Our ref: MA/TCP/001-2/L003m
Your ref: PP03377609

Date: 25 June 2014

Angela Leckie
Manchester City Council
Planning
PO Box 532
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M60 2LA

Dear Angela,

Application for temporary use of land (18 months) as public surface car park at the site of Former BBC New Broadcasting House, Oxford Road, Manchester, M60 7HB

App Reference – PP-03377609

On behalf of our client, Total Car Parks Ltd, this letter responds to the planning policy points, and the transport matters are dealt with principally through the enclosed Note from Vectos. The information duly supplied is additional to that previously issued. These comments are made to assist your determination of the application for temporary use of the above site for an 18 month period to allow the site continue to be used as a surface car park open to the public, as an interim use prior to its fuller redevelopment.

Progress towards a long-term use

The delivery of the longer-term use will be subject to the resolution of a detailed planning process to involve the landowner and the City Council, and this process will be guided by consultation with other stakeholders and account for the advice of the Council's adopted SRF for the site as well as other planning policy matters. It is crucial to recognize that this application is for a temporary consent to allow the existing car park use to continue and that it is not seeking to justify or secure consent for any longer-term use.

The Council has nonetheless sought clarification in terms of both the progress towards the longer-term use and to identify whether this proposal would prejudice those aspirations. In that vein, the Council will also be aware that there has been a formal response from the landowner (Realty Estates) which has been submitted as a representation. The key points arising in terms of the longer-term scheme are that:

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- Realty is committed to delivering a major mixed-use scheme on the site;
- Realty has instructed a high quality project team to support the application;
- Realty is engaged with the Council to develop a scheme that meets the aspirations and requirements of the SRF and to deliver the major investment and employment which is sought by all;
- Realty is committed to undertaking consultation with stakeholders and the marketplace prior to submitting their proposals for planning consent;
- Realty envisages a first phase of development that will be significant in scale and will include commercial uses, town centre living and public realm works; and
- Realty is committed to completing the above such that it can submit a well-considered planning application later in 2014.

In terms of this proposal, Realty has also confirmed that it is fully supportive of these proposals and considers that the 18 month period is highly appropriate and does not prejudice its own programme. The site layout is highly flexible and lends itself towards a longer-term scheme that is genuinely comprehensive but can be delivered in phases relying upon a public-realm led framework. The agreement towards this detailed scheme requires proper consideration and scheme development, and the temporary use proposed allows for this to be had and keeping the site in active and gainful use.

However, in the event that the longer-term use is consented in an accelerated programme there would be no prejudice to an early commencement on site (towards the longer-term scheme) whilst still maintaining residual gainful use on other parts of the site. The SRF pre-empts that any such interim use might include car parking, and the comments at paras 5.54-5.56 reflects this prospect whilst setting out related design ambitions. It states:

"5.54 Clearly, there will be a cost associated with the design and implementation of a package of interim works to generate an acceptable appearance. On this basis, an element of surface car parking would be acceptable, subject to design detailing and supporting highways technical justification, in order to generate value.

5.55 With that car parking proposal, we would expect to see a wider strategy for the interim treatment of The Site which would include public realm enhancements including green space, and the provision of multi-functional space that can be used for events and pop-up uses on a temporary basis.

5.56 The Oxford Road frontage, with its substantial levels of footfall presents a prime opportunity to generate the type of temporary pop-up uses that have been successfully delivered at Spinningfields for example."

Analysis

It has been suggested that further clarification is sought in respect of the relationship of this application in terms of the requirements of the site-specific SRF. This analysis is provided, but is prefaced by recognition that

case law has established primacy of the Development Plan and that material weight should then be afforded to other matters on their merits. The NPPF then identifies that where Development Plans are out-of-date or indeterminate then the NPPF should be given more significant weight.

The proposals will ensure the ongoing use of the 563 car parking spaces which serve this area of the city centre and help to support nearby shopping and leisure uses, including the nearby universities. This has been in use for a temporary period and has already proved popular and key to local parking patterns in the area. The previous Committee Report concluded that the use of the site for temporary car parking contributed positively to requirements and aspirations of Development Plan policies CC4, T1 and T2. These policies remain in force.

The role and status of the SRF

Whilst the draft SRF was under consultation at the point where the previous application was under determination, it has subsequently been adopted. This does not have Development Plan status, but has been subject of consultation and should thus be afforded a degree of weight. It is important to note that the SRF seeks to guide development of this strategic site to provide strong direct contribution to the aspirations for the Oxford Road Corridor.

This guidance sets out long-term ambitions as well as commentary on interim or smaller-scale development with the proviso that it should not undermine the longer-term goals. In these terms, it advises that it is important to ensure that "*any individual scheme does not undermine a comprehensive approach to redevelopment".*

It is noteworthy that the SRF content was finalized in July 2013 for endorsement by the Executive prior to formal consultation. Further to this process, it was later adopted and published in October 2013 without amendment. As such, the document's comments should be read as of July 2013. This is confirmed by the comments at para 5.52 which recognizes that the physical works undertaken subsequent to the original car park consent (which was issued early July 2013) to improve environmental appearance were "being implemented".

Temporary Events

It also provides a relatively blank canvas to accommodate the potential for short-term events (such as but not limited to the current Lady Boys of Bangkok event) and the proximity to the Universities and the Cornerhouse gives a locational opportunity for further events to be had on the subject site (all or part) without the express need for further works to be had (subject to specific details) as endorsed by the SRF at paragraph 5.57.

Whilst we note that you have sought some clarification in terms of a strategy in terms of such temporary events, these are very much demand-led and the site continues to provide a ready canvas. The current use of

the higher part of the site for such a use provides the first steps towards establishing profile and track record that may encourage similar temporary uses in the future. However, we do not seek to pre-suppose or justify the nature of such temporary events, simply to state that the site provides an opportunity for those uses to be had and add to the interest and vitality of the Corridor.

Compliance with the SRF

The proposed use of the site as a car park (on a temporary basis) already provides an appearance that is much improved and has been found acceptable by the Inspectorate.

In reference to the advice of paragraphs 5.54 of the SRF, it is not wholly specific as to whether it refers to the interim use which has been had or to a further and distinct package of interim uses yet to be determined. It is our understanding that the Council seeks clarification in this respect as to the relative compliance of this proposal- so a key point here is whether and how the proposal relates to the longer-term aspirations.

Clearly the existing car park was subject to requirements to deliver a package of environmental improvement works which have already been undertaken and have been found acceptable by the Inspectorate. The proposed temporary use of the site for a public car park is a continuation of an existing use and as such does not create any new planning impact, save for clarification of any consequence or prejudice to longer-term aspirations unless there is any requirement for further justification or other matters arising. In these respects, the applicant has also been asked to provide some further analysis in terms of transport matters and this has been secured and is appended.

Upon reference to paragraph 5.55 of the SRF, it is clearly geared towards encouraging a public realm strategy which would inevitably be informed by the longer-term proposals for the site and promote some interim uses on parts of that site where the long-term development would be delivered as a later phase. To seek any such works now must be seen to be premature in planning terms, and would need to ensure that they would be consistent with the delivery of the longer-term scheme, and to demonstrate that any impacts created by those interim works are justified in planning terms and that any such interim use would be deliverable.

As such, it is our position that the SRF should not be interpreted to assume that it would be either necessary or welcome for the "meanwhile use" proposed through this application to promote other works (i.e. public realm or pop-up commercial units) because they would pre-empt and not necessarily be consistent with a longer-term plan for the site in spatial terms.

In terms of the use alone, it is also important to recall that the Inspectorate has found that the existing works are acceptable in planning terms. The use of the site as car park has resulted in extensive physical improvements and strong active use of the site through day and evening. As such, this use (as was recognized in the 2013 Committee report) improved the physical appearance and streetscene of this element of the Oxford Road Corridor and provided some positive contribution to its economic performance.

There is no credible evidence to suggest that the continuation use proposed by the applicant is an impediment to the aspirations of the landowner or the genuine requirements of the SRF. The delivery of the long-term redevelopment of this key site process is subject to resolution between the parties and through the use of due planning process to secure a scheme which is deemed acceptable in planning terms. The proposal seeks a temporary use to allow this process to be had. We refer the Council to the 2013 Report which commented:

"Whilst there is an aspiration as part of the strategic aims for The Corridor to see the site developed for uses that would promote employment provision, the discussions on the form that this would take are ongoing. In the meantime, the site would almost certainly remain vacant if it is not used on an interim basis for car parking. This would give a poor impression of the area and consequently could adversely affect the ongoing regeneration within The Corridor and adjacent areas."

The complexity of the site is expressly recognized by the SRF which refers to a 10-15 year "life" for scheme completion, this SRF having been adopted less than 1 year ago. Given the scale of the site and the opportunity, there is a danger in seeking to reach a premature decision in terms of both scheme composition and to lay the foundations of its spatial layout. To do so is more likely to prejudice these long-term ambitions than it is to promote them. The SRF recognizes at para 4.3 that:

"Whilst it is recognised that a single redevelopment proposal may not be possible, it will nevertheless be essential to ensure that any individual scheme does not undermine a comprehensive approach to redevelopment across the different land ownerships and therefore that the site is 'future proofed' in this regard. A comprehensive approach to the site will maximise the scale and benefits of the opportunity and offer the greatest degree of flexibility and scale for a commercially-led mixed use development"

Transport

The enclosed note from Vectos confirms that there have been additional surveys undertaken and consideration had in terms of progress on Cross City Bus. None of these matters have an adverse impact upon their conclusions that the scheme is acceptable in planning terms from a highways perspective.

Summary

The proposal seeks an effective renewal of the existing temporary consent for an 18 month period. This period is broadly consistent with other renewals that have been granted by this Council and do not prejudice or impede

other aspirations for the redevelopment of the site itself or schemes such as Cross City Bus. The planning benefits to be accrued through its ongoing use, interim to the completion of processes necessary to secure consent and then commencement of the long-awaited redevelopment of the site are material.

In contrast, the dis-benefits resultant from the site's vacancy (which would follow from refusal) are very significant and would adversely impact upon the performance of the Corridor and would not improve prospects of the site's redevelopment. To do so would fundamentally conflict with clear guidance of the SRF and NPPF.

The proposal is an appropriate and carefully considered interim use for a strategic site which is entirely consistent with the requirements of the Development Plan, the SRF and the advice of the NPPF and NPPG. The applicant welcomes the representation from the landowner that confirms that the strategic development of the site is in progress and that they are committing resource and intend to submit a well-considered application later in 2014 and that this proposal is welcomed by them. There are no significant adverse consequences arising, and we respectfully remind the Council of the NPPF's guidance at paragraph 14 that such proposals "*should be approved without delay".*

We trust that the above is clear and helpful.

Yours sincerely



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