

**MANCHESTER CITY COUNCIL**  
**REPORT FOR RESOLUTION**

<b><u>COMMITTEE</u></b>	PLANNING AND HIGHWAYS
<b><u>DATE</u></b>	February 15 <sup>th</sup> 2007
<b><u>SUBJECT</u></b>	<b>081626/FO/2006/C2</b> Erection of 14 storey building plus roof top plant room (offices at floors 1-13 and reception area at ground floor) with 3 levels of basement parking following demolition of former Odeon Cinema  <b>081627/CC/2006/C2</b> - Conservation Area Consent -Demolition of former Odeon Cinema building
<b><u>LOCATION</u></b>	Former Odeon Cinema On Land Bounded By Oxford Street/George Street/St James Street And Dickenson House Manchester M1 4PD
<b><u>APPLICANT</u></b>	Manchester And Metropolitan Properties C/o Agents
<b><u>AGENT</u></b>	Drivas Jonas 26 York Street Manchester M1 4JB
<b><u>REPORT OF</u></b>	HEAD OF PLANNING

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**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 **APPROVE** :

Application **081626/FO/2006/C2** relating to Erection of 14 storey building plus roof top plant room (offices at floors 1-13 and reception area at ground floor) with 3 levels of basement parking following demolition of former Odeon Cinema ; and

Application **081627/CC/2006/C2** relating to the Demolition of former Odeon Cinema building.

for the reasons set out in this report.

**Financial Consequences for the Revenue Budget**

None

**Financial Consequences for the Capital Budget**

None

**Contact Officer(s)**

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**Background Documents**

Planning application documents for 081626 & 081627

Unitary Development Plan (UDP) for Manchester

A Guide to Development in Manchester

Planning Policy Guidance Notes / Planning Policy Statements : PPS1, PPG4, PPS6, PPG8, PPG13, PPG24

**Responses of:**

Engineering Services  
Environmental Health  
English Heritage (NW Region)  
Greater Manchester Police

**Third Party Consultations:**

Peter House Oxford Street Manchester M1 5AN  
Bartle House Oxford Court Manchester M2 3WQ  
12 Oxford Road Manchester M1 5QA  
6 Oxford Road Manchester M1 5QA  
1-13 Oxford Street Manchester M1 4PD  
34 Oxford Street Manchester M1 5EL  
Oxford House 16 Oxford Street Manchester M1 5AE  
Elizabeth House 4 St Peter`s Square Manchester M2 3DE  
9 –15 Oxford Court Manchester M2 3PA  
5 Lower Mosley Street Manchester M2 3WS  
14 St Peter`s Square Manchester M2 3DE  
3 Lower Mosley Street Manchester M2 3WS  
2-10 St Peter`s Square Manchester M2 3DE  
63 George Street Manchester M1 4NS  
20 Dickinson Street Manchester M1 4LF  
100-118 Portland Street Manchester M1 4RJ  
Pagoa Chinatown George Street Manchester

Caretakers Flat Peter House Oxford Street Manchester  
Basement 1 – 48 Peter House Bale Street Manchester M2 3WG  
Tommy Ducks Bale Street Manchester M2 3WG  
Basement And Sub Basement Dibb Lupton 101 Barbirolli Square Manchester M2  
3WS  
Sub Basement Price Waterhouse 101 Barbirolli Square Manchester M2 3WS  
Basement Price Waterhouse 101 Barbirolli Square Manchester M2 3WS  
Arthur Maiden Junction St James Street Dickinson Street Manchester M1 4LF  
Fourth Floor Part Front Right Dickinson House 20 Dickinson Street Manchester M1  
4LF  
Third Floor Bank House Faulkner Street Manchester M1 4EF  
55 Faulkner Street Manchester M1 4EF  
Land Between St James Street And Faulkner Street Manchester M1 4FA  
Amadeus House 52 - 56 George Street Manchester M1 4HF  
65 George Street Manchester M1 4NS  
Thomas Cook Lower Mosley Street Manchester M1 5AN  
Bridgewater Hall Lower Mosley Street Manchester M2 3WS  
Bartle House Oxford Court Manchester M2 3WQ  
Ground And First Part And Second And Third And Fou 15 Oxford Court  
Manchester M2 3WQ  
Second Floor Part Croftons 15 Oxford Court Manchester M2 3WQ  
Second Floor Part Markham Olley Partnership 15 Oxford Court Manchester M2  
3WQ  
New World Payphones 0161 236 7103 Outside 10 Oxford Road Manchester M1  
4PB  
1A Oxford Street Manchester M1 4PB  
Second Floor Part Rdl Investigations Limited Front Peter House Oxford Street  
Manchester M1 5AZ  
9 Oxford Street Manchester M1 4PB  
Bus Shelter Gmpte491 Sb 0488 Opposite 16 Oxford Street Manchester M1 5AE  
Sub Basement Part Churchgate Investments Plc 5 Oxford Street Manchester M1  
6EU  
Odeon Cinema Oxford Street Manchester M1 4PD  
Column 1 Junction Dickenson Street St Peter`s Square Manchester M2 3DF  
Unit 7 2 St Peter`s Square Manchester M2 3DF  
Units 4 And 5 6-8 St Peter`s Square Manchester M2 3DF  
Bus Shelter Gmpte512 Sb 4547 Opposite 6 St Peter`s Square Manchester M2 3DF  
Unit 3 10 St Peter`s Square Manchester M2 3DF  
Unit 1 14 St Peter`s Square Manchester M2 3DF  
Unit 6 4 St Peter`s Square Manchester M2 3DF  
10 Oxford Road Manchester M1 4PB  
Amadeus House 52 George Street Manchester M1 4HF  
Peter House 2 Oxford Street Manchester M1 5AQ  
4 St Peter`s Square Manchester M2 3DF  
6-8 St Peter`s Square Manchester M2 3DF  
Dickinson Street Garage Dickinson Street Manchester M1 4LF  
66-76 Faulkner Street Manchester M1 4LE  
Flat 1-47 Tuscany House 19 Dickinson Street Manchester M1 4LX  
Peterloo House Dickinson Street Manchester M1 4LF  
Junction Dickinson Street Faulkner Street Manchester M1 4LE

Rear Of 32-34 Faulkner Street Manchester M1 4LE  
32-34 Faulkner Street Manchester M1 4LE  
Novotel 21 Dickinson Street Manchester M1 4LX  
Barclaycard Peterloo House Dickinson Street Manchester M1 4LF  
96 Portland Street Manchester M1 4GX  
Maysun Buffet Restaurant 98 Portland Street Manchester M1 4GX  
Third Floor Bank House Faulkner Street Manchester M1 4EF  
55 Faulkner Street Manchester M1 4EF

### **Third Party Representations**

Grant Archer, & Westby Close Bramall, Stockport  
Steve Curtis, Flat 5, Chapel Lofts, Post Street, Padfield , Derbyshire  
Lee Wolstenholme, 146 Rosalind Court, Asgard Drive, Salford.

Hugo van Kemenade, 13 Eaton Road, Sale  
Edward Brownrigg, 18 Laburnham Avenue, Failsworth  
Jason Vuong, Flat 12 Tuscany House, Dickenson Street, Manchester.  
James Perkins

### **Wards affected**

#### **City Centre Ward**

### **Implications for:**

<b>Anti-poverty</b>	<b>Equal Opportunities</b>	<b>Environment</b>	<b>Employment</b>
No	No	Yes	Yes

### **INTRODUCTION**

1. The application relates to a rectangular site measuring approximately 0.18 hectares which is bounded by Oxford Street, George Street, St James Street and Dickenson House (a grade II listed building at the junction of Dickenson Street and George Street). The site is currently occupied by the former Odeon Cinema with car parking spaces to the rear and also incorporates a cleared area adjacent to Dickenson House with some trees planted on it.
2. The building, which has been vacant since 2004, was originally constructed as a Paramount Cinema designed by T Verity and Samuel Beverly and was opened in 1930. When the building opened it was a single screen cinema with an auditorium that accommodated 3000 people. During its lifetime it has undergone considerable change, with the addition of screens in 1973, 1979 and 1992 and many of the original features have been removed.

3. The building is not listed but the site lies within the George Street Conservation Area and adjacent to the St. Peters Square / Deansgate Conservation Area.
4. The St Peter's Square Conservation Area which was designated in 1973, contains a mixture of uses, ages and types of building including buildings with a civic character and an imposing scale notably Central Library as well as large footplate commercial buildings.
5. The George Street Conservation Area was designated in 1985 and is an area containing commercial activity bounded by Mosley Street, Charlotte Street, Portland Street, Oxford Street and Dickinson Street.
6. Oxford Street varies considerably in character with a mixture of building ages, architectural styles and materials ranging from the neo-baroque Portland Stone of St James Buildings, the glazed terracotta and brick of Churchgate House and the Palace Hotel, the limestone clad contemporary style 1950's Peter House and the 1970's concrete clad Elizabeth House.
7. In terms of uses, the area around the application site is characterised by mostly commercial buildings, a significant number of hotels and some residential use (Tuscany House to the rear of the site on Dickenson Street). The site is also adjacent to the civic centre of the City which comprises a number of public buildings and spaces around St.Peter's Square and Albert Square.

## **THE APPLICATIONS**

8. Consent is sought for the erection of a 14 storey building plus a roof top plant room and 3 levels of basement parking, following the demolition of the former Odeon Cinema. The proposed building would have grade A office space at floors 1-13, providing just over 22,000 square meters of floorspace and a reception area and retail space which would be used for Class A1 (Shop) Use, Class A2 (Financial and Professional Services), Class A3 (Restaurant & Café) Use or B1 (Business) Use at ground floor level.
9. The 3 basement levels would provide car parking spaces for 118 spaces which would be accessed via a ramp access from George Street. Provision for 37 cycle parking spaces would be provided within the basement. Refuse would be stored in a dedicated storage area at ground floor level and the building would be serviced via a loading bay off St. James Street.
10. The proposed building would fill the site. The main structural grid of the building would have deep reveals and would group together 3 floors of windows in a similar way to many of the buildings in the local context. The proportions of the building would combine both vertical and horizontal emphasis.

11. Recessed elements to the elevations and a setting back of the top three storeys from the structural grid to form a 'pergola' along with the recessing of the facades to the ground floor accommodation would give modelling and visual interest to the building.
12. Elevationally the building would be primarily constructed in a mixture of glazing and reconstituted stone of a colour and texture similar to the Portland Stone buildings around St Peters Square and St James Building.
13. The proposals would be the first major commercial development on Oxford Street in some time and would provide Grade A office accommodation of a suitable standard for a major company headquarters. The building is designed to allow flexibility and adaptability to provide office accommodation for either a single occupier or multi-tenanted use.
14. External lighting will focus on the ground floor and the sky gardens and pergola at the upper level with uplighting to both.
15. The development is expected to achieve a BREAAAM rating of at least 'very good'.
16. As well as drawings the following information has been submitted in support of the planning application:
  - Design and Access Statement;
  - Planning Policy Statement;
  - Noise Assessment and Ventilation Strategy;
  - Sustainability Appraisal;
  - Archaeological Assessment;
  - Transport Statement;
  - Bat and Barn Owl Survey;
  - Preliminary Geo-Environmental Investigation and Assessment;
  - Sunlight and Daylight Assessment;
  - Radio and TV Reception Survey.
17. A justification statement for the demolition of the former Odeon Cinema Building has also been submitted in accordance with PPG15 (Planning and the Historic Environment).
18. The site edged red includes land on existing footways which form part of the highway which are in the City Councils ownership.

## **CONSULTATIONS**

19. **Manchester Conservation Areas and Historic Buildings Panel** -The Panel noted the importance of the existing Odeon Cinema building and its uniqueness within Manchester's 'entertainment' corridor. It was felt that the existing building was eligible for consideration for listing and it was noted that evidence exists that its exterior, internal features and internal; spatial character remain substantially intact.

20. Whilst in plan the existing building does not adequately complete the urban block, it does respect the scale and massing of the character of the George Street conservation area and the listed building still standing to the rear of the site.
21. The Panel considered that the existing building does make a positive contribution to the character of the conservation area and that the applicant has failed to provide adequate justification for its demolition. The Panel asked if the existing building had been marketed for re-use, as no evidence to illustrate this was shown to them.
22. The Panel considered the proposed replacement building to be massively over-dominant in mass, scale and height, and of a design and appearance alien to the street scene and the conservation area. The applicant's attempts to justify the nature of the proposals as an analysis with reference to St. James Buildings and the Palace Hotel were considered to be facile and not valid, especially as all these examples are ones where the primary façade is aligned along the principle road or space, thereby guaranteeing access to light and space.
23. The proposal's design was considered to be fundamentally flawed with the expansive service core and subsequent elevational treatment to George Street being particularly poor. It was felt that a building of this size would require enveloping with clarity and order due to its high visibility and prominence. The Panel considered the proposals to be architecturally illiterate and called for a natural stone cladding material rather than the reconstituted stone proposal.
24. The Panel felt strongly that this site was not the correct location for a 'landmark building' being in the centre of the city block between St. Peter's Square and Portland Street being at 90 degrees to the main street. It was felt that buildings of this nature would be more appropriately sited in the resurgent 'Spinningfields' or CBD area rather than on little infill sites in city centre conservation areas.
25. The Panel considered that the proposed design would be a particularly 'rude' neighbour to the Grade II listed Dickenson House, which would be dominated and left in isolation by the proposal.
26. In summary, the Panel considered the proposed design to be out of scale, confusing and generally not good enough for Manchester. The proposal would have a negative impact on the character of the George Street conservation area and the settings of adjacent listed building and St. Peter's Square Conservation Area.
27. The Panel considered that the adjacent 'Elizabeth House' site would be a more appropriate location for an appropriately designed landmark building within enhanced public realm areas. The Panel requested to see the masterplan for this site at an early stage for comment.

28. The Panel recommended that, should the demolition of the Odeon be approved, the City Council must ensure that no demolition works be undertaken until contracts for the construction of then new building have been provided and exchanged. This should avoid a repeat of the recent situation at Brown Street / Chancery Place.

Recommend : Refuse.

29. **The Cinema Theatres Association** : Object to the application and are concerned about what they view as inaccuracies in the content of the conservation statement. As follows:

(a) It is stated that the most important element of the façade was the signage and canopy. The Association assert that the buildings main elevation is clad in a cream-coloured faience that continues around the corner. Furthermore they state that the sober and restrained façade looks very American with its monumental classical Art Deco frontage. This is highly interesting on an international level and shows how at this point the architects were still very much influenced by current architectural developments from the circuit's homeland. It is a formal, almost municipale looking building. The façade has recessed pilasters with Art Deco capitals that reach from the canopy to the parapet and give the cinema a grand appearance.

(b) It is incorrect that the exterior main façade has been irrevocably disfigured by overpainting. The Association state that paintworks cannot be considered a permanent change to the building and can easily be removed.

(c) It is incorrect that the interiors have little or no original remaining material of significance. The Association state that a large extent of the original decoration survives completely intact. While much of it is concealed behind the new auditorium spaces created by the Odeon, the partitions have not substantially damaged the original fabric as has been suggested.

The Association also state that they have written to English Heritage proposing this building for urgent spot-listing at Grade II in order to safeguard it from demolition.

30. **Ancient Monuments Society** – Are strongly opposed to the proposed demolition of the existing building due to its importance as a still unlisted Super Cinema outside of London.

31. **The Head of Environmental Health** - Has no objections subject to the proposals being implemented in accordance with the information on acoustic insulation and submitted with the application. They have recommended conditions that relate to fume extraction, hours of operation, delivery times.



32. **The Head of Engineering Services** - Has made comments about the service access, access to the basement parking, sightlines and pedestrian visibility splays which have been passed to the applicant. It is anticipated that these issues will be resolved prior to Committee.

33. **Greater Manchester Police** - Has no objections

34. **English Heritage** - Commenting on the proposed demolition state that they do not wish to make any representations on this occasion. It is recommended that the case is determined in accordance with government guidance, development plan policies and with the benefit of conservation advice locally.

35. Commenting on the proposed new build they welcome the proposal which they feel will be a positive addition to the Conservation Area .

36. The Planning Application has been advertised as a Major development.

37. The Conservation Area Consent application has been advertised as involving the demolition of a building in a Conservation Area.

38. Site notices have been displayed and the occupiers of neighbouring properties have been consulted on each application.

39. To date eight letters of objection have been received in relation to both applications. The letters of objection make the following comments:

- That the building is a classic of Art Deco cinema design which was only refused listing because of the 1990's internal modification. Beyond the recent 7 screens the majority of the original auditorium is intact and if revealed would be far more impressive and architecturally important than other local theatres such as Stockport Plaza.
- That it would be sad for another example of Manchester's fine architecture to disappear forever and that it is hard to believe that the new development will be anywhere near as impressive or important as the existing. Planners should insist that the developers work around the fascia as has been successfully done with the Radisson Edwardian Hotel on Peter Street.
- Pulling down a classic building and replacing it with a shapeless, soulless, featureless office block shows a lack of imagination and threatens to destroy Manchester's uniqueness and character.
- Whilst the building may not be capable of being reused as a cinema, it could be converted in a sympathetic way that would bring benefits to the City beyond just financial benefits.

- That the demolition of the former Odeon Cinema would have a negative impact on the visual environment of Oxford Street whilst the proposed new building has no architectural connection with its surroundings, would visually dominate adjacent buildings and would have a dull and uninspiring architectural form. The buildings construction and exterior facade would be entirely inappropriate in the context historically of the architectural development of Oxford Street
- That there are many modern office buildings in Manchester already lying empty and in this context it is hard to see a justification for the demolition and rebuild based on market demand.
- That whilst the Odeon Cinema is in need of redevelopment, replacing the existing building with a 14 storey building is unacceptable.
- That there is a possibility that the building will block out light, increase traffic in the local area and generate noise disturbance and litter.
- That the City Council should award the façade of the former Odeon adequate protected heritage status.

## **ISSUES**

### **Regional Spatial Strategy**

40. The proposal is consistent with Regional Spatial Strategy (RPG13) policies DP1, which give priority to the development of sites on urban areas, DP3 which promotes good design, and SP1, which promotes development in the Regional Poles.

### **Unitary Development Plan and Use**

41. The proposal accords with the policies contained in the Unitary Development Plan for the City of Manchester (UDP) relating to this part of the City Centre. The scheme is considered to be consistent with policies relating to regeneration which support economic and employment development (Policies R1.1, RC8, RC9, I2.1, I3.1 and 1.6), policies on Environmental Improvement and Protection (Policies E1.1, E1.5, E3.2 E3.5, RC4, RC7, RC18 & T3.7), along with Policy RC20 (Area 8) (Small Area Proposals), RC3 (Mixed Uses), RC17 (Car Parking), DC10 (Food and Drink), S1.1 (Shopping) and H 2.2 (Housing).

### **Conservation Area Consent : Planning and the Historic Environment (PPG15)**

42. S 72 Listed Buildings and Conservation Areas Act 1990 requires members to pay special attention to the desirability of preserving or enhancing the character of the area when considering this proposal. The key issue with regard to the conservation area consent application is whether in view of the

fact that the former Odeon Cinema lies within the George Street Conservation Area, a case can be made to justify its demolition.

43. PPG15 states that the decision to demolish buildings in a conservation area should be assessed against the same criteria those as used for the demolition of listed buildings.
44. Policy DC18.1 in the UDP advises that the Council will give particularly careful consideration to proposals within conservation areas. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the relationship of new structures to neighbouring buildings and spaces, the effect of major changes to the appearance of existing buildings, and the desirability of retaining existing features. Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the character of the area.

#### Merits of the Existing Building and its Contribution to the Conservation Area

45. The building is not listed but the site holds an important position within the Conservation Area, being seen in long and wide views from a number of nearby streets. Apart from the principle front elevation, which is considered to be of limited quality, the building consists of utilitarian structures of no architectural merit. Over the years the cinema has undergone numerous changes and alterations to the interior and exterior in order to meet the changing requirements of contemporary cinema and most of the interior, which would have given the building its particular character and significance has been removed and sub-divided. As a consequence it is understood that the buildings interiors have little or no original material of significance.
46. The form and configuration of the massing of the Odeon does not accord well with the townscape. The return elevations are extremely oppressive and have no active frontage and the loss of the original vertical centrepiece that formed the name sign and the disfiguring by over painting, staining and damage of the faience casted corner returns has eroded much of the original quality of the buildings main façade onto Oxford Street. The large plain pitched roof, which has been recently re-clad in profiled metal sheeting, is visible from St Peters Square and Oxford Street and in this respect has a negative contribution to Townscape value. The monolithic mass of brickwork and the cheap sheeted roof are considered as negative contributors to the conservation area.

#### Prospects for the Continued Use of the Building.

47. There is no possibility of retaining the proposed building in its previous use as there is a restrictive covenant on the use of the building as a cinema for which it would in any case be unsuitable.

48. Whilst the building is clearly capable of being reused for some purpose, it is considered that conversion to another economically viable use within the existing building envelope would be extremely difficult due largely to the specific nature of the design for its original use, and the fact that the building requires constant and extensive maintenance in order to merely preserve the envelope.

#### Benefits of the Proposed Redevelopment of the Site/ Design Issues

49. In terms of making a positive contribution to the area the proposed siting of the building, its scale, height, physical form and architectural detail are important. The design of the proposed building would provide a high quality building on an important site within the City Centre and it is felt that the prominence of the site, the existing urban pattern of Oxford Road and the quality of the architecture justifies the scale of the proposal which is taller than many of the surrounding buildings. The buildings height would relate to the punctuation of Oxford Street by taller landmark buildings such as the Palace Hotel and St James Buildings.
50. The layout and three dimensional forms proposed would reinforce the importance of Oxford Road as a major entry route to the City Centre and the proposed building would have a good modern design enhanced by a palette of high quality materials.
51. Elevationally the building would incorporate a representation of the tripartite sub-division in which the building comprises a distinct base, middle and top element. This façade modulation helps to break up the scale of the elevations.
52. The proposed development would reinforce the grid structure created by its surroundings by incorporating a building which reinstates the street edge and site corners and the inclusion of active space would be a major enhancement to the streetscape.

#### Character of the Proposed Building and its Impact on Conservation Areas and nearby Listed Buildings

53. The site is in the vicinity of a number of listed buildings, within the George Street Conservation Area and adjacent to the Peter Street / Deansgate Conservation Area. In view of this it is necessary to consider the impact that the proposals would have on the settings of the conservation areas and listed buildings.
54. As a result of redevelopments at different times over the past 100 years, there is very little consistency in the appearance of the immediate context of the application site and the buildings in the area around the site represent a variety of architectural styles. However in general terms the character of Oxford Street and adjacent areas is one of larger commercial buildings. The proposed building would be in keeping with this character. In addition the materials chosen are intended to reflect the historical palette of materials

used in buildings in the vicinity of the application site and the building would provide considerable visual enhancement of the site.

55. The building would be seen in views with a number of listed buildings within the adjacent areas. However it is considered that the new building would not have a detrimental impact on the settings of listed building within areas adjacent to the site.
56. The proposed building would acknowledge the historic environment and reinforces key characteristics of the conservations areas and the historic setting of nearby listed buildings. English Heritage has been consulted on the proposed design and visual assessment and have commented that the proposals would be a positive addition to the Conservation Area.

### **The Schemes Contribution to Regeneration**

57. Regeneration is an important planning consideration. The City Council has identified the Oxford Road Corridor as an area for significant economic focus and the application site occupies a strategic location at the heart of the City Centre, sitting at the northern end of the Oxford Road Corridor. It is felt that the proposed building with its high quality appearance would enhance the perception of the area as a regeneration zone where economic functionality is improving.
58. In addition to this, the profile of the St. Peters Square area has changed since the introduction of the metrolink system and is now a major entry point to the City Centre. There is a major opportunity to develop a focus for high quality development which, associated with changes around G-Mex and the Convention Centre, could create a major new asset for the City. This development could represent the first phase of this change and can therefore be seen as a major catalyst for regeneration and change.
59. The majority of office based schemes that have been recently developed or are under construction have significant levels of pre-let and as such there is a relatively small amount of speculative grade A accommodation available within the market place. Such a situation must be a cause for concern as it would constrain growth in the City. As such, it can be seen that the provision of high quality, grade A office based accommodation would make a major contribution to regeneration in the City.

### **Effects on Local Environment**

60. In assessing the merits of this application, consideration needs to be given to the impact that the proposed building would have on the local environment for local residents, particularly those in Tuscany House to the rear of the site on Dickenson Street. An assessment has been submitted with the application to assess the potential impact of the proposed development on the daylight and sunlight enjoyed to windows in this residential accommodation. The assessment was undertaken in the light of

the approach advocated in Building Research Establishment (BRE) guidance to the current British Standard for the code of practice for daylighting. The results of the analysis show that whilst there would be some adverse impact on some of the windows in Tuscany House as a result of the development, in the context of this City Centre site the levels of daylight and sunlight that would be enjoyed would continue to be sufficient and that overall the adverse impact would not be material.

### **Parking, Servicing and Access**

61. The impact of the proposals on parking and the highway network has been considered in the Transport Assessment submitted with the application. It is considered that adequate car and cycle parking would be provided as part of the development. A number of highways issues have been raised in relation to access for servicing vehicles and cars onto and around the site and it is anticipated that these will be resolved prior to Committee.

### **Green Travel Plan / Cycling**

62. The developer has stated that they recognise the need to encourage those employed within the development and visitors to travel to work and for business by sustainable transport modes and is committed to the development and implementation of a Travel Plan, that would promote cycling, walking, public transport and emerging initiatives such as the City Centre Car Club as alternatives to the use of the private car, thereby reducing the demand for on-site parking spaces.
63. Secure on site cycle parking along with showering facilities would be provided within the car parking area.

### **Sustainability**

64. The Sustainable Design Objectives Statement accompanying the application outlines ways in which the proposed building has been designed to meet the energy targets set out in the Guide to Development in Manchester 2 and to support sustainable economic outcomes. It is considered that the proposal would be highly sustainable in terms of energy conservation, use of materials and use of local labour and contractors and the proposals is expected to gain a BRE AAM rating of at least 'very good'.

### **Access**

65. The principle entrance to the building would be level and lifts providing full access to all floors for disabled people would be located within close proximity of this entrance area. Six of the 118 parking spaces would be laid out for disabled people. The allocated spaces would be within easy reach of the lift that serves the basement from the office lobby area.

### **TV Reception**

66. A TV and Radio reception study has been undertaken that identifies potential shadowing and reflection of signals. A condition that requires further detailed surveys to precisely identify the effect of the proposals and for the developer to undertake appropriate measures to mitigate any effects will be attached to any consent granted.

### **Crime and Disorder**

67. It would be expected that an enhanced level of personal security for those using the area would result from this development as a result of the improvements to the level of ground floor activity on the site. Greater Manchester Police have been involved in pre-application discussions on the scheme and have provided a crime impact assessment. Greater Manchester Police have raised no objections to the proposals and it is expected to achieve Secured by Design accreditation. A condition requiring that the development seeks to achieve that accreditation will be attached to any consent granted.

### **Noise**

68. The potential for noise generation from plant / equipment associated with the buildings will be overcome provided that the development is carried out in accordance with the details on acoustic insulation submitted with the application and a condition requiring that the scheme is carried out in accordance with this will be attached to any consent granted.

### **Amenity**

69. The existing building does not provide any positive contribution to the sense of amenity in the area. The proposal would create activity at ground floor level which is absent from the current building and along with a high quality approach to carrying out improvements to the public realm immediately surrounding the site, would serve to enhance the area's amenity.

### **Response to Objectors Comments.**

70. The comments of the majority of objectors have been addressed above but in addition it should be noted that:

(a) Issues in relation to noise and disturbance during construction will be dealt with under Environmental Health Legislation.

(b) An increase in traffic levels is likely to be during peak times in the morning and evening and as such it is unlikely to cause disamenity to local residents beyond that which would normally be expected in a City Centre Environment.

### **Panels Comments / Cinema Theatre Association**

71. The comments that have been received in relation to the importance and condition of the existing building are noted, as is the request that has been made for the 'spot listing' of the building. However, it is important to note that the building is not listed, a thorough analysis of its condition (and particularly its external appearance) has been undertaken and the proposal has been taken forward in discussion with English Heritage who have no objection to the demolition or to the proposed replacement building. Whilst it should be acknowledged that the building does have some worthy qualities, it is important to strike a balance between this and the benefits that the proposed scheme would bring to this location and the City Centre generally. If the building is 'spot listed' before demolition has commenced, it would be necessary for listed building consent to be sought.

## **CONCLUSION**

72. Government advice is that Local Planning Authorities should have regard to the desirability of preserving or enhancing the character or appearance of conservation areas and of ensuring that new buildings fit in with an historic area, rather than stand alone within it. These concerns are also reflected in the City Councils own approved planning policies contained within the Unitary development Plan. The existing building which is vacant and has been the subject of numerous changes over the years which have diminished its appearance and quality is not considered to enhance the conservation area and is considered to make a neutral contribution.
73. It is considered that the applicant has provided sufficient justification for the demolition of the building and the subsequent redevelopment which it is considered would enhance and maintain the character of the George Street and adjacent Peter Street Conservation Area. The scheme, taken as a whole with the proposed new building, therefore meets the test of preserving or enhancing the character of the George Street Conservation Area, it would exhibit a sense of visual interest which will provide positive views when entering the City Centre and along Oxford Road and Peter Street and will assist in the ongoing regeneration of this part of the City Centre.
74. The proposal is also considered to be consistent with Government Guidance contained within Planning Policy Guidance Note 15 (PPG15 Planning and the Historic Environment).

## **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.

Article 8 and Protocol 1 Article 1 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)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by 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:**

The Head of Planning therefore recommends that the Committee **APPROVE** planning application **081626/FO/2006/C2 and 081627/CC/006/C2** on the basis that the proposals are in accordance with the provisions of the City Councils Unitary Development Plan, in particular policies R1.1, I2.1, I3.1, 1.6 ,E1.1, E1.5, E3.2 E3.5, RC3 RC4, RC7,RC8, RC9, RC17, RC18, RC20 (Area 8), DC10 (Food and Drink), S1.1 (Shopping) and H 2.2 (Housing) and there are no material considerations of sufficient weight to indicate otherwise and subject to the following conditions;

#### **081626**

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) Construction of the works hereby approved by this permission shall not take place until samples and specifications of the materials to be used on all external elevations of the development 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.

3) Before the development hereby approved commences a report to assess the likely extent of any ground contamination and/or ground gas being present on or affecting the site shall be submitted to and approved in writing by the City Council as local planning authority. Any necessary site investigations shall then be carried out according to a scheme to be agreed in advance with the City Council as local planning authority and implemented in accordance with the approved scheme.

## Reason

To ensure that the presence of or the potential for any contaminated land/ground gas is detected and appropriate remedial action is taken in the interests of public safety.

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

a) Identify, before the development commences, the potential impact area in which television reception is likely to be adversely affected by the development. The study shall be carried out either by the Office of Communications (Ofcom), or by a body approved by Ofcom and shall include an assessment of when in the construction process an impact on television reception might occur.

b) Measure the existing television signal reception within the potential impact area identified in (a) above 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.

c) 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 (b) 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.

5) The development hereby approved shall incorporate measures to minimise the environmental impact and energy use of the building and shall seek to achieve Building Research Establishment Environmental Assessment Methodology (BREEAM) rating of 'very good' as stated in the supporting information submitted with the application. Written confirmation of this rating is to be submitted to and approved in writing by the City Council as local planning authority before the development is occupied, unless otherwise agreed in writing by the local planning authority.

Reason - In the interests of minimising the impact on the environment of the building, pursuant to adopted Manchester Unitary Development Plan policy E1.6, Regional Spatial Strategy policy ER13 and Planning Policy Statement 1 (PPS1).

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

Reason

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

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

Reason - In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in PPS1 "Delivering Sustainable Development".

8) Before development commences details of the lighting scheme for the building shall be submitted to and approved in writing by the City Council as local planning authority.

Reason

In the interests of visual amenity and to ensure that the proposed scheme is appropriate to the design of the building.

9) No deliveries, servicing or collections including waste collections shall be carried out outside of the following hours:

(a) 07.30 to 20:00 Monday to Friday; and

(b) 10.00 to 18.00 Sundays and Bank Holidays.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation.

10) The development hereby approved shall be carried out in accordance with the following:

(a) drawings numbered

15-06 P001, P002;  
15-01 P007, P008, P009, P010, P011, P012, P023, P024, P030;  
15-02 P100, P101, P102, P103, P104,  
15-03 P001, P002;  
20-01 P010, P011;  
20-02 P001; and  
21-01 P01, P02 P03

(b) Section 6.0 of the Sol Acoustics Report dated November 2006; and

(c) Delivery, Access and Refuse Strategy stamped as received on 11-12-2006

unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - To ensure that the development is carried out in accordance with the approved plans.

**081627**

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.

**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 applicationS ref: 081626/FO/2006/C2 and 081627/CC/2006/C2 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 be fully accessible to disabled people.

### **Environmental Improvements**

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

### **Employment Implications**

The proposal will create jobs during construction.

Head of Planning

HEAD OF PLANNING