Application Number 109161/FO/2015/C1  Date of Appln 21st Jul 2015  Committee Date 15th Oct 2015  Ward City Centre Ward

Proposal
Demolition of existing building and redevelopment of the site for the erection of an eight storey building comprising offices (class B1), with shop (Use Class A1), financial and professional institution (Use Class A2) or restaurant/cafe (Use Class A3) uses on the ground floor, together with basement car and cycle parking, related highway works, public realm improvements and associated works.

Location 11 York Street, Manchester, M2 2AW

Applicant, Xerox Pensions Ltd c/o Terrace Hill, C/o Agent

Agent Mr John Cooper, Deloitte LLP, 2 Hardman Street, Spinningfields, Manchester, M3 3HF

Description
The proposal relates to a site which is bounded by York Street to the south west, Milk Street to the north west, Marble Street to the north east and Fountain Street to the south east. The site is occupied by a five storey 1960s office building, Oddfellows House, with commercial uses on the ground floor, which is set back at ground floor. The site is within Upper King Street Conservation Area. It lies adjacent to the Grade II* listed building at 1-3 York Street and has the Grade II listed buildings at 41 Spring Gardens to the south west of the site, and the Grade II* listed building at 46 Fountain Street to the south. The site is within the commercial core of the City Centre, which is predominantly characterised by office uses with ground floor shops and food and drink uses.

The proposal is to demolish the existing building to allow the erection of an eight storey office building with retail or food and drink uses at the ground floor. The building would provide 10,824 sqm of Grade A office accommodation and 490 sqm of retail/restaurant accommodation. The ground and first floors would be recessed, and the sixth and seventh floors would be set back on the York Street and Milk Street elevations, forming a terrace at the sixth floor. The roof level would have a 3.5m high plant screen set back from the edge of the roof. The building would have a basement, providing 23 car parking spaces (including 2 accessible parking spaces), 28 cycle spaces and shower facilities. Ramped vehicular access to the basement would be provided off Marble Street.

The building would consist of a pre-cast concrete frame, which would replicate the colour of Portland Stone and would frame every two storeys, dividing the façade into square bays. Each bay would be subdivided using a capped curtain wall system, with bronze fins placed on each mullion line within the bays. The ground and first floors would be fully glazed with a double height entrance and reception area at the corner of York Street and Fountain Street. The core of the building would be located on the
west elevation, fronting onto Milk Street, giving this elevation a more solid appearance.

**Land Interest**

The City Council has a land interest in the site as the land edged red includes areas of highway. Members are reminded that in considering this matter, they are discharging their responsibility as Local Planning Authority and must disregard the City Council’s land interest.

**Consultations**

Publicity - The application has been advertised in the Manchester Evening News as a major development, affecting the setting of the Upper King Street Conservation Area, affecting the settings of listed buildings, and as affecting a public right of way. Site notices have been displayed at the site.

Occupiers of nearby properties have been notified of the application. No representations have been received.

**Highway Services** - No objections subject to a revised servicing arrangement being agreed for the proposed Unit 2, details of off-site highway works being agreed and all doors not opening out over the highway.

**Environmental Health** - Recommends the following conditions be attached to any approval: fume, hours, acoustics and waste management.

**Contaminated Land Section** - Recommends the standard contaminated land condition.

**MCC Flood Risk Management** - Objects to the application as the development does not consider the use of sustainable drainage systems (SuDS).

**Greater Manchester Police** - Recommends the development be designed and constructed to Secure by Design (SBD) standards.

**Historic England (North West)** - Historic England accepts the mass, scale, height and footprint of the proposed development, but has concerns about the elevational treatment of the facades, specifically the large areas of glazing towards York Street, which it considers appears out of character with the conservation area. It is also not convinced that the corner feature at Fountain Street is a successful way of addressing the more subtle corners characteristic of this part of Upper King Street. It believes that the scheme would cause a level of harm to the character and appearance of the conservation area that could be avoided through amendments to the design, and that it is for the local planning authority to weigh this harm against other public benefits in line with para. 134 of the NPPF.

**Transport for Greater Manchester** - Supports this type of development in this location and recommends a full Travel Plan be implemented.
United Utilities Water PLC - No objections subject to foul and surface water being drained on separate systems, and details of a sustainable drainage system (SUDS) in line with the NPPF being submitted. A public sewer lies close to the site requiring an access strip of 3m either side.

Greater Manchester Archaeological Advisory Service - There are no archaeological implications for this development.

Greater Manchester Ecology Unit - No objections.

Manchester Conservation Areas and Historic Buildings Panel – “The Panel expressed regret that the building had been identified for demolition and disagreed with the applicant that it has no merit. The Panel advised that this was a robust building of Portland stone that sat comfortably in its context and made a contribution to the character of the area. The Panel advised that this building has been dismissed too easily and that Manchester was losing many of these buildings which although not recognised by many now, will in the future be looked at in a more positive way.

The Panel felt that the replacement building was a standard piece of commercial architecture that was a poor replacement building for the one being lost. The Panel advised that it was overscaled with two storey high voids that lacked a human scale and therefore it had a poor relationship to its context.

The Panel felt that the proposal lacked the integrity of the existing building and its form and footprint was that of a typical generic office building. The Panel also thought that the design lacked the robustness of the existing building, and due to the slender framing and large areas of glass, looked rather spindly.

The Panel was very disappointed with the proposal and felt it lacked design quality and would prefer to see the existing building retained or a very high quality replacement building.”

Issues

National Policy

The National Planning Policy Framework (NPPF) – The NPPF sets out the Government’s planning policies for England and how these are expected to apply. The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role (paragraphs 6 & 7).

Paragraphs 11, 12, 13 and 14 of the NPPF outline a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan. Paragraph 12 provides: “Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”
The proposed development is considered to be consistent with the following sections of the NPPF:

**Section 1 - Building a strong and competitive economy** The proposals would deliver a new office building within the commercial core of the City Centre, which is identified in the Manchester Core Strategy as having a primary focus for employment growth in B1 office use. The site is in a highly sustainable location with easy access by foot to a range of services and facilities and has excellent access to all means of public transport. The scheme would create employment during construction along with permanent employment from the proposed offices and associated uses.

**Section 2 Ensuring the Vitality of Town Centres**, - the proposal would redevelop a key site within the commercial core of the City Centre that is currently underused and has been previously developed.

**Section 4 Promoting Sustainable Transport** – The site can be easily accessed by sustainable transport methods, being close to Piccadilly and Victoria Train Stations, close to Piccadilly Gardens and High Street Metrolink stations and close to bus stops. The site is also easily accessible by walking and cycling.

**Section 7 Requiring Good Design** - The proposed scheme has been the subject of significant design consideration, consultation and evolution. The building would be of a high quality in terms of design, appearance, materials and the accommodation created and would complement the high standard of design generally in the area. The development would be integrated into the natural and built environment and its scale and form is considered to be acceptable within its overall context.

**Section 8 Promoting healthy communities** – The creation of activity at street level would help to integrate the site with its locality and increase levels of natural surveillance.

**Section 10 Meeting the challenge of climate change, flooding and coastal change** – The application site is in the City Centre and is therefore in a highly sustainable location. The application includes a BREEAM Assessment and Sustainability Report, and the proposal is aiming to achieve an ‘Excellent’ BREEAM accreditation.

**Section 11 Conserving and enhancing the natural environment** – The application includes a Ground Conditions and Contamination study, in relation to dealing with the presence of contaminated land, and an Ecological Assessment.

**Section 12 Conserving and enhancing the historic environment** – This sets out the criteria that should be taken into account when assessing the impact of development on heritage assets when determining planning applications. Any harm caused to a heritage asset has to be justified in terms of the social and economic benefits of the proposal.

Paragraph 128 - advises that local planning authorities should require an applicant to submit sufficient information to describe the significance of any heritage assets affected, including any contribution made by their setting.
Paragraph 131 advises that, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

Paragraph 132 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation and, the more important the asset, the greater the weight should be.

Paragraph 134 advises that where proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The scheme has been designed to complement and respect the character and appearance of the nearby heritage assets and it is considered that the proposed works are in general accordance with the requirements of the NPPF. The impact on the settings of the listed buildings and the conservation area is considered in detail later in this report.

**Relevant Local Policies**

**Adopted Core Strategy** – The proposal is consistent with the Adopted Core Strategy for the City of Manchester, specifically the following policies:

SO1. Spatial Principles – This development would be in a highly accessible location and reduce the need to travel by private car.

SO2. Economy – The scheme would provide new jobs during construction along with permanent employment and facilities in a highly accessible City Centre location.

SO5. Transport – This development would be in a highly accessible location and thereby help to reduce the need to travel by private car and make the most effective use of existing public transport facilities.

SO6. Environment – the development would be consistent with the aim of seeking to protect and enhance both the natural and built environment of the City and ensure the sustainable use of natural resources in order to:

- mitigate and adapt to climate change;
- support biodiversity and wildlife;
- improve air, water and land quality;
- improve recreational opportunities; and

The development would ensure that the City is inclusive and attractive to residents, workers, investors and visitors.

**Policy SP 1** (Spatial Principles) – the development would be highly sustainable and be consistent with the aim of bringing forward economic and commercial development within the Regional Centre. It would be accessible by all forms of sustainable transport and therefore maximise the potential of the City’s transport infrastructure. It would contribute to creating an attractive neighbourhood by:

- enhancing the built and natural environment; helping to create a well designed place
that would enhance and create character; re-using previously developed land; and, reducing the need to travel.

Policy EC1 – Land for Employment and Economic Development – The proposals would support the City’s economic performance by developing a highly accessible site within a key location for employment growth. It would help to spread the benefits of growth across the City and thereby help to reduce economic, environmental and social disparities and help to create an inclusive sustainable community. The application site is well connected to existing transport infrastructure and as such the development would help to encourage walking, cycling and public transport use. The City Centre is a key location for major employment growth and the proposal would create new jobs during the construction phase and when in operation, and this would contribute to economic growth. The design would use the site efficiently and enhance the sense of place within the wider area. It would provide users and employees with easy access to a range of transport modes and create a safer place by reducing opportunities for crime.

Policy EC3 The Regional Centre – The development would be in an appropriate location within the Regional Centre which has excellent sustainable transport facilities. The scale and type of office development would not undermine delivery of employment space elsewhere within the City Centre.

Policy CC1 – Primary Economic Development Focus (City Centre and Fringe).- The proposals would deliver a high quality new office building, providing office floorspace within a part of the City Centre identified in Policy CC1 as a focus for primary economic development.

Policy CC5 – Transport – The proposal would contribute to improving air quality, as it is accessible by a variety of modes of sustainable transport.

Policy CC6 City Centre High Density Development – The proposals would be a high density development and would maximise the efficient use of land.

Policy CC7 Mixed Use Development – The proposal would create an active ground floor.

Policy CC8 Change and Renewal – The proposal would be a large scale scheme within an approved development framework, which would make a significant contribution to the City Centre’s role in terms of employment and retail growth and improve the accessibility and legibility of the Centre.

Policy CC9 Design and Heritage - The development would be of a high quality design. It would have an impact on the settings of nearby listed buildings and the conservation area. This is discussed in more detail later in the report.

Policy CC10 A Place for Everyone – The proposals would complement the ongoing wider regeneration of the City Centre. It would respect all pedestrian linkages, regain the back of pavement line and help to integrate the site into the wider neighbourhood. It would be fully accessible.
Policy T1 Sustainable Transport – The proposed development would encourage a modal shift away from car travel to more sustainable alternatives and include improvements to pedestrian routes and the pedestrian environment which would prioritise pedestrian and disabled people, cyclists and public transport.

Policy T2 Accessible Areas of Opportunity and Need – The proposed development would be easily accessible by a variety of sustainable transport modes and would help to connect residents to jobs, local facilities and open space.

Policy EN1 Design Principles and Strategic Character Areas - The proposal involves a good quality design, and would result in development which would enhance the character of the area and the overall image of Manchester. The design responds positively at street level and would enhance the City’s permeability. The positive aspects of the design of the proposals are discussed in more detail below.

Policy EN3 Heritage – The proposal would have an impact on the settings of the nearby listed buildings and the adjacent conservation areas. This is discussed in more detail later in the report.

Policy EN6 Target Framework for CO2 reductions from low or zero carbon energy supplies - being over 1,000 sqm, the development would be expected to comply with the target framework for CO2 reductions from low or zero carbon energy supplies. The application is supported by an Energy Statement, which sets out how the proposals would meet the requirements of this policy.

Policy EN 8 -Adaptation to Climate Change - The application is supported by a BREEAM Assessment and Environmental Standards Statement, which identifies measures that will ensure that the development would reach a target rating of “Excellent”.

Policy EN 16 - Air Quality The proposal would be highly accessible by all forms of public transport and reduce reliance on cars and therefore minimise emissions from traffic generated by the development.

Policy EN 17 – Water Quality – An assessment of the site’s ground conditions has been conducted. It is considered that the impact of the development on water quality can be controlled through an appropriate condition.

Policy EN 18 - Contaminated Land and Ground Stability - A desk study which identifies possible risks arising from ground contamination has been submitted with the application and, as under Policy EN17 above, it is considered that the impact of the development can be controlled through an appropriate condition.

Policy EN19 Waste – The development would be consistent with the principles of waste hierarchy.

Policy DM 1 - Development Management – sets out the requirements for developments in terms of BREEAM and outlines a range of general issues that all development should have regard to. Of these the following issues are or relevance to this proposal:
• appropriate siting, layout, scale, form, massing, materials and detail;
• Design for health;
• Adequacy of internal accommodation and amenity space.
• impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
• that development should have regard to the character of the surrounding area;
• effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
• accessibility to buildings, neighbourhoods and sustainable transport modes;
• impact on safety, crime prevention and health; adequacy of internal accommodation, external amenity space, refuse storage and collection, vehicular access and car parking; and
• impact on biodiversity, landscape, archaeological or built heritage, green Infrastructure and flood risk and drainage.

The application is considered in detail in relation to the above issues within this report and is considered to be in accordance with this policy.

Saved Policies of the Unitary Development Plan

DC18.1 Conservation Areas – It is considered that the proposal would maintain the character and appearance of the adjacent conservation areas. This is discussed in more detail later in the report.

DC19.1 Listed Buildings – It is considered that the proposal would have an impact on the settings of the nearby listed buildings. This is discussed in more detail later in the report.

Policy DC20 Archaeology – An archaeological desk based assessment has been carried out for the site and it is considered that the development would not have an impact on any potentially significant remains on the site.

DC26.1 and DC26.5 Development and Noise – The application is supported by acoustic assessments and it is considered that the proposal would not have a detrimental impact on the amenity of surrounding occupiers through noise. This is discussed in more detail later on in this report.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007) - This Supplementary Planning Document supplements guidance within the Adopted Core Strategy with advice on development principles including on design, accessibility, design for health and promotion of a safer environment. The proposals comply with these principles where relevant.

Manchester City Centre Strategic Plan- The Manchester City Centre Strategic Plan (published in 2009) presents a vision for the City Centre and sets out the strategic action required to work towards achieving this over the period from 2009 – 2012. The Plan recognises the key role of Manchester City Centre in providing a positive image and framework for inward investment and explains that its continued strong economic performance within a high quality urban environment will be fundamental to the prosperity of both Manchester and its city region.
The site of the current planning application falls within the area designated as the Central Business District. Major tasks in the area concern the effective management of the environment and traffic, and considerably strengthening the street scene throughout the Central Business District. The aim is also to further improve pedestrian facilities, develop vibrant ground floor uses and better signage. Linkages within and between the Central Business District and other city centre areas, in particular the retail core, remain a priority. The proposed development would help to achieve these aims.

**Conservation Area Declaration**

**Upper King Street Conservation Area**

This part of the conservation area is characterised by a mixture of robust Victorian buildings with more modern infill buildings. Following the destruction of large areas of the city during the Second World War, the City of Manchester Plan of 1945 proposed a virtual rebuilding of the City, with Fountain Street proposed to be widened. This resulted in new buildings on Fountain Street being set back from the back of pavement to accommodate the widening. However, the scheme was abandoned, resulting in a somewhat jagged building frontage. Within the conservation area, new development proposals should generally be aligned to the back of the pavement in order to preserve the historic linear character of the streets.

Many different building materials have been used in the Upper King Street conservation area. These include variously-coloured brick, stone (predominantly yellow sandstone), exposed aggregate pre-cast concrete, bronze-coloured glass in metal frames, clear glass in concrete frames, and various modern high-tech materials. Ground floors are often in granite, giving a distinctive appearance, and the top floor is often treated differently too. Entrances are clearly emphasised and are often located on the corner of buildings, which are frequently chamfered for this purpose. Windows are mostly vertically proportioned and nearly always grouped in twos or threes. Unless the fenestration is composed of projecting bay or oriel windows, it is always set well back from the facade of the building, creating an interesting three-dimensional modelling. Within the conservation area, any new building will be required to meet a high standard of design.

**LEGISLATIVE REQUIREMENTS**

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 (the "Listed Building Act") provides that "in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"

Section 66 Listed Building Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving the setting. Members should consider whether there is justification for overriding the presumption in favour of preservation.
Section 72 of the Listed Building Act provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

S149 Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

S17 Crime and Disorder Act 1998 provides that in the exercise of its planning functions the Council shall have regard to the need to do all that it reasonably can to prevent crime and disorder.

The schemes contribution to regeneration

Regeneration is an important planning consideration. Over the past twenty years the City Council has successfully regenerated areas of the City Centre at Piccadilly, Spinningfields, the commercial core, Manchester Central, Northern Quarter and Castlefield. This is an ongoing Process that must continue if the City Centre is to remain competitive. It will be important to ensure that investment in Manchester continues as it is the primary economic driver in the City Region and crucial to its longer term success. The City Centre must continue to meet occupier requirements in terms of office provision.

The application site is on the corner of York Street and Fountain Street within the Central Business District. The area is recognised as a key asset in adopted planning and economic development policy, including the Manchester City Strategic Plan and the Adopted Core Strategy. This proposal would continue the process of regeneration and integration by bringing forward a site that provides poor quality out of date office space. It would deliver a high quality office building on a key City Centre site and would create economic regeneration within this commercial area. It is considered that the proposal would contribute to the continued regeneration of the City Centre.

The proposal would create a point of interest and encourage movement through the surrounding area. This would help to revitalise the area and act as a catalyst for further development. It would complement and build upon Manchester City Council's current and planned regeneration initiatives and, as such, would be consistent with Sections 1 and 2 of the NPPF and Core Strategy Policies SO1, SO2, SP1, EC1, CC1, CC7, CC8, CC10, EN1 and DM1.

Urban Design and Visual Impact

The height, form, massing and materials is considered to be appropriate to this area where there is a variety of heights, a mixture of traditional and contemporary buildings using different materials, and a close-knit urban grain. The majority of buildings around the site range from four storeys in height to six storeys, with some
buildings in the wider area between seven and nine storeys and some over 10 storeys. In this context, the height of the building at eight storeys, whilst taller than the existing building, is considered to be acceptable. Computer generated images of the site show that the proposal would be in keeping with the surroundings and would not detract from the visual amenity of the area. The building would be located at the back of pavement, which is characteristic of buildings within the City Centre, and the palette of materials would also be acceptable within the area.

Heritage Impact

An assessment of the potential impacts of the development on archaeology and built heritage on and around the site has been undertaken. The site is within the Upper King Street Conservation Area and adjacent to a Grade II* listed building (1-3 York Street). It would also affect the settings of a number of other listed buildings, including the Grade II listed buildings of 41 Spring Gardens and Colwyn Chambers on Mosley Street, and the Grade II* listed buildings of the Royal Bank of Scotland on Mosley Street and 46 Fountain Street.

The Upper King Street Conservation Area has numerous distinct character areas within it, the most important of which is based around the historic buildings on King Street/Spring Gardens. The twentieth century developments along Fountain Street have limited value in terms of contributing to the understanding of the historic development of the area and streetscape value. The existing site and views of it are considered to have a neutral impact on the character and appearance of the conservation area. The existing building is not of sufficient architectural or historic interest to warrant listing, nor is it considered to be of sufficient interest to be classified as a non-designated heritage asset. It does not contribute positively to the character or appearance of the conservation area due to its low streetscape value.

The proposed development would clearly articulate the junction of York Street and Fountain Street and be built up to the back of pavement, restoring the historic building line. This would enhance the sense of enclosure to the streetscape and create a more active street frontage. The colouration of the York Street elevation ties in with that of the RSA building to the south east of the site and the AXA building to the south west, providing a stronger visual coherence to the streetscapes of York Street and Fountain Street. The materials and use of fins would provide a rhythm to the façade, which would articulate the upper storeys of the building, providing a contrast to the large glazed elements of the double height base of the building. The proposed materials are considered to be in keeping with the character of the area. The vertical proportions of window openings are characteristic of the area, and the building would combine elements of both vertical and horizontal emphasis to reflect the historic context. It is considered therefore that it would contribute to the variety of building styles, materials and forms of construction in the area, and would maintain the character and appearance of the conservation area.

When viewed from the north west along York Street, the proposal would change the skyline and would have a minor adverse impact on the setting of the Grade II* 1-3 York Street. The building has been designed on its York Street elevation to respond to the listed building and the height of the concrete frame steps down to six storeys to reflect the height of the corner feature of the listed building, with the upper two
storeys recessed and glazed. The overlarge ground floor would reflect the height of the overlarge windows to the ground floor of the listed building and the tri-partite subdivision reflects the traditional form of Manchester buildings. The use of bronze fins responds to the colour of the listed building. The design of the building and its contribution to the streetscape would result in it having no significant impact on the settings of the other listed buildings within the vicinity.

As well as the design considerations above, it is considered that any adverse impacts that the proposal may have on the setting of the Grade II* listed 1-3 York Street would be mitigated by other views of the proposed building where it would provide enhancements to the street frontage along Marble Street, York Street and Fountain Street. The significance of the setting of 1-3 York Street is primarily related to its importance within the streetscene and its group value to Spring Gardens. The harm that is caused to heritage assets has to be considered against the significant public benefits that would be delivered as set out in the NPPF (paragraph 134). The proposal would complement and add to the regeneration of the City Centre and would fully utilise a previously developed, under-utilised site, delivering a high quality building within the Central Business District. It would add to the economic growth of the City in a key target growth sector (financial and professional services) identified in the Greater Manchester Strategy 2013-2020. The development would support economic growth in the City and create high density employment in a strategic employment location. The proposal would enhance the quality of the environment along Fountain Street, York Street and Marble Street. It is considered, therefore, that, notwithstanding the weight that must be given to preserving the setting of the listed buildings and the conservation area, the harm caused would be minor and would be outweighed by the public benefits of the scheme as required in paragraph 134 of the NPPF.

Given the above, it is considered that the proposal would be consistent with Sections 7 and 12 of the NPPF and Core Strategy Policies SP1, CC9, EN1, EN2, EN3 and DM1.

Amenity

The proposals are supported by a full noise assessment, which considers the noise climate in the vicinity of the proposed redevelopment. The office use would not have a significant impact on noise within the area and appropriate conditions can be attached to any approval to ensure that the proposed restaurant use and any plant or equipment would not cause disamenity to neighbours. The development is located within an area of the City with a dense urban grain and would be taller than the building it would replace, so it is inevitable that there would be some overshadowing of adjacent buildings. This is considered acceptable within this City Centre context.

It is considered therefore that the proposal would have an acceptable impact on the amenities of surrounding occupiers and the area in the vicinity of the site and would be consistent with section 7 of the NPPF, Core Strategy Policies SP1 and DM1, and saved UDP Policy DC26.
Sustainability

The application site is located in a sustainable location and would provide jobs and services that would be accessible to a wide range of people. The proposal incorporates energy saving strategies to limit the use of energy. It intends to achieve an ‘Excellent’ BREEAM rating and a condition requiring this should be attached to any consent. It is considered therefore that the development would be sustainable and would be in accordance with Core Strategy Policies EN4, EN6 and DM1, as well as the NPPF.

Crime and Disorder

The existing building with its overhang and low quality public realm gives a rundown feel to the area. The proposal would be built to the back of pavement, with high quality public realm. The new offices and retail/restaurant units would enliven the street scene and provide natural surveillance of the area. The application is supported by a Crime Impact Statement (CIS) carried out by Greater Manchester Police. The statement considered that the proposal is generally acceptable subject to the advice contained in the report being implemented. It is recommended a condition be attached to any approval, requiring the development to achieve ‘Secured by Design’ accreditation.

In view of the above the proposals are consistent with section 8 of the National Planning Policy Framework, and policies SP1 and DM1 of the Core Strategy.

Highways

The development would provide 23 car parking spaces within the basement, with the car park access being off Marble Street. This is considered to be acceptable in terms of the surrounding highway network. There are currently 18 motorcycle spaces within the pavement area on Fountain Street and it is proposed to move these spaces around the corner to Marble Street. This would create a better environment in terms of pedestrian flow and safety on Fountain Street. Cycle parking for 28 bicycles would be provided within the basement, which is considered to be acceptable. Servicing would take place from Milk Street for refuse collections and deliveries to Unit 1. It is proposed to service Unit 2 from Marble Street but it is recommended that this unit be serviced via the same route as Unit 1. A condition requiring a servicing strategy for this unit should therefore be attached to any permission. Given the above it is considered that the proposal would have an acceptable impact in relation to highways and would be in accordance with policies SP1, CC5, T1, T2 and DM1 of the Core Strategy.
Waste Management

The application includes a waste management strategy and the proposal would have a dedicated refuse store with provision made for recycling. Access for collections would be off Milk Street. It is considered that the proposal would therefore be in accordance with policy DM1 of the Core Strategy.

Full access and Inclusive Design

Level access would be provided into and throughout the building and two parking bays suitable for use by disabled people would be included within the basement car park. The proposals would therefore be consistent with sections 7 and 8 of the National Planning Policy Framework and policies SP1, DM1 and CC10 of Core Strategy.

Contaminated Land and Impact on Water Resources

As there is the possibility that some contamination may exist on the site, it is recommended that a condition be attached to any permission requiring a site investigation.

In view of the above, the proposals would be consistent with section 11 of the National Planning Policy Framework and policy EN18 of the Core Strategy.

Flood Risk and Sustainable Drainage Systems (SuDS)

The application site is not within an area at risk of flooding and is not identified as being located in a critical drainage area. It is considered therefore that the proposal would not lead to significant adverse environmental impacts in terms of flood risk and drainage.

In terms of SuDS, the existing site is already impermeable so there would be no increase in the total runoff volume that could contribute to flooding in storm events. However, measures should be considered to reduce the amount of runoff and a condition requiring details of this should be attached to any permission.

Given the above and for reasons outlined elsewhere in this report in relation to the consistency of the proposed development with the City's wider growth, regeneration and sustainability objectives, the development would, on balance, be consistent with section 10 of the National Planning Policy Framework and Core Strategy policy EN14.

Ecology and Biodiversity

The proposal would have no adverse effect on statutory or non-statutory designated sites and there is little ecological interest on the existing site. The proposal could enhance the ecology and biodiversity of the site through the introduction of features to encourage wildlife, such as bat roosting boxes. A condition should be attached to any permission to require details of such features.
In view of the above the proposals are considered to be consistent with section 11 of the National Planning Policy Framework, and policies DM1, EN9 and EN15 Core Strategy.

**TV Reception**

A TV Reception Survey has been undertaken, which concludes that the proposed building could have an effect on the existing TV reception within the area, although the existing reception is already poor. A condition should therefore be attached requiring a further survey be carried out following completion of the development.

**Conclusion**

It is considered that an office-led mixed use development of this scale would be consistent with national and local planning policy. It would help to promote a quality neighbourhood, economic development and sustainable travel patterns. The development would be linked to a wider regeneration initiatives and help to underpin investment across a larger area, supporting regeneration benefits in excess of those directly associated with the proposal.

The impact of the proposal on the significance of the Grade II* listed building at 1-3 York Street and the other heritage assets within the vicinity of the application site have been considered very carefully. It is acknowledged that the proposal could cause some harm to the setting of 1-3 York Street, but that this would be less than substantial harm, and, having considered very carefully all relevant matters, including the requirements set out in the 1990 Planning (Listed Buildings and Conservation Areas) Act, it is considered that the harm to those settings is outweighed by the public benefits that the proposal would bring.

This report has demonstrated that this is an appropriate site for a building of this scale and that the development proposed would be well designed and of a high quality, fulfilling an important role in providing a type of commercial accommodation within the City Centre for which there is an acknowledged need.

Given the above, it is considered therefore that the proposals are in accordance with relevant planning policies and regeneration priorities including the Adopted Core Strategy, the relevant Strategic Regeneration Frameworks and the Community Strategy, as well as the national planning policies contained within the National Planning Policy Framework and should be approved.

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

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

Recommendation APPROVE

Article 35 Declaration

Officers have worked with the applicant in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. The City Council officers worked with the applicant during the application process to achieve an acceptable impact on amenity, the character and appearance of the conservation area and highway safety.

Conditions to be attached to the decision

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

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

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

- PL(00)001 Rev A - Location Plan
- PL(00)003 Rev B - Site Plan
- PL(00)004 Rev A - Ground Floor Plan
- PL(00)005 Rev A - 1st Floor Plan
- PL(00)006 Rev A - 2nd - 5th Floor Plans
- PL(00)007 Rev A - 6th - 7th Floor Plans
- PL(00)008 Rev A - Roof Plan
- PL(00)009 Rev A - Basement Plan
- PL(00)010 Rev F - York St Elevation
- PL(00)011 Rev F - Fountain St Elevation
- PL(00)012 Rev E - Marble St Elevation
- PL(00)013 Rev E - Milk St Elevation
- PL(00)014 - Upper Bay Elevation
- PL(00)015 Rev C - Section AA
- PL(00)016 Rev B - Section BB
- PL(00)017 Rev C - Section CC
- PL(00)018 Rev C - Section DD
- PL(00)019 Rev A - Demolition Plan
- PL(00)020 Rev A - External Work Plan
- PL(00)021 - Lower Bay Elevation
PL(00)022 Rev A - Stopping Up Plan

Precast Concrete Cladding Design and Quality Plan Sept 2013
Preliminary Acoustic Design Report P2643/R1C/BT by AEC Ltd
Heritage Statement by Stephen Levrant Heritage Architecture June 2015
Ecological Appraisal by Bowland Ecology May 2013
Bat Survey by Martin Prescott Env Services July 2013
TV Reception Survey by Taylor Installations June 2013
Design and Access Statement June 2015
Servicing _ Environmental Strategy by Hannan Associates Aug 2013
Building Facade Lighting 130809 by Hannan Associates
Environmental Standards Statement by Deloitte Nov 2013
Archaeological Desk Based Assessment PC388a by Phoenix Consulting Aug 2012
Statement of Community Consultation by Deloitte June 2015
Crime Impact Statement Version A July 2013
Construction Management Plan by Bowmer _ Kirkland July 2013
Interim Travel Plan by Curtins Aug 2013
Appendix C Environmental Database Search Info
Geo-Environmental Desk Study U0191CM (ME1221) Issue 2
Ordnance Survey Maps by Emapsite Oct 2012
Transport Statement by Curtins Aug 2013
Interim Travel Plan by Curtins Aug 2013
Area Schedule by Aedas
Ofcom Tall Structures Impact Aug 2009
Planning Statement by Deloitte June 2015
Topographical Survey 06475-T-01 Nov 2011
Waste Management Strategy
Shop Front Strategy

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

3) 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 hereby approved has been made, and evidence of that contract has been supplied to the City Council as Local Planning Authority.

Reason - In the interests of visual amenity and to ensure that redevelopment of the site takes place following demolition of the existing building, pursuant to policies CC9, EN3 and DM1 of the Core Strategy and saved policy DC19 of the Unitary Development Plan for the City of Manchester.

4) Demolition shall not commence during the active bat season, unless and until a pre-cautionary emergence survey has been undertaken and, if the survey shows that no bats are present, a soft strip of features suitable for use as a roost by bats shall be undertaken the following day under the supervision of a licensed bat worker. The structure shall be left in a manner that would not provide any other features suitable for use as a roost by bats.
Reason - To prevent the works from disturbing roosting bats, pursuant to Policies S06, EN15 and DM1 of the Core Strategy.

5) The demolition of the existing building shall not commence unless and until a Demolition Method Statement including the boundary treatment to the site during and following demolition has been submitted to and approved in writing by the City Council as Local Planning Authority.

The approved Method Statement shall be adhered to throughout the Demolition period.

For the avoidance of doubt the demolition of the development would not constitute commencement of development.

Reason - To ensure that the appearance of the development is acceptable and in the interests of the amenity of the area, pursuant to policies EN15, EN16, EN17 and EN18 of the Core Strategy and Guide to Development 2 (SPG).

6) No development shall take place until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The following information has to be provided:

- Surface water attenuation:
- Hydraulic calculations for the existing discharge rates to be based on existing drainage system;
- Detailed volume calculations for surface water attenuation that offers at least a reduction of 50% of the existing flows in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment;
- Runoff volume in the 1 in 100 year, 6 hours rainfall be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event, but never exceed the runoff volume from the development site prior to redevelopment;
- Evidence of management of exceedance events should be catered on site without increasing flood risks (both on site and outside the development) - the drainage system must be designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event in any part of a building (including basements);
- Long and cross sections for the proposed drainage system and finished floor levels;
- Construction details of flow control and SuDS elements.
- Proposal of surface water management during construction period.

Reason - In line with the requirements in relation to sustainable urban drainage systems, further consideration should be given to the control of surface water at the site in order to minimise localised flood risk, pursuant to policies EN8, EN14 and EN17 of the Core Strategy and to the National Planning Policy Framework.

7) No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme
shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- Verification report providing photographic evidence of construction as per design drawings;
- As built construction drawings if different from design construction drawings;
- Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason - In line with the requirements in relation to sustainable urban drainage systems, further consideration should be given to the control of surface water at the site in order to minimise localised flood risk, pursuant to policies EN8, EN14 and EN17 of the Core Strategy and to the National Planning Policy Framework.

8) The development hereby approved shall not commence unless and until a Construction Management Plan, including details of the following has been submitted and approved in writing by the City Council as local planning authority:

- Hours of site opening / operation
- A Site Waste Management Plan,
- Air Quality Plan;
- A plan layout showing areas of public highway agreed with the Highway Authority for use in association with the development during construction;
- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from construction works;
- Details of and position of any proposed cranes to be used on the site and any lighting;
- A detailed programme of the works and risk assessments;
- Temporary traffic management measures to address any necessary bus re-routing and bus stop closures.
- Details on the timing of construction of scaffolding,
- A Human Impact Management Plan,
- Details of how access to adjacent premises including 1 Hardman Boulevard, the Civil Justice Centre and Crown Courts would be managed to ensure clear and safe routes are maintained at all times.

Reason - To ensure that the appearance of the development is acceptable and in the interests of the amenity of the area, pursuant to policies EN15, EN16, EN17 and EN18 of the Core Strategy and Guide to Development 2 (SPG).

9) The details of an emergency telephone contact number for shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete.
Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with policies SP1 and DM1 of the Core Strategy.

10) 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 policies SP1 and DM1 of Core Strategy.

11) 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, identified in the TV Reception Survey by Taylor Installations dated June 2013, 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, in the interests of amenity, as specified in policy DM1 of Core Strategy.

12) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).
In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

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

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

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

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

13) 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.

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

14) The A3 uses hereby approved shall not be occupied unless and until the opening hours of such uses have been agreed in writing by the City Council as local planning authority. Those uses shall thereafter not open outside the approved hours.

Reason - In order that the local planning authority can achieve the objectives both of protecting the amenity of local residents and ensuring a variety of uses at street level in the redeveloped area in accordance with saved policy DC 26 in accordance with the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.
15) Before any A3 uses hereby approved commence, 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.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

16) Before any A3 use hereby approved commences a scheme for the extraction of any fumes, vapours and odours from the premises 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 policies SP1 and DM1 of the Core Strategy.

17) 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 and office accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

18) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. The approved space 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 SP1, T1 and DM1 of the Core Strategy.

19) The development hereby approved shall only be carried out in accordance with the recommendations of the Crime Impact Statement prepared by Greater Manchester Police and shall not be occupied or used until the City Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason - To reduce the risk of crime pursuant to Policy DM1 of the Adopted Core Strategy for the City of Manchester.

20) No loading or unloading shall be carried out on the site outside the hours of:

07.30 to 20.00, Monday to Sunday.
Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

21) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'Excellent'. Post construction review certificate(s) 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 SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy, policy DP3 of Regional Spatial Strategy for the North West (RSS), and the principles contained within The Guide to Development in Manchester SPD (2007), and the National Planning Policy Framework.

22) The submitted Waste Management Strategy shall be implemented as part of the development 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 DM1 of the Core Strategy for the City of Manchester.

23) The footpaths and areas between the pavement and the line of the proposed building shall be re-instated in York Stone within six months of any part of the development first being occupied.

Reason - In the interests of amenity and conservation, and to ensure that paving materials are consistent with the use of these areas as pedestrian routes and in accordance with policies CC9, EN3 and DM1 of the Core Strategy and saved policy DC19 of the Unitary Development Plan for the City of Manchester.

24) No part of the development shall be occupied until the parking spaces suitable for use by disabled people have been provided in accordance with the approved plans. The approved spaces shall then be retained and permanently reserved for motorcycle and bicycle parking.

Reason - To ensure that adequate provision is made for motorcycle and bicycle parking so that persons occupying or visiting the development have a range of options in relation to transport mode, pursuant to policy T1 of the City of Manchester Core Strategy.

25) Prior to occupation, measures/features that are beneficial to wildlife, such as the incorporation of roosting opportunities for bats and the installation of peregrine falcon nesting boxes, the details of which have been submitted to and approved in writing by the City Council as local planning authority, shall be incorporated into the development and retained thereafter.

Reason - To enhance, restore or create new biodiversity either on-site or adjacent to the site in order to contribute to linkages between valuable or potentially valuable
habitat areas, pursuant to Policy EN15 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 109161/FO/2015/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:

Highway Services
Environmental Health
Environment & Operations (Refuse & Sustainability)
Travel Change Team
Corporate Property
Contaminated Land Section
MCC Flood Risk Management
Greater Manchester Police
Historic England (North West)
Environment Agency
Transport For Greater Manchester
United Utilities Water PLC
Greater Manchester Archaeological Advisory Service
Greater Manchester Ecology Unit
Greater Manchester Pedestrians Society
City Centre Renegeration
Contaminated Land Section

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

Representations were received from the following third parties:

Highway Services
Environmental Health
Contaminated Land Section
MCC Flood Risk Management
Greater Manchester Police
Historic England (North West)
Transport For Greater Manchester
United Utilities Water PLC
Greater Manchester Archaeological Advisory Service
Contaminated Land Section
Relevant Contact Officer : Lucy Harrison
Telephone number : 0161 234 5795
Email : l.harrison1@manchester.gov.uk