow for use of amplified sound or any music in these external areas.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to Manchester Unitary Development Plan policy H2.2.

11) All vehicles entering and leaving the site during the construction period are to pass through a wheel wash. Details of the wheel wash shall be submitted to and approved in writing by the City Council as local planning authority prior to the development commencing.

Reason - To ensure that the proposed development does not cause unacceptable amounts of dust in the vicinity and to ensure that local roads are kept clear of mud.

12) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment the Desk Study) 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).

The Desk Study shall be prepared by a suitably qualified person whose competence to carry out the Desk Study has been approved in writing by the City Council as local planning authority (an "Expert").

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In the event of the Preliminary Risk Assessment Desk Study 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 Scheme) 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 Scheme shall be carried out, by an Expert before development commences and the Expert shall prepare 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.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy Site Investigation Report 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, an Expert has prepared a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy Site Investigation Report) which shall be 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 Site Investigation Report, which shall take precedence over any Remediation Strategy Site Investigation Report or earlier Revised Remediation Strategy Investigation Report.

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 PPS 23 Planning and Pollution Control.

13) Before development 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 Policy H2.2 of the Unitary Development Plan for the City of Manchester.

14) Before any use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out 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.

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Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

15) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

16) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'very good' or 'excellent'. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before any of the buildings hereby approved are first occupied.

Reason - In order to minimise the environmental impact of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, policies ER13 and DP3 of Regional Planning Guidance for the North West (RPG13) and the principles contained within The Guide to Development in Manchester 2 SPD and Planning Policy Statement 1.

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

Reason - For the avoidance of doubt and to ensure that the development is implemented in accordance with the approved plans and information.

## **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: 085917/FO/2008/C1 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:**

Engineering Services

Environmental Health

Contaminated Land Section

Environment & Operations (Highway Authority)

Environment & Operations (Refuse & Sustainability)

Greater Manchester Police

The Ramblers Association

Ligne Roset, Rational House, 64 Bridge Street, Manchester, M3 3BN

Brodie, Rational House, 64 Bridge Street, Manchester, M3 3BN

Narrow Road Co, Grampian House, 144 Deansgate, Manchester, M3 3EE

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Linford Building Ltd, Wood Street, Manchester, M3 3LB  
Petch Hall Ltd, Grampian House, 144 Deansgate, Manchester, M3 3EE  
Jenics Ltd, Grampian House, 144 Deansgate, Manchester, M3 3EE  
74 Bridge Street, Manchester, M3 2RJ  
76 Bridge Street, Manchester, M3 2RJ  
78 Bridge Street, Manchester, M3 2RJ  
Sawyer Arms, 138 Deansgate, Manchester, M3 2RP  
66-68, Bridge Street, Manchester, M3 2RJ  
Rivvan Bar, 140 Deansgate, Manchester, M3 2RP  
Cunninghams, Hollins Bridge Street Chambers, 72 Bridge Street, Manchester, M3 2RJ  
Arcadia Group Plc, Manchester House 18-20, Bridge Street, Manchester, M3 3BY  
Michael Paul, 70 Bridge Street, Manchester, M3 2RJ  
Freemasons Hall, 36 Bridge Street, Manchester, M3 3BT  
John Rylands University Library, 150 Deansgate, Manchester, M3 3EH  
Manchester City Magistrates Court, Summons & Warrants, Crown Square, Manchester, M3 3FL  
Arts Council England, Manchester House, 22 Bridge Street, Manchester, M3 3AB  
50 Bridge Street, Manchester, M3 3BW  
Aspect Market Research, 54-56, Bridge Street, Manchester, M3 3BW  
Wood Street Mission, 24 Wood Street, Manchester, M3 3EF  
Bridge Street Tavern, 58 Bridge Street, Manchester, M3 3BW  
The Manchester Law Society, Rational House, 64 Bridge Street, Manchester, M3 3BN  
Turner Parkinson, Hollins Chambers 64a, Bridge Street, Manchester, M3 3BA  
National Cleaning, 52 Bridge Street, Manchester, M3 3BW  
Manchester City Magistrates Court, Crown Square, Manchester, M60 1PR  
The Court Service, The Crown Court, Crown Square, Manchester, M60 9DJ  
Manchester Evening News, 22-26, Wood Street, Manchester, M60 9PD  
Platt Halpern, Grampian House, 144 Deansgate, Manchester, M3 3EE  
The New Figaro, 18-20, Bridge Street, Manchester, M3 3DS  
Glaisyers, Manchester House 18-20, Bridge Street, Manchester, M3 3BY  
Manchester Evening News, 164 Deansgate, Manchester, M3 3RN  
18 Ralli Courts New Bailey Street, Manchester, M3 5FT  
Westbury Homes Plc, 18-20, Bridge Street, Manchester, M3 3DS  
The Hogs Head, Grampian House, 144 Deansgate, Manchester, M3 3EE  
M & M Office Cleaning Services, Grampian House, 144 Deansgate, Manchester, M3 3EE  
Sundowners Travel Centre, 62 Bridge Street, Manchester, M3 3BW  
Whitaker Horton Ltd, Grampian House, 144 Deansgate, Manchester, M3 3EE  
Peter Bolton Associates, Grampian House, 144 Deansgate, Manchester, M3 3EE  
The Royal Bank Of Scotland Plc, 1 Spinningfields Square, Manchester, M3 3AP  
Natwest, Deansgate, Manchester, M3 3LY  
Arcadia House, Manchester House 18-20, Bridge Street, Manchester, M3 3BZ  
Johnson Yates Ltd, Grampian House, 144 Deansgate, Manchester, M3 3EE  
Leftbank Apartments, 18-20, Bridge Street, Manchester, M3 3DS  
Yellow Communications, 64 Bridge Street, Manchester, M3 3BN  
26 Wood Street, Manchester, M3 3EF  
Grant Thornton Uk Llp, 4 Hardman Square, Manchester, M3 3EB  
Eat, Spinningfields Square, Manchester, M3 3AP  
Wagamania, Spinningfields Square, Manchester, M3 3AP

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H S B C, 4 Hardman Square, Manchester, M3 3EB

**Representations were received from the following third parties: None**

**Relevant Contact Officer :** Lucy Harrison  
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**Email :** l.harrison1@manchester.gov.uk