

MANCHESTER CITY COUNCIL
REPORT FOR RESOLUTION

<u>Committee</u>	PLANNING AND HIGHWAYS
<u>Date</u>	17 January 2008
<u>Subject</u>	083296/FO/2007/C3 & 083297/CC/2007/C3 Erection of a building comprising 117 no. residential apartments (Class C3), a ground floor retail unit (Class A1/A2/A3/D1), basement car parking, surface level car parking and associated landscaping following demolition of the existing building
<u>Location</u>	Jacksons Wharf Public House, Blantyre Street, Castlefield, Manchester, M15 4LF,
<u>Applicant</u>	Ship Canal Properties Ltd, Peel Dome, The Trafford Centre, Manchester, M17 8PL,
<u>Agent</u>	Ian Simpson Architects 4 Commercial Street, Manchester, M15 4RQ
<u>Report of</u>	HEAD OF PLANNING

PURPOSE OF REPORT

To describe the above application for planning permission, the issues involved and to put forward recommendations.

RECOMMENDATION:

The Head of Planning therefore recommends that the Committee be minded to approve planning application **081737/FO/2006/C3** and conservation area consent application **081738/CC/2006/C3** subject to a S106 agreement for a financial contribution towards environmental and infrastructure works within the City Centre, for the reasons set out in this report.

Financial Consequences for the Revenue Budget

There are no financial consequences for the revenue budget.

Financial Consequences for the Capital Budget

There are no financial consequences for the capital budget.

Contact Officer(s)

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Background Documents

Planning application 083296/FO/2007/C3
Conservation area consent application 083297/CC/2007/C3
The Unitary Development Plan for the City of Manchester (UDP)
A Guide to Development in Manchester
Planning Policy Guidance Notes 1, 3, 6, 8, 13, 15, 16 and 24
RPG 13

Responses of:

Engineering Services
Environmental Health
Contaminated Land Section
Director Of Housing
Environment & Operations (Refuse & Sustainability)
English Heritage (NW Region)
Environment Agency
GMPTE
Greater Manchester Police
GMEU
GMAU

Third Party Consultations:

Over 700 residents, businesses and other third parties in the area were notified on the planning application. It is customary for this list to be included in the report to Committee. However, for this application the list would extend to 13 pages so in this instance the full list has been placed on the application files and not included in this report. A plan has been attached which shows the extent of notification.

The same residents, businesses and other third parties in the area were notified of revised plans submitted following the 22 November 2007 Committee meeting.

Third Party Representations

██████████ 2 The Gables, Old Road, Tintwistle, Glossop, Derbyshire
██████████ Flat 14, Blantyre House, 6 Slate Wharf, Manchester, M15 4SZ
██████████ Flat 14, Blantyre House, 6 Slate Wharf, Manchester, M15
4SZ
██████████ Flat 15, Blantyre House, 6 Slate Wharf, Manchester, M15 4SZ
██████████ Flat 1, Bridgewater House, 5 Slate Wharf, Manchester, M15 4SW
██████████ Flat 7, Bridgewater House, 5 Slate Wharf, Manchester, M15
4SW
██████████ Flat 5, Irwell House, 11 Slate Wharf, Manchester, M15 4SW
██████████, Flat 3, Blantyre House, 6 Slate Wharf, Manchester, M15 4SZ
██████████ Flat 7, Blantyre House, 6 Slate Wharf, Manchester, M15 4SZ
██████████ Apartment 15, Worsley Mill, 10 Blantyre Street, Manchester, M15
4LG
██████████ Apartment 215, 3 Blantyre Street,
Manchester, M15 4EG
The Occupier, Flat 30, Blantyre House, 4 Slate Wharf, Manchester, M15 4SZ
██████████ Flat 18, Blantyre House, 4 Slate Wharf, Manchester, M15 4SZ

[REDACTED] Flat 19, Blantyre House, 4 Slate Wharf,
Manchester, M15 4SZ
[REDACTED] Flat 21, Blantyre House, 4 Slate Wharf, Manchester, M15 4SZ
[REDACTED] Flat 24, Blantyre House, 4 Slate Wharf, Manchester,
M15 4SZ
The Occupier, Flat 25, Blantyre House, 4 Slate Wharf, Manchester, M15 4SZ
[REDACTED] Flat 29, Blantyre House, 4 Slate Wharf, Manchester, M15 4SZ
[REDACTED] Apartment 302, Middle Warehouse, Castle Quay, Manchester,
M15 4NT
[REDACTED] Apartment 305, Middle Warehouse, Castle Quay, Manchester,
M15 4NT

Personal details withheld at the request of individual

[REDACTED] Apartment 30, 1 Blantyre Street, Manchester, M15 4JT
[REDACTED] Apartment 60, 1 Blantyre Street, Manchester, M15 4JU
[REDACTED] Flat 309, Castlegate, 2 Chester Road, Manchester, M15 4QG
[REDACTED], 21 Belvoir Road, Lower Walton, Warrington
[REDACTED], 249 Fairfield Road, Manchester
[REDACTED] 5 City Gate,, Blantyre Street, Castlefield
[REDACTED] 3 Ship Canal House, slate wharf, castlefield, manchester
[REDACTED] Flat 3 Egerton House, Slate Wharf, Castlefield

Personal details withheld at the request of individual

[REDACTED] Apartment 80, 1 CityGate, Blantyre Street
[REDACTED] Apartment 168, City Gate 2, 3 Blantyre Street, Castlefield
[REDACTED] Apt 92 Citygate 1, Blantyre Street, Castlefield, Manchester
[REDACTED] Apartment 413 Castlegates, Chester rd, Manchester
[REDACTED] 503 Middle Warehouse, Castle Quay
[REDACTED] Apartment 302, Castle Quay, Manchester
[REDACTED] 305 Castlegate, 2 Chester Road, Manchester
[REDACTED] 64 Worsley Mill, 10 Blantyre Street, Castlefield, Manchester,
[REDACTED] Apartment 91 City Gate 1, 1 Blantyre Street, Manchester
[REDACTED] Flat 15, Bridgewater House,, Slate Wharf,, Castlefield,,
Manchester

[REDACTED] Apt 135, City Gate 2, 3 Blantyre Street, Manchester
[REDACTED] 84 citygate, 1 blantyre street, manchester
[REDACTED], 2 blantyre house
[REDACTED], 23 Worsley Mill, Blantyre Street, Castlefield, Manchester

Personal details withheld at the request of individual

[REDACTED] 58 Worsley Mill, 10 Blantyre Street, Castlefield, Manchester
[REDACTED] 506 Middle Warehouse , Castle Quay, Manchester
[REDACTED] apt 44 Velvet House, 60 Sackville street, Manchester
[REDACTED] Apt 38 City Gate , 1 Blantyre Street, Manchester
[REDACTED] 402 Castlequay, Chester Road, Manchester
[REDACTED] 126 City South, City Road East
[REDACTED] Flat 4 The Garden House, 3 William Fariburn Way, Manchester
[REDACTED], 20 Scholars Drive, Manchester
[REDACTED] 44 City Gate, Blantyre Street, Manchester

Personal details withheld at the request of individual

[REDACTED] Lincoln Gate Apts, Lord St, Manchester
[REDACTED] 101 City Gate, 1 Blantyre Street, Manchester
[REDACTED], apartment 95, citygate, 1 blantyre street
[REDACTED] 313 Castle Quay / Middle Warehouse. Manchester
[REDACTED] Apt 28 Citygate, Blantyre Street, Manchester
[REDACTED] 319 Vicus, 73 - 83 Liverpool Road, Manchester
[REDACTED] Flat B05 Castlegate., 2 Chester Road., Manchester

[REDACTED] 305 Middle Warehouse, Castle Quay, Manchester
 [REDACTED] G5, 360 Apts, 1 Rice Street, Castlefield , Manchester
 [REDACTED] 305 Middle Warehouse , Castle Quay
 Personal details withheld at the request of individual
 [REDACTED] 23 Lambton Road
 [REDACTED], 22 New Welcome St
 [REDACTED], 23 Lambton Road, Worsley, Manchester
 [REDACTED] Flat 55, Cloverley, 108 Brooklands Rd, Sale
 [REDACTED], Lava Cafe Bar, Unit 1, Middle Warehouse, Castlequay,
 Manchester
 Personal details withheld at the request of individual
 [REDACTED] Apt 40, Britannia Mills, Hulme Hall Road, Manchester
 [REDACTED], 51 Worsley Mill, Castlefield, Manchester
 [REDACTED] 51 Worsley Mill, 10 Blantyre Street, Manchester
 [REDACTED] Apt 38 City Gate, 1 Blantyre Street, Castlefield
 [REDACTED] Flat B04, Castlegate, 2 Chester Road
 [REDACTED], 10 Bridgewater house, 7 Slate Wharf, Castlefield
 [REDACTED] Flat 44, Worsley Mill,, Blantyre St
 [REDACTED] Apartment 472, 4 Kelso Place, Manchester
 Personal details withheld at the request of individual
 [REDACTED] 410 The Middle Warehouse, Castle Quay, Chester Road,
 Manchester
 [REDACTED] Rossetti Place, #306, 2 Lower Byrom St., Manchester
 [REDACTED] 19 Worsley Mill, Blantyre Street, Castlefield
 [REDACTED] 38 Piccadilly Lofts, 70 Dale Street, Manchester
 [REDACTED] Flat 11, Irwell House, Slate Wharf, Manchester
 [REDACTED] Flat 66, City Gate 1,, 1 Blantyre Street, Manchester
 [REDACTED] 19 Worsley Mill, Blantyre Street, Castlefield, Manchester
 [REDACTED] 401 Middle Warehouse, Castle Quay, Castlefield, Manchester
 [REDACTED] Apartment 21, City Gate, 1 Blantyre Street, Castlefield,, Manchester
 [REDACTED] Resident Of Castlefield
 [REDACTED] 1 Blantyre House, 6 Slate Wharf, Manchester
 [REDACTED] Castlefield, Manchester M15 4LF
 [REDACTED] Aptmt 73, Worsley Mill, Blantyre Street, Manchester M15 4LG
 [REDACTED] 11 Egerton House, 2 Slate Wharf, Manchester M15 4SY
 [REDACTED] 24 Velvet House, 60 Sackville Street
 [REDACTED] 13 Highfield, Dene Road, Didsbury
 [REDACTED] 23 Shaftesbury Avenue, Eccles, M30 7AN

Wards affected

City Centre Ward

Implications for:

Anti-poverty Equal Opportunities Environment Employment

1.0 INTRODUCTION

1.1 Members will recall that this application was brought before the Committee on 22 November 2007 with a recommendation of 'minded to approve' subject to a S106 agreement. Members were concerned about the character, style and design of the scheme and the Committee were 'minded to refuse' the application

and asked the Head of Planning to prepare and submit a further report addressing these issues and to advise them as to whether there are relevant planning considerations that could reasonably sustain a refusal of planning permission.

1.2 The developer has submitted revised plans in response to the concerns raised by the Committee. The proposal has been amended in the following ways:

- The apartment arrangement has been altered to split the building into two residential blocks, separated by a void and a glazed entrance area.
- The top floor has been removed from the rear of the two blocks.
- Apartments have been introduced at Level 1 above the retail unit, which reduces the amount of glazing.
- The main elevation to the canal basin has a more solid appearance through the introduction of timber louvers to the lower roof top level.

2.0 **PUBLICITY**

2.1 Neighbours were re-notified of the application by letter and 14 responses have been received. Many objections remain the same as those already reported to Committee on the original scheme. Other comments are as follows:

- No better than the previous plans;
- Revisions are minor and it is virtually impossible to see any difference;
- The revisions have been made without any consultation with local residents;
- The revisions do not address most of the objections (eg regarding access from Blantyre Street, strain on local infrastructure, loss of privacy and light etc);
- Requires a complete redesign.
- The larger building fronting the canal should also be split into two and the top two floors of glass removed to create three smaller buildings more in keeping with the heights of other buildings within the basin;
- The scheme is not in accordance with the consultation document "A Strategic Plan for Manchester City Centre 2008 – 2012 – Consultation Document".

3.0 **ISSUES**

3.1 The main concerns expressed by the Committee related to:

3.2 The height and massing of the building would appear larger than existing buildings within the canal basin resulting in an overdominant appearance that would detract from the character and appearance of the Castlefield Conservation Area and affect the setting of the adjacent listed Middle Warehouse.

3.3 The amount of glazing within the external elevations of the building would appear to be out of keeping with existing buildings in the vicinity, which are predominantly of a solid masonry appearance with punched windows, again resulting in a building that would be out of keeping with the character and appearance of the Castlefield Conservation Area and affect the setting of the adjacent listed Middle Warehouse.

3.4 **Response through revisions** - The splitting of the two blocks and the removal of the top floor from the rear block has significantly altered the character and massing of the proposal, with the block fronting the canal responding well to the rectilinear form of traditional canal warehouses such as Middle Warehouse and Merchants Warehouse. The scheme now reads as two linear elements when viewed from Merchants Bridge, rather than a single block.

3.5 The amount of glazing on the building has been significantly reduced through the removal of the top floor on the rear block. This also helps to emphasise the separation of the two blocks and reduces the scale of the building relative to the existing adjacent apartments on Blantyre Street. The introduction of more timber louvres on the canal elevation also helps to reduce the impact of glazing on this elevation, giving the building a more solid appearance.

4.0 **CONCLUSION**

4.1 The Head of Planning's recommendation has not changed and is still 'minded to approve' the application subject to a S106 agreement for a financial contribution towards environmental and infrastructure works within the City Centre, as it is considered that the proposal has been improved through the revisions and that the design and scale of the proposal would be in keeping with the character and appearance of the Castlefield Conservation Area.

4.2 However, despite the above, if the Committee resolve to refuse the application the following reasons for refusal could be used:

1. The proposal by reason of its scale and massing would be an over-dominant and intrusive feature within the canal basin and would thereby be detrimental to the character and appearance of the Castlefield Conservation Area and to the visual amenity of the area. The proposed development would therefore be contrary to the provisions of Policies H2.2, H2.7, I3.1 and DC19.1, S2.5 of the City of Manchester Unitary Development Plan and Policy DP3 of the Regional Spatial Strategy.
2. The proposal by reason of its design and appearance in terms of the amount of glazing within the elevations would be out of keeping with character and appearance of the Castlefield Conservation Area and would thereby be detrimental to the visual amenity of the area. The proposed development would therefore be contrary to the provisions of Policies H2.2, H2.7, I3.1 and DC19.1 of the City of Manchester Unitary Development Plan and Policy DP3 of the Regional Spatial Strategy.
3. The proposal by reason of its scale, design and appearance would detract from the setting of the Grade II listed Middle Warehouse and would therefore be contrary to the provisions of Policy DC20.1 of the City of Manchester Unitary Development Plan.

5.0 **INTRODUCTION**

5.1 The applications relate to a site measuring 0.45 hectares, which is bounded by Blantyre Street to the north, an arm of the Bridgewater Canal leading to Middle Warehouse to the east, Middle Warehouse and its car park to the south and residential apartment buildings of Slate Wharf and City Gate to the west. The site is within the Castlefield Conservation Area. It is occupied by the vacant

Jackson's Wharf Pub with its associated surface level car park, a surface level car park that provides parking for an occupier of Middle Warehouse, and a paved amenity area adjacent to the canal.

6.0 THE APPLICATION

6.1 The applications seek to demolish the existing building, which dates back to the 1980s and is a pastiche warehouse design in red brick with a pitched slate roof. The planning application proposes to develop an apartment building accommodating 118 flats, with a ground floor commercial unit on the corner of Blantyre Street overlooking the canal. The building would form an L-shape, with frontages to the Bridgewater Canal and Blantyre Street. It would have two basement levels of car parking, as well as a surface level car park to the rear which would provide spaces for the occupier of Middle Warehouse. The main block of the building would be set back from the canal to ensure views of Middle Warehouse are not affected and to form a landscaped amenity area adjacent to the canal.

6.2 The proposed building would be a maximum of seven storeys in height. The first five storeys fronting the canal would be glazed in a random pattern with sliding timber shutters and horizontal structural glass balustrades running the full width of the building. On the other elevations the main body of the building would have a similar random glazing pattern but would be clad red in sandstone rainscreen cladding with horizontal grooves tooled into the sandstone.

6.3 The top two storeys of the building would be clad in full height clear glazing with intermittent vertical columns of perforated stainless steel flush with the face of the glazing to conceal ventilation equipment. The top two floors would step back from the east elevation of the building and would cantilever out at an angle over the south west corner and west elevation of the building. The stepping back of the top two floors has been designed to respect the eaves line of the adjacent Middle Warehouse and the pitch of the roof on that building.

6.4 The ground floor of the building on Blantyre Street would be clad for a large part in open stainless steel mesh to allow views through to the landscaped car park behind. The entrance to the apartments would be in this elevation consisting of full height glazing and the commercial unit on the corner would have double height glazing, the top half of which would be screened by horizontal painted timber fins.

6.5 The amenity area adjacent to the canal would be surfaced in a mixture of granite setts and slabs, with the existing Yorkstone flags and granite cobbles, and most of the existing trees immediately adjacent to the canal being retained.

7.0 CONSULTATIONS

7.1 Head of Engineering Services – No objections in principle.

7.2 Head of Regulatory Services – Recommends a condition be attached requiring a scheme to deal with contamination of land and/or groundwater.

7.3 Head of Environmental Health – No objections in principle subject to conditions regarding fume extraction, hours of use, noise, delivery hours and ground investigation being attached to any consent.

- 7.4 Housing – No objections received.
- 7.5 Head of Neighbourhood Services – No objections.
- 7.6 Environment Agency – No objection following the submission of a revised Flood Risk Assessment.
- 7.7 Greater Manchester Police – No objections.
- 7.8 English Heritage – No objections.
- 7.9 Manchester Conservation Area and Historic Buildings Panel – “The Panel did not object to the demolition of the existing building and was supportive of an appropriately-designed good contemporary replacement.
- 7.9.1 The Panel considered that the footprint of the front linear element of the proposal was acceptable, but not the ‘L’ shape. The return element was felt to be unnecessary and would add to the building’s mass. The historic forms adjacent to the canal tend to be simple linear footprints, but this proposal is not. The resultant mass of the proposal would affect the setting of the adjacent listed building and the outlook of the residents of the existing apartment block to the rear.
- 7.9.2 A Panel member noted that the recent buildings in this part of the conservation area do tend to be subservient to the existing listed buildings. It was felt that the height of the proposal should be not greater than that of the eaves level of the adjacent listed building. It was felt that the expansive use of glass and the two-storey glazed top would add to the proposal’s dominance.
- 7.9.3 It was considered that the two-storey glazed rooftop would be too prominent and that efforts should be made to tone down the impact of the glazed balconies; these could possibly be broken down into bays. Otherwise the proposed materials were considered to be acceptable.
- 7.9.4 The Panel also felt that efforts should be made to cut back the proposed building adjacent to the listed building to reduce its impact.
- 7.9.5 The Panel also noted that the two-storey glazed rooftop element appeared to give the proposed building a top-heavy appearance when related to the squat base and ground floor expression. The Panel asked how a building with so much glass could meet ‘eco’ ratings targets?
- 7.9.6 The Panel felt that the proposed landscaping treatment should result in a useable and attractive canal-side space, a unifying element with the Canal. The Panel recommended a robust and simple landscaping scheme responding to the character of this part of the conservation area. It was felt that the materials palette should be kept to a minimum number of different materials. Trees were considered to be acceptable, but the siting should be less geometric.
- 7.9.7 Whilst the Panel was fully supportive of an appropriately designed good contemporary replacement building, it was considered that the proposal represented a lost opportunity. It was considered that the proposal would neither respect the historic context of its setting, make a good enough statement

in its own right or set a good enough benchmark for other new development to follow.

7.9.8 Recommend – Refuse as submitted/negotiate as above.”

7.10 Greater Manchester Passenger Transport Executive – No objections.

7.11 Greater Manchester Ecology Unit – No objections received.

7.12 Greater Manchester Archaeological Unit – No objections received.

8.0 **PUBLICITY**

8.1 The planning application has been advertised as a major development affecting the character and appearance of the Castlefield Conservation Area and the settings of the Grade II listed buildings, Middle Warehouse and Merchants Warehouse. The conservation area consent application has also been advertised. Site notices for both applications have also been displayed.

8.2 Neighbours were notified of the application by letter and responses have been received from those listed under Third Party Representations. The neighbours object to the planning application on the following grounds:

- Overdevelopment of site – proposed building far larger than existing leaving no open space around the site;
- Will restrict access to canal and other facilities;
- Loss of light to canal basin, canal boats and surrounding properties.
- Loss of openness – will close canal basin in.
- Detrimental to visual amenity – building will dominate view of canal basin.
- Loss of view (residents’ private view and general public view through basin).
- Overlooking, loss of privacy to occupiers of adjacent buildings.
- Will infringe neighbours common law rights to light.
- The area is of significant historical importance being a tentative World Heritage Site. However, the materials and building appearance are out of keeping with the character and appearance of the area and will erode and jeopardise this status. PPG 15 encourages planning authorities to protect WHSs, consider their importance as a key material consideration and develop management plans for them.
- English Heritage have recently reported that the settings of the historic warehouses in Manchester have been compromised by adjacent new buildings that overwhelm them in form, material and design.
- Developer should have consulted English Heritage.
- Detrimental impacts of proposal will lead to loss of tourist attraction.
- Ramps in front of building would encourage skateboarding resulting in increased noise.
- Lack of soft landscaping.
- Decrease value of surrounding properties.
- Loss of business due to restricted access to basin.
- Increased noise, disturbance and air pollution during and post construction.
- The large building would result in noise from the tram/train lines reverberating around the basin.
- Increase in traffic and parking in an area that already has problems – emergency vehicles won’t get through due to cars parked on street. Already

problems at the junctions of Blantyre Street and Chester Road roundabout and the Middle Warehouse car park exit and Chester Road.

- The traffic survey was carried out in the off peak season in July when many people were on holiday – it should be carried out at peak flow time.
- The traffic survey is incorrect as it states that the retail unit would serve residents of the proposal and nearby buildings but the consultations with Planning made it clear that the ground floor use would be for “visiting members of the public”.
- The traffic report does not take account of the proposed use of the plaza for “temporary installations, markets, events, etc”.
- The access road in front of Middle Warehouse will become blocked as Peel don't enforce the traffic regulations and over 100 extra cars using it will create chaos.
- The new access road will cut across existing footpaths increasing danger for pedestrians.
- Slate Wharf road is block paviors which aren't robust enough for vast increase in traffic.
- How will emergency and refuse vehicles gain access when underground car park is closed?
- Poor appearance. Design is too modern and out of keeping with character and appearance of Castlefield basin (but better than adjacent Bellways development) – design, size and materials should replicate surrounding small scale development and old warehouse buildings. Too big. Too much glass and not enough masonry on facades. External appearance will quickly become discoloured (as with the upper storeys of Deansgate Quay and The Lock buildings). Seven storeys is excessive and beyond skyline of adjacent buildings and building would block long vista through Castlefield. Too close to Castle Quay (Middle Warehouse).
- The expanse of stainless steel screening/mesh and loss of trees will be detrimental to visual amenity along Blantyre Street.
- Character of area is higher buildings at rear leading down to lower rise building at canalside. A higher building here would detract from all aspects of the canal basin including important views from Merchant's Bridge.
- The maximum height for the site when originally developed appears to have been abolished.
- Loss of a fine historic building - pub should be retained and refurbished or converted into flats to retain character of area.
- Consent to demolish the building should not be given until consent for redevelopment given.
- Conditions should be attached to the Conservation Area Consent requiring commencement of the replacement building within four weeks of demolition and that the replacement building should be completed within two years of demolition as Castlefield now has several sites that have been cleared but no new buildings erected.
- Should build a two storey commercial outlet instead.
- Any redevelopment should not exceed footprint of existing building.
- One or several smaller buildings would be more in keeping with the area.
- Overhang at levels 5 and 6 is not characteristic of area, makes presence of building more considerable and destroys setting of Middle Warehouse.
- Large expanses of glass would lead to night-time light pollution.
- Would like to see a park or green area for children to play.
- Council has developed apathy and neglect for Castlefield area and should refocus its sights on improving Castlefield and the top end of Deansgate (Peugeot and Total Garages and Quay Bar).

- The opportunity to rebuild the City with quality development after the IRA bomb has been lost, with flawed decisions, such as allowing Quay Bar, being made.
- A coherent Masterplan is needed for Castlefield to ensure new development is in keeping and adheres to the visual identity of the area.
- Is there a need or demand for a development of this size and scale or is the Council seeking a short term financial return for the sale of the land?
- Lack of facilities/infrastructure to support housing (doctors' surgeries, dentists, shops, drainage etc).
- Need the correct balance of residential and commercial/retail/leisure developments.
- The commercial unit will be boarded up leading to graffiti – there are already 10 vacant units in the area.
- Small amount of business in basin will reduce during construction and may not return after as amount of open space is contracting giving site a more private feel. Lava Café Bar next door (in Middle Warehouse) has been given no indication of what steps would be taken to maintain their business and no opportunity to input into the plans for the terrace area in front of their business. Obstruction of light to the terrace will further affect business.
- Lava Café Bar chairs and tables already block access to canal.
- Lack of ownership control of external space suggests overdevelopment of the site.
- The integration of public and private space is unacceptable, rendering proposed public terrace unusable and providing additional issues for any prospective tenant of the commercial unit. The close proximity of the terrace to residential windows means it can't be fully utilised without disruption/intrusion to residents.
- There would be a conflict between residents apartments in proposal and in Blantyre House and Key 103 parking with disturbance caused by 24 hour traffic movements outside people's windows.
- Flats of a similar build to this have been easy targets for burglars (eg Deansgate Quay).
- No details of S106 agreement to benefit wider area and create more sustainable development with provision of facilities/infrastructure.
- No details of affordable housing.
- There should be more visuals in context of adjacent buildings. Relationship to adjacent sites such as Plot G and the ground floor of City Gate is difficult to assess.
- Increase in car crime.
- There is an over-saturation of flats in the City Centre resulting in empty flats, squatters and resulting drug/alcohol problems, tenants have messy flats and balconies, lack of maintenance and lack of community spirit. Problems of America's mortgage debt transferring to this country could lead to high levels of vacant property.
- Need more family accommodation and accommodation for owner occupiers only.
- Need adequate refuse storage as high turnover of residents results in more rubbish especially with non-car owners and there are already problems of rubbish bags being left out on street.
- Shop/restaurant a good idea but pub/club could cause noise problems.
- The green space and pedestrian access needs to be maintained between this site and the Slate Wharf properties. Will the narrow footpath to the canal be closed off and is this a public right of way? There is no other route

through to the canal and the presence of a 2m high hoarding on one side and lack of lighting makes it a potential risk area for mugging etc.

- The development of the site will drive away wildlife and remove a green space where they live.
- Residents have already suffered from five years of construction works – this development will extend the disturbance even longer.
- Removal of trees and those retained will be damaged during construction or have their growth stunted.
- Already lack of maintenance of public areas.
- Problems of dumped rubbish, noxious odours, green algae and flies/wasps in canal will only get worse.

8.3 An objection has been received from Councillor Marc Ramsbottom with the following comments:

- “a) the proposed development has a monolithic appearance that does not respect or relate to the existing buildings that are located adjacent to development site
- b) accordingly, the proposal does not respect the setting of the listed building known as Caste Quay/Middlewarehouse and indeed is considered to have an adverse impact on the setting of the listed building.
- c) buildings that give the appearance of being large should be designed as a series of small buildings instead, and it is suggested that this building be redesigned to allow for this.
- d) The proposed development lies within the Castlefield Conservation area. Therefore the scheme should preserve the appearance and setting of the conservation area. The applicant should be required to make use of quality materials to ensure that the appearance of the development is acceptable.
- e) other buildings in the vicinity that have permission for ground floor commercial use (A1/A2/A3/D1) remain unlet. We have concerns that this will be case with regard to this development. In respect of previous representations made to the Planning Department on this point, it is claimed that agreements have been entered into with developers in respect of reduce lease/rent agreements. The Planning Department is put to strict proof of this claim and to provide evidence that such agreements have resulted in shop premises being occupied.
- f) Further to this, an evaluation of the health needs of city centre residents carried out 12 months ago by ward councillors revealed a shortage of general practitioners available for city centre residents. The Planning Department is requested to recommend a condition be attached to granting planning permission that provides for one ground floor unit to be leased/sold as a doctors surgery.
- g) Large numbers of residential apartments remain unoccupied according to City Council sources. It is questionable as to whether there is demand for further residential development at this location.
- h) The development proposes the use of Blantyre Street for the entrance and exit of vehicles accessing the car park at the development. Although the proposal makes provision for 118 parking spaces, this will increase vehicular traffic on Blantyre Street. There is currently parking problems at this location with on street parking causing congestion and access problems for residents. This will be exacerbated by this development. Many residents do not purchase car parking spaces when buying their apartment, because the expenses is regarding as prohibitive, and rely on

on-street provision, thereby causing congestion associated traffic problems on Blantyre Street.

- i) The development should contain sufficient public open spaces that incorporates high quality public realm. This should include planting, landscaping, and the use of trees and shrubs of sufficient maturity to establish attractive, accessible and sustainable open space.”

8.4 Comments have also been received from Councillor Paul Shannon. He has been contacted by various residents in the Castlefield area outlining their many and varied objections to the application and he shares many of their concerns, specifically:

- The proposal represents an over-development of the site.
- The planned development is not in keeping with its neighbours.
- There will be a loss of some open space due to increased footprint.
- This particular development could jeopardise a putative World Heritage Site status.
- The proposed height is excessive and the suggested outlined treatment of the facade is not appropriate to the Castlefield area.

8.5 Councillor Shannon has also forwarded the attached comments, in opposition to the application, from the ‘Pride of Manchester’ website at their request.

8.6 Comments from constituents have been forwarded by Ian Stewart MP and Tony Lloyd MP. The constituents names are listed under ‘Third Party Representations’ at the beginning of this report and their comments included in the general neighbour comments listed above.

9.0 **ISSUES**

9.1 **National Policy**

9.1.1 **Planning Policy Statement 1 (PPS1): Creating Sustainable Communities**

PPS1 encourages the promotion of urban and rural regeneration to improve the well-being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. Policies should promote mixed use developments that create linkages between different uses and create more vibrant places. The principle of the development proposed is in accordance with PPS1.

9.1.2 **Planning Policy Guidance Note 3 (PPG 3): Housing**

This guidance strongly encourages the re-use of previously developed vacant or under-utilised land or buildings and lends support to new housing within urban areas at high densities that are in close proximity to existing services and facilities and public transport provision. The proposal accords with this guidance as the proposed development would be built on brownfield land with good public transport links close to City Centre services.

9.1.3 **Regional Spatial Strategy (RPG13)**

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

9.1.3.1 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.

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

9.1.3.3 SD1 - This is a general policy which advises that new development and redevelopment of good quality should be encouraged which will provide a significant proportion of the new and better housing and other development required to cope with anticipated household growth in the Region. It must be coupled with economic growth through urban regeneration, re-use of previously developed land, and creative improvements to the public realm in order to create a more dynamic, attractive and competitive Metropolitan Area. The application site falls within the North West Metropolitan Area (NWMA) as identified in this policy. Moreover, the site is within the first priority part of the NMWA that includes the City Centre and surrounding inner areas falling within the administrative areas of Manchester and Salford Councils. This proposal therefore supports a key regeneration area within the region. It is considered that this scheme generally complies with this policy.

9.1.3.4 UR1 - This policy advises that local authorities and other regional agencies should work together to provide an accessible, desirable, living and working conditions that ensure a good quality of life for all. Urban renaissance should be promoted, amongst other criteria, by reviving communities, reviving local economies including industrial restructuring, and tackling low demand for housing and poor physical conditions. The re-use of derelict land and buildings, the balanced distribution of good quality dwellings, access to open space, will improve the appeal of urban areas, contribute to their regeneration and safeguard their future. It is considered that this proposal complies with this policy and will provide good quality housing and improve physical surroundings in the area.

9.1.3.5 UR4 - This policy advises that the redevelopment and re-use of vacant sites and buildings within urban areas should be a priority. Additional development should be encouraged to make best use of such sites in sustainable locations. In Manchester the target within the policy is that 90% of new housing will be on previously developed land. This application includes the erection of 117 new flats on previously developed land and therefore it is considered that the proposal generally complies with this policy.

9.1.3.6 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. MCR1 and MCR2 are the key sub-regional policies that relate to the site. The proposals are generally in accordance with the policy framework set out in these policies.

9.2 **Unitary Development Plan (UDP)**

9.2.1 The application is considered to be consistent with UDP Policies and in particular with policies H1.2 (Housing – Housing Provision), H2.2 (Housing -

Residential Development), H2.7 (Housing - Design of Housing), I3.1 (Employment & Economic Development - Design of Commercial Development) E1.1 (Environmental Improvement & Protection - Air Pollution), E1.4 (Environmental Improvement & Protection - Noise Control), E1.5 (Environmental Improvement & Protection - Energy Conservation), E3.4 (Environmental Improvement & Protection - Canals), E3.5 (Environmental Improvement & Protection - Safe Environments), R1.1 (Regeneration) S1.1 (Shopping - City Centre Environment), T3.7 (Transport – Cycle Parking), L1.9 (Leisure & Recreation - Cafes), L1.3 (Leisure & Recreation - Access to Waterways), RC3 (Mixed Uses), RC4 (Environment), RC5 (Waterways), RC6 (Tourism), RC7 (Gateway Sites), RC9 (Offices), RC10 (Shopping), RC11 (Housing), RC17 (Car Parking), RC18 (Pedestrians), DC7.1 (New Housing Development), DC9.1 (New Commercial & Industrial Development - Access for Disabled People), DC10.1 (Food & Drink), DC10.2 (Food & Drink).

9.2.2 Furthermore, it is considered that the scheme would maintain the appearance, character and setting of the Castlefield Conservation Area and the nearby listed buildings, in accordance with policies E3.8 (Environmental Improvement & Protection – Conservation Areas), DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings). The proposal is also consistent with the Small Area Framework for this area (policy RC20 - Area 27) building on significant recent developments in the area.

9.3 **Impact On The Conservation Area, Listed Buildings and Tentative World Heritage Site**

9.3.1 The City Council has a statutory duty when considering proposals in a conservation area to ensure that the character or appearance of the area is preserved or enhanced. The character of this part of Castlefield Conservation Area is defined by the canal basin, over-layered by substantial railway viaducts. The conservation area is characterised by substantial buildings many of which have a direct relationship with the waterways and with some standing in open areas. Other smaller buildings dating from the late 20th century and of a pastiche design also stand in space within the canal basin. It should be acknowledged that the physical character and amount of development has changed the area in recent years through the driving force of regeneration initiatives by both the public and private sectors. This investment has produced an attractive environment, made it easier for the public to walk through it, and has introduced a positive mix of uses, none of which was possible in the area's historic heyday when it served only as an area linking canal, road and rail networks to service the industrialisation of Manchester. This is an important point as the character of the area, whilst having important historic references is not a recreation of those earlier industrial times.

9.3.2 The proposal is on a site that is currently occupied by a vacant building with a large area of surface car park and a York stone flagged terrace area fronting the canal. The site is run down in appearance and along with other building in the area has been the subject of some complaints. The proposal would improve the appearance of the site and bring more life to this part of the conservation area, whilst retaining an open landscaped area adjacent to the canal. The disused pub that would be demolished to make way for this development dates from the early 1990s and is a pastiche warehouse design of no architectural or historic interest. The building that would replace it would be larger in height and footprint than the existing building, but its scale would be reminiscent of the warehouse

buildings, which are characteristic of the conservation area, and it would provide a 'stop-end' to the view down the canal. The proposal is designed to retain and improve the space in front of the building at the canal side, improving accessibility for the public down to the canal. The materials proposed for the building are predominantly red sandstone, painted timber and glazing and it is considered that these are in keeping with the character of the conservation area, reflecting the red sandstone topography and the red brick of the warehouses. It is considered therefore that the proposal would enhance Castlefield Conservation Area.

9.3.3 The proposal would have an impact on the Grade II listed buildings of Middle Warehouse and Merchant's Warehouse. The proposed building would be set further back from the canal than the existing building, allowing the whole façade of the adjacent Middle Warehouse to be viewed. The facades of the proposed building reflect the long facades of the listed buildings and the height of the proposed building has been designed so that it is no higher than Middle Warehouse and the glazed roof top storeys correspond with the eaves line and slate roof of the warehouse. It is considered therefore that the proposal would maintain and enhance the settings of the listed structures.

9.3.4 The proposals acknowledge the historic environment, reinstate key characteristics of the Conservation Area that have been identified as having a special interest, and as such enhances the character and appearance of the Conservation Area and the historic setting of adjacent listed buildings. English Heritage has been consulted on the proposal and has no objections to it.

9.4 **The Scheme's Contribution To Regeneration**

9.4.1 Regeneration is an important policy stance in the UDP and as set out earlier in the report, there is still work to do in Castlefield, especially in terms of how this area is integrated into the remainder of the City Centre. In many ways, the area is still perceived as being remote from the rest of the City Centre and this is reinforced by the 'barrier' formed by the railway viaduct and the associated (and in part redundant) infrastructure. The scale, quality and quantum of development proposed would help to address this issue of connectivity. The proposal would help to increase the residential population and bring additional vitality to the area, increasing access to the canalside. No more than 33 per cent of apartments would be one bedroom to encourage a wider mix of occupiers and a more stable population and providing a more sustainable development. The applicant has made a commitment to attracting smaller businesses to use the ground floor commercial unit through alternative marketing strategies and the use of measures such as rents linked to turnover. Therefore this scheme would contribute positively to the regeneration of the area and the City Centre.

9.5 **The scale and form of the development**

9.5.1 The residential use is compatible with other residential uses approved in the vicinity. The proposed building is of a contemporary design and it is considered that the height, overall size, form and design of the scheme would contribute to the sense of variety in building types in the area. The development would follow the line of the canal arms and re-establish the back of pavement development that is characteristic of City Centre development. The contemporary design of the scheme would generate visual variety in the urban design character of the area. As discussed above the scale and height of the building has been

designed to correspond with the adjacent warehouse building and the warehouse across the canal. It is therefore considered that the scale and form of the proposed building is appropriate in this location.

9.6 **The Scheme's Impact on Amenity**

9.6.1 The residential use is compatible with other residential uses approved in the vicinity. An acoustic scheme has been submitted that recommends measures to insulate apartments from external noise and a condition requiring appropriate noise insulation should be attached. Whilst the proposal would develop land that is currently a surface level car park resulting in a different outlook to the existing residential buildings adjacent, the buildings are located adequate distances from each other and at an orientation so as not to cause any significant overshadowing or overlooking. The loss of a particular view to existing residents is not a material planning consideration providing their amenity is not affected detrimentally. It is considered that the proposal would not have a detrimental impact on the amenities of the area or any neighbouring properties.

9.6.2 In response to the Environment Agency comments the applicant has produced a revised flood risk assessment which is acceptable to the Environment Agency.

9.7 **Highways, Servicing and Parking**

9.7.1 The proposal would provide 1:1 parking for the apartments, along with an extra 43 spaces for the use of Key 103 and 2 for Lava Bar, both located within Middle Warehouse. Spaces are also provided for secure bicycle parking. This is considered adequate for this development, which is also located close to public transport links within the City Centre.

9.8 **Access**

9.8.1 The proposed buildings and the site would be fully accessible. Five per cent of parking spaces are dedicated for use by disabled persons.

9.9 **Crime and Disorder**

9.9.1 The proposal would bring life back to this disused site and create opportunities for natural surveillance of the streets. A condition requiring the scheme to achieve the 'Secured by Design' accreditation should be attached.

9.10 **Response to Objections**

9.10.1 Most of the material issues raised by objectors have been considered above. However, outstanding issues include:

9.10.2 Rights to light – The applicant does not believe that any properties around the site have specific or prescribed rights to light.

9.10.3 Developer should have consulted English Heritage – The developer consulted English Heritage at pre-application stage and EH have been consulted as part of the application process and have no objections to the scheme.

- 9.10.4 Detrimental impacts of proposal will lead to loss of tourist attraction – It is considered that the proposal would improve the character and appearance of the conservation area and would thereby not lead to a loss of tourism.
- 9.10.5 External ramps would encourage skateboarding and associated increase in noise – The ramps are shallow and necessary to achieve full access to the proposal.
- 9.10.6 Lack of soft landscaping – The landscape scheme would result in more soft landscaping than currently exists. The predominantly hard landscape softened by tree planting is considered appropriate in the historically industrial setting of the Castlefield Conservation Area.
- 9.10.7 Decrease in property values – There is no evidence to support this and it is not for the planning system to protect the private interests of one person against the activities of another. The material issue is the impact of the proposal on the locality and on amenities that ought to be protected.
- 9.10.8 Loss of business due to restricted access to the basin – The proposal provides no restriction on access to the basin.
- 9.10.9 Noise, disturbance and pollution during construction – The applicant acknowledges the need to implement measures to keep construction impacts to a minimum and any problems that might arise would be dealt with under Environmental Health legislation.
- 9.10.10 Large building would result in noise from tram/train lines reverberating around the basin – It is considered that any increase in noise reverberation would be minimal and imperceptible to the human ear. The building would actually screen noise from those properties behind it.
- 9.10.11 Ground floor unit for “visiting members of the public” – This phrase is a planning term referred to in the use classes order and indicates that it would not just be people who work in the unit who would visit it. It could therefore still predominantly be used by people living in neighbouring properties.
- 9.10.12 Traffic report does not take account of use of the plaza for events etc – the use of the plaza for particular events would require separate planning consent and the traffic implications of this would be considered at that time.
- 9.10.13 The access road in front of Middle Warehouse will become blocked with extra cars – The proposal would have no impact on the number of cars using this access road, as access to the apartment parking spaces is via Blantyre Street.
- 9.10.14 The new access road will increase danger for pedestrians – The access point to the car park off Blantyre Street would be designed to Manchester City Council standards and is considered to be acceptable.
- 9.10.15 Block Paviers on Slate Wharf are not robust enough for increase in traffic – It is considered that the road surface is sufficient for the amount of traffic that would use it.

- 9.10.16 How will emergency and refuse vehicles gain access when underground car park is closed? - Emergency/refuse vehicles would not require access to the underground car park.
- 9.10.17 The expanse of stainless steel screening/mesh and loss of trees will be detrimental to visual amenity along Blantyre Street - The mesh screening to the ground floor would provide filtered views into the landscaped surface car park to the rear of the proposed development and it is considered that the proposal would provide an improved level of visual amenity along Blantyre Street, given that the Blantyre Street frontage is currently occupied by a surface car park.
- 9.10.18 The maximum height for the site when originally developed appears to have been abolished – There are no policies/standards that prescribe a maximum height of buildings in this area. Each site and proposal is considered on its own merits in terms of its impact on the character and appearance of the conservation area, the settings of listed buildings and the amenities of the surrounding area.
- 9.10.19 Consent to demolish the building should not be given until consent for redevelopment given – The conservation area consent application and planning application run concurrently and one would not be approved before the other.
- 9.10.20 Conditions should be attached to the Conservation Area Consent requiring commencement of the replacement building within four weeks of demolition and that the replacement building should be completed within two years of demolition as Castlefield now has several sites that have been cleared but no new buildings erected – A condition requiring the commencement of development within two months of the demolition of the existing building should be attached to any consent. There is no provision within the Planning statutes that could require the development to be completed.
- 9.10.21 Should build a two storey commercial outlet instead – The committee has to consider the proposal put before it in these applications.
- 9.10.22 Any redevelopment should not exceed footprint of existing building – There is no policy or historic basis for this and as discussed above the proposal is considered on its own merits in terms of its impact on the character and appearance of the conservation area, the settings of listed buildings and the amenities of the surrounding area.
- 9.10.23 One or several smaller buildings would be more in keeping with the area – As discussed above the proposal it is considered that the proposal would enhance the character and appearance of the conservation area.
- 9.10.24 Overhang at levels 5 and 6 is not characteristic of area, makes presence of building more considerable and destroys setting of Middle Warehouse - The overhang at levels 5 and 6 allows the apartments at levels 5 and 6 to be set back from the public plaza, relating to the parapet of Middle Warehouse and enhancing the setting of Middle Warehouse. It is considered that this feature would not be detrimental to the character and appearance of the conservation area.

- 9.10.25 Large expanses of glass would lead to night-time light pollution - There is no evidence provided to support this assertion. It is considered that many residents would close curtains/blinds after dark negating any impact.
- 9.10.26 Would like to see a park or green area for children to play – This is considered to be a development site and the site presently has a building on it.
- 9.10.27 Council has developed apathy and neglect for Castlefield area and should refocus its sights on improving Castlefield and the top end of Deansgate (Peugeot and Total Garages and Quay Bar) - The Committee has to consider the proposal that is put before it within applications 083296 and 083297 and it is considered that this proposal would enhance the character and appearance of the Castlefield Conservation Area.
- 9.10.28 The opportunity to rebuild the City with quality development after the IRA bomb has been lost, with flawed decisions, such as allowing Quay Bar, being made – This comment is not relevant to the consideration of this proposal.
- 9.10.29 A coherent Masterplan is needed for Castlefield to ensure new development is in keeping and adheres to the visual identity of the area – A Masterplan for Castlefield is not considered necessary as proposals are considered against UDP Policies relating to preserving or enhancing the character and appearance of the area.
- 9.10.30 Is there a need or demand for a development of this size and scale or is the Council seeking a short term financial return for the sale of the land? – The City Council does not own the land and would therefore not receive any financial return for its sale.
- 9.10.31 Lack of facilities/infrastructure to support housing (doctors' surgeries, dentists, shops, drainage etc) - It is acknowledged that facilities to support the growing residential population within the City Centre are required and the City Council therefore encourages mixed use developments such as this, which provide floorspace for non-residential uses that could be used in future for facilities to support the residential population should the demand arise and subject to the usual planning process.
- 9.10.32 The commercial unit will be boarded up leading to grafitti – there are already 10 vacant units in the area – It is proposed that the glazed shopfront would be provided by the developer, secured by a visually permeable roller shutter on the inside face of the glass, in advance of the accommodation being used or occupied by a tenant.
- 9.10.33 Small amount of business in basin will reduce during construction and may not return after as amount of open space is contracting giving site a more private feel. Lava Café Bar next door (in Middle Warehouse) has been given no indication of what steps would be taken to maintain their business and no opportunity to input into the plans for the terrace area in front of their business.
- 9.10.34 Obstruction of light to the terrace will further affect business – The applicant states that there is no evidence to support the assertion that business will reduce during construction. Following completion there would be a larger, better quality, more accessible public space which should benefit the businesses adjacent.

The applicant has had discussions with the proprietor of Lava Bar and he was given the opportunity to attend, and did attend, the public meetings which took place regarding the proposals. The applicant will continue to consult with Laval Bar before, during and after construction.

- 9.10.35 Lava Café Bar chairs and tables already block access to canal – Irrelevant to the consideration of this proposal.
- 9.10.36 Lack of ownership control of external space suggests overdevelopment of the site – It is not fully clear what is meant by this. However, refer to the comments below regarding defensible space. It is considered that the proposal provides adequate external space and that it would not result in overdevelopment.
- 9.10.37 The integration of public and private space is unacceptable, rendering proposed public terrace unusable and providing additional issues for any prospective tenant of the commercial unit. The close proximity of the terrace to residential windows means it can't be fully utilised without disruption/intrusion to residents - GMP have been extensively consulted over the nature of the public/private spaces and have confirmed that the boundary treatment between the public space and the private ground floor balconies is appropriate and will allow the building to achieve "Secure by Design" status.
- 9.10.38 There would be a conflict between residents apartments in proposal and in Blantyre House and Key 103 parking with disturbance caused by 24 hour traffic movements outside people's windows - The Key 103 parking already exists on the site, along with a car park for the Jacksons Wharf public house. It is considered therefore that the amenity of occupiers of Blantyre House would be improved as the public house car park would be removed and the parking for the new apartments would be located underground, hence reducing the number of potential traffic movements outside their windows. New ground cover planting would be provided between the surface car park and Blantyre House and the proposed apartments to protect the privacy of the residents.
- 9.10.39 Flats of a similar build to this have been easy targets for burglars (eg Deansgate Quay) - GMP have prepared a Crime Impact Assessment which forms part of the application documentation and have confirmed that the proposal is consistent with the principles and standards of Secure by Design. A condition requiring Secure by Design to be achieved should be attached to any consent.
- 9.10.40 No details of S106 agreement to benefit wider area and create more sustainable development with provision of facilities/infrastructure – Any consent would be subject to a S106 agreement for a financial contribution towards environmental and infrastructure works within the City Centre.
- 9.10.41 No details of affordable housing – It is considered that there was no need for affordable housing in this area at the time of this application.
- 9.10.42 There should be more visuals in context of adjacent buildings. Relationship to adjacent sites such as Plot G and the ground floor of City Gate is difficult to assess – It is considered that the planning submission is comprehensive and allows a full assessment of the proposal.
- 9.10.43 Increase in car crime - GMP have prepared a Crime Impact Assessment which forms part of the application documentation and have confirmed that the

proposal is consistent with the principles and standards of Secure by Design. A condition requiring Secure by Design to be achieved should be attached to any consent.

- 9.10.44 There is an over-saturation of flats in the City Centre resulting in empty flats, squatters and resulting drug/alcohol problems, tenants have messy flats and balconies, lack of maintenance and lack of community spirit. Problems of America's mortgage debt transferring to this country could lead to high levels of vacant property - There is no evidence to support these assertions and it is not considered necessary at the present time to restrict the amount of housing within the City Centre. Regional planning guidance directs new investment in housing development to this area.
- 9.10.45 Need more family accommodation and accommodation for owner occupiers only - The proposal proposes a maximum of 33 per cent of one bedroom apartments in line with City Council aspirations to provide more family sized accommodation and allow people within the City Centre to move up the 'property ladder'.
- 9.10.46 Need adequate refuse storage as high turnover of residents results in more rubbish especially with non-car owners and there are already problems of rubbish bags being left out on street – A refuse strategy has been submitted with the application and a condition requiring adequate storage facilities to be in place should be attached to any consent.
- 9.10.47 Shop/restaurant a good idea but pub/club could cause noise problems – A pub or club is not part of this proposal.
- 9.10.48 The green space and pedestrian access needs to be maintained between this site and the Slate Wharf properties. Will the narrow footpath to the canal be closed off and is this a public right of way? There is no other route through to the canal and the presence of a 2m high hoarding on one side and lack of lighting makes it a potential risk area for mugging etc. - The proposed development would maintain access to the canal and improve the situation by setting the building line further away from the canal, adjacent to the end of Blantyre Street, and by improving lighting. The 'green space' between this site and the Slate Wharf properties is not in the control of the applicant and is not part of this application.
- 9.10.49 The development of the site will drive away wildlife and remove a green space where they live - The quantity and quality of open space that could be used by wildlife would be improved by the development
- 9.10.50 Residents have already suffered from five years of construction works – this development will extend the disturbance even longer – This is not a material consideration for this application.
- 9.10.51 Removal of trees and those retained will be damaged during construction or have their growth stunted – The proposal includes a satisfactory landscape scheme and a condition should be attached to any consent requiring the retained trees to be protected during construction.
- 9.10.52 Already lack of maintenance of public areas – This is not relevant to the consideration of this application.

- 9.10.53 Problems of dumped rubbish, noxious odours, green algae and flies/wasps in canal will only get worse – As stated above a condition requiring adequate refuse storage and disposal should be attached to any consent.
- 10.0 **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 a right to a fair hearing and to this end the Committee must give full consideration to their comments.
- 10.1 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 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 of the application is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and country Planning Acts.
- 11.0 **Conclusion**
- 11.1 There has been a considerable amount of opposition to the scheme including individual responses from in excess of 100 people. This is clearly an important material consideration and should carry some weight in the determination of the application. The issues that have been raised through the notification process have been set out and addressed in the report and whilst it is accepted that this would not satisfy the objectors, it does help to provide the proper planning context of how the recommendations have been formulated. There can be no doubt that this is a development site and therefore, the key issue for consideration is the appropriateness or otherwise of the submitted scheme.
- 11.2 In urban design terms, the scheme incorporates and responds to the majority of the key criterion in that it proposes development at back of pavement line to Blantyre Street and maintains and improves an accessible public space adjacent to the canal.
- 11.3 The uses that are proposed, namely apartments, and a commercial unit for A1, A2, A3 or D1 use are all acceptable and appropriate in this area.
- 11.4 It must be acknowledged that any development on this site would have an impact on existing residents and businesses. However, it is considered that the impacts on the amenities of occupiers of neighbouring properties would be acceptable. The scheme is highly modern but would still respect the characteristics of the Castlefield Conservation Area and would sit comfortably alongside and within the historic buildings and landscape, and it is considered that it would enhance the character and appearance of the Castlefield Conservation Area and the settings of the nearby listed buildings.
- 12.0 **Recommendation**

12.1 The Head of Planning therefore recommends that the Committee be **mindful to approve** planning application **083296/FO/2007/C3** and conservation area consent **083297/CC/2007/C3** on the basis that the proposal will, subject to compliance with the conditions below, generally accord with the policies contained within the Development Plan, specifically the Unitary Development Plan Policies H1.2 (Housing – Housing Provision), H2.2 (Housing - Residential Development), H2.7 (Housing - Design of Housing), I3.1 (Employment & Economic Development - Design of Commercial Development) E1.1 (Environmental Improvement & Protection - Air Pollution), E1.4 (Environmental Improvement and Protection – Noise Control), E1.5 (Environmental Improvement & Protection - Energy Conservation), E3.4 (Environmental Improvement and Protection – Canals), E3.5 (Environmental Improvement & Protection - Safe Environments), R1.1 (Regeneration) T3.7 (Transport – Cycle Parking), S1.1 (Shopping – City Centre Environment), L1.9 (Leisure & Recreation – Cafes), L1.3 (Leisure and Recreation – Access to Waterways), RC3 (Mixed Uses), RC4 (Environment), RC6 (Tourism), RC10 Shopping, RC11 (Housing), RC17 (Car Parking), RC18 (Pedestrians), RC20 Area 27 (small area proposals), DC7.1 (New Housing Development), DC9.1 (New Commercial & Industrial Development - Access for Disabled People) DC10.1 (Food and Drink), DC18.1 (Conservation Areas), DC19.1 (Listed Buildings), DC20 (Archaeology), DC21.1 (Flood Risk Areas) and DC26 (Development and Noise), in that the development would make the area more safe and attractive; would be of a high standard of design and make a positive contribution towards improving the City's Environment; there would not be any significant impacts on the residential amenities of adjoining occupiers; the development would include suitable landscaping; would reduce air pollution caused by vehicles by encouraging alternative forms of transport; would encourage energy conservation by being well served by public transport and by using high standards of energy efficiency within the development; would include measures which would lead to a safer environment; would promote regeneration and an improved environment; would include secure cycling parking facilities within the City Centre; would be mixed use and contribute to the mix of uses in the area; would provide additional and appropriate housing; would include satisfactory private car parking; would provide a safe and convenient conditions for pedestrians and cyclists within the City Centre; would improve access to waterways, create leisure and recreational facilities for tourism, would provide shopping facilities and potentially street cafes in an appropriate location, would be accessible at ground floor level for people whose mobility is impaired; would be in keeping with the character and appearance of the Castlefield Conservation Area and the settings of nearby listed buildings; would not increase the risk of flooding; would not expose existing or future residents to unacceptable levels of noise; and generally the proposal would provide a high quality facility within the area to the benefit of the wider surrounding community allowing the continuing regeneration of the locality ; and subject to the following :

A A Section 106 Agreement or unilateral undertaking for a financial contribution towards the provision of environmental and/or infrastructure improvements within the City Centre; and

B The following conditions:

Conditions and/or Reasons:

083296/FO/2007/C3

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 must be begun not later than three months from demolition of the existing building.

Reason - In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following demolition of the existing building in order to comply with policy DC18.1 of the adopted Unitary Development Plan for the City of Manchester.

3) No loading or unloading shall be carried out on the site outside the hours of 07:30 to 20:00 Mon to Sat and 10:00 to 18:00 Sun & Bank Hols daily.

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development plan for the City of Manchester.

4) 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").

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 Policy H2.2 of the Unitary Development Plan for the City of Manchester.

5) No 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 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, as specified in policies E3.1 and DC18 of the Unitary Development Plan for the City of Manchester.

6) Before the development commences, studies containing the following with regard to television reception in the area containing the site shall be submitted to and approved in writing by the City Council as local planning authority:

a) Measure the existing television signal reception within the potential impact area, Shown in Map 1 of the Taylor Bros TV Reception Survey Report dated 31 March 2005 and 1 April 2005, 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, 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 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.

7) The wheels of contractors vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site.

Reason - In the interest of pedestrian and highway safety, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

8) The development shall not be occupied unless accreditation, confirming achievement of the Secured by Design standards in respect of the development has been issued by Greater Manchester Police, unless otherwise agreed in writing by City Council as local planning authority.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

9) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'very good' or 'excellent' and at least three star sustainability rating under the code for sustainable homes for those elements of the development which are residential in nature. 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.

10) The consent hereby granted is for a development that has full access into the building and throughout all areas of the building for all persons, including those whose mobility is impaired.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of the Unitary Development Plan for the City of Manchester and the Disability Discrimination Act 1995. However, in approving the relevant drawings, the City Council as the local planning authority does not hereby give any warranty that the provisions of the Disability Discrimination Act 1995 have been complied with.

11) The refuse stores, including the recycling areas, as shown on the approved drawings and detailed in Section 7.9 of The Design and Access Statement shall be made available before the development is occupied and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to Policy H2.2 of the City of Manchester Unitary Development Plan.

12) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with the approved drawings. The spaces and 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 in order to comply with Policies T3.1, T3.6 and T3.7 of the Unitary Development Plan for the City of Manchester.

13) The development hereby consented shall not exceed the following limits:

- Use Classes A1, A2, A3 and D1 within the development up to a combined maximum floorspace of 190m² (gross external floorspace);
- 117 residential units under Use Class C3;

unless otherwise agreed in writing by the City Council as Local Planning Authority. No residential unit shall be used for any purpose other than C3.

Reason - For the avoidance of doubt as changes to any element of the development may have consequences in terms of national and local policy considerations, and pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

14) 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.

15) The proposed A1/A2/A3/D1 area of the premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

Sunday to Thursday, 08:00 to 11:30
Fridays and Saturdays, 08:00 to midnight.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

16) Before the development commences a scheme for acoustically insulating the residential accommodation against noise from nearby roads including the Mancunian Way A57 and the nearby railway viaduct shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial properties, which should be taken

into account within the scheme. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Reason - To secure a reduction in noise from traffic sources in order to protect future residents from noise nuisance, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

17) The finished ground floor level, car park entrance and car park vents shall be set at a minimum level of 26.5 mAOD.

Reason - To reduce the danger of flood water entering the basement car park and building, pursuant to Policy DC26 of the City of Manchester Unitary Development Plan.

18) The underground car park hereby permitted shall be constructed in materials that would be resistant to damage from the ingress of flood water and with services located at an appropriate level so as to avoid flood water.

Reason - The buildings are within an area potentially at risk of flooding, and pursuant to Policy DC26 of the City of Manchester Unitary Development Plan.

19) No part of the development approved by this permission shall be commenced until a scheme for the provision and implementation, of a surface water regulation system for that part of the development has been approved by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason

To reduce the risk of flooding pursuant to policy DC 21.1 of the Unitary Development Plan for the City of Manchester.

20) The details of an emergency telephone contact number shall be displayed throughout the construction period in a publicly accessible location on the site and shall remain so displayed unless otherwise agreed in writing by the City Council as local planning authority.

Reason

In the interests of local amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

21) All trees, shrubs and hedges within the site and/or trees whose root structure may extend within the site, which are to be retained shall be fenced off before any building or other operation approved by this permission is carried out within the vicinity in accordance with British Standard 5837 (1991). Thereafter, no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence during the construction period.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area, pursuant to policy E 2.6 of the Unitary Development Plan for the City of Manchester.

22) Before the development commences and during the construction period, temporary protective metal fencing shall be erected a minimum of 5 metres from the Bridgewater Canal. Details of the type of protective fencing to be used shall be submitted to and approved in writing by the City Council as local planning authority before it is erected.

Reason - To protect the canal from debris and construction material, pursuant to policy E3.4 of the Unitary Development Plan for the City of Manchester.

23) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority:

7144 P 002 A; 003; 004; 008; 009; 100 C; 102 A; 105 B; 106 B; 108 A; 109; 111; 200 B; 201 A; 202 A; 203 A; 300; 303; LP305.001; LP305.010; LP305.015; LP305.020;

the Taylor Bros TV Reception Survey Report dated 31 March 2005 and 1 April 2005.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policy H2.2 and E3 of the Manchester Unitary Development Plan.

083297/CC/2007/C3

1) The works to which this consent relates must be begun not later than the expiration of three years beginning with the date of this consent.

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as applied and modified in relation to buildings in conservation areas.

2) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the building works for the redevelopment of the site has been made, and planning permission has been granted for the redevelopment for which the contract provides, and evidence of that contract has been supplied to the City Council as local planning authority.

Reason - In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following demolition of the existing building in order to comply with policy DC18.1 of the adopted Unitary Development Plan for the City of Manchester.

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: 083296/FO/2007/C3 and 083297/CC/2007/C3 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 all held by the Planning Division.

Equal Opportunities

The proposal will make the site and its development directly accessible to all members of the public, including those with mobility impairments.

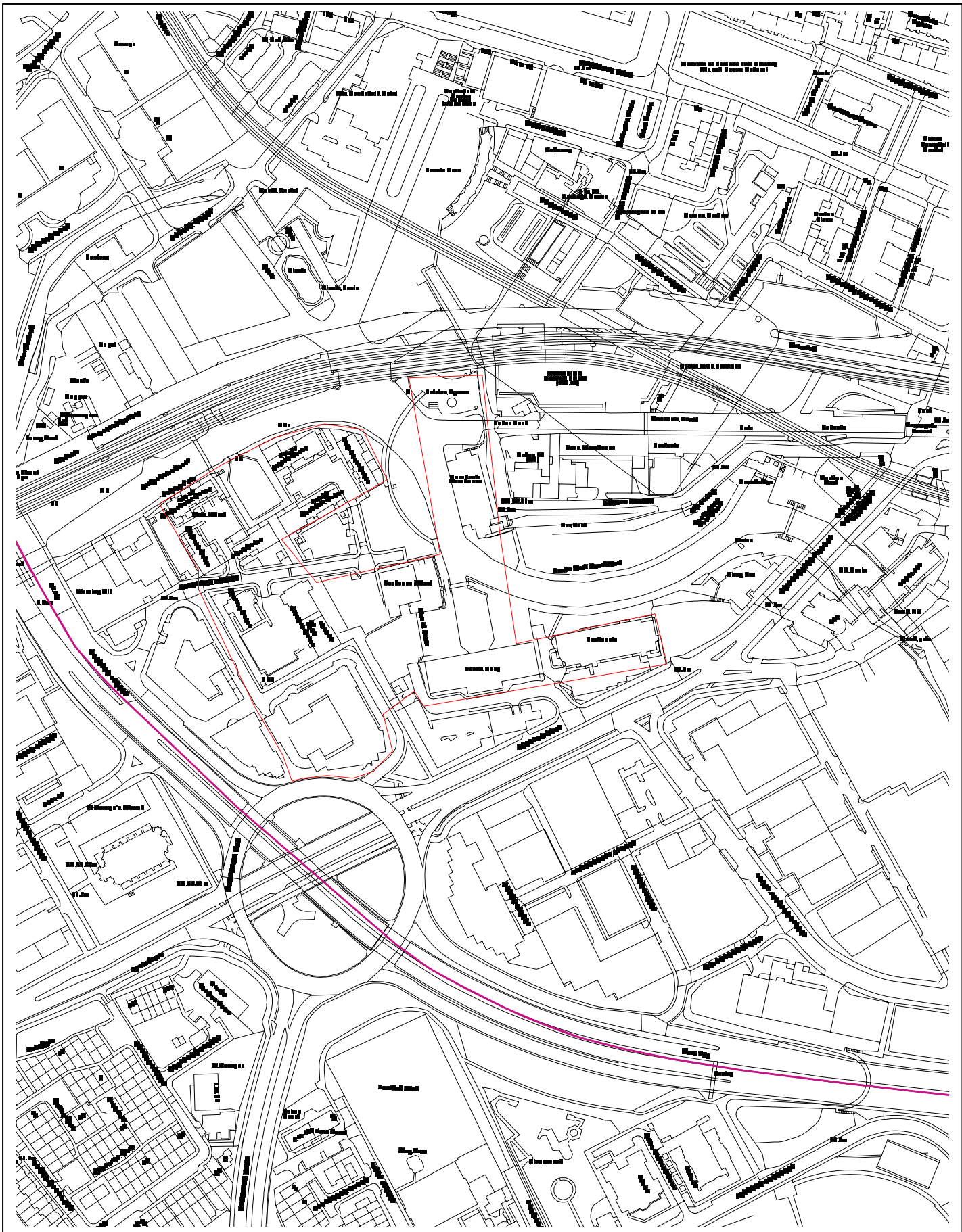
Environmental Improvements

The proposal will bring a significant improvement to the appearance of this site and the area generally.

Employment Implications

The proposal will create jobs during construction and on occupation a number of jobs will be created.

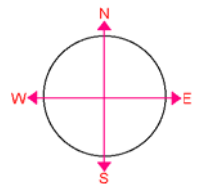
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