



AshtonHale

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Submitted via email only

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Dear Jennifer

Full Planning Application for Development at Upper Brook Street - (McLaren Property Limited / Kadans Science Partner) - Response to Consultation Comments on Application (ref: 137399/FO/2023)

I am writing on behalf of McLaren Property Limited and Kadans Science Partner ('the Applicants') in respect of the current proposals for Land between Upper Brook Street, Kincardine Road and Cottenham Street ('the Site'). The full planning application has the reference (ref: 137399/FO/2023) and was registered by Manchester City Council ('MCC') on 4th August 2023.

This letter and enclosures seek to respond to various comments received from MCC officers and statutory consultees since the submission of the application. It is hoped that this letter will provide sufficient material and comfort to officers to enable the application to be taken to the earliest possible planning committee with a recommendation for approval.

The remainder of this letter summarises the relevant comments made and then provides a response on behalf of the Applicants.

MCC Environmental Health

The consultation response queried the inclusion of a waste strategy within the submitted planning application, and requested specific details relating to construction management.

Applicants' Response: Confirm that MCC's standard Waste Proforma and a Waste Strategy was included at Appendix 13 of the submitted Design and Access Statement prepared by Sheppard Robson. A Construction Management Plan was also submitted as part of the planning application, and the Applicants' will accept an appropriately worded planning condition to secure the approval of an updated version of this document, and any additional information the Council consider needs to be included, following the grant of planning permission.

GMEU (Ecology)

The consultation response requested that prior to the determination of the application, you carry out a minimum of one dusk survey in respect of bats. It also recommended a series of planning conditions.

Applicants' Response: Enclosed with this letter is a dawn/dusk bat emergence survey covering the application site. The Applicants are also willing to consider appropriately worded planning conditions relating to ecological matters.

University of Manchester

The consultation response stated that the applicants should not rely on the University's car park D being available for public parking as this may change in the near future. In addition, the University raised queries about the construction sequencing of the development.

Applicants' Response: The Applicants note the University's comments on its Car Park D and confirm this application is not reliant on its use for car parking. The precise sequencing of development will be confirmed and subject to approval via a Construction Management Plan.

Manchester Airport Group - Aerodrome Safeguarding

The consultation response stated that during construction and in perpetuity, measures should be taken to prevent birds that are hazardous to aviation being attracted to the proposed roof PV array.

Applicants' Response: The Applicants' ecologist (Brooks Ecological) has reviewed the response and comments as following:

"The risk of attracting birds of a larger size, such as wildfowl, or in large numbers which may be hazardous to aviation is considered highly unlikely, and any residual risks could be mitigated using standard techniques if required. The application site is located c. 11.7km from the nearest section of runway at Manchester Airport at this distance and given the setting of the proposals, in an area of similar large buildings several of which also have solar arrays, the risk of attracting large wildfowl species or large numbers of birds which may be at risk of impacting aeroplanes would appear very limited. Attracting wildfowl to an elevated location within a city centre, lacking supporting habitats which would be used by existing populations would appear very unlikely.

As such the risks, although still limited due to the distance from the airport, may be narrowed to other urban bird species such as gulls and pigeons attracted by nesting and loafing opportunities. During construction works continued disturbance across the site is likely to render it inhospitable and unattractive to bird species which may be present locally. Actions to be taken if nesting becomes an issue to prevent larger numbers of birds post construction, could include a sturdy wire mesh installed underneath solar panels or other sheltered features which may prove attractive to nesting birds, primarily pigeons, to prevent access. Likewise, bird spikes could be placed on exposed ledges to reduce loafing opportunities for species such as pigeon and gulls, further reducing any attraction to the Site. Wire mesh and bird spikes measures should be subject to regular maintenance to ensure they are working effectively and to prevent birds from becoming entrapped. Further remedial measures may include the use of a pest controller, bird scaring devices and manual dispersal. Such measures can pose risks to birds and should only be employed as required and with due care, netting should be avoided as this poses a high risk of trapping birds"

MCC Highways

The consultation response raise a series of queries relating to transport and highways matters.

Applicants' Response: A detailed technical response note prepared by Civic Engineers is enclosed with this letter. This provides clarification and responses to the matters raised, but does not affect the conclusions of the submitted Transport Assessment or Environmental Statement.

Active Travel England

The consultation response raise a series of queries relating to transport and highways matters.

Applicants' Response: A detailed technical response note prepared by Civic Engineers is enclosed with this letter. This provides clarification and responses to the matters raised, but does not affect the conclusions of the submitted Transport Assessment or Environmental Statement.

Public Comments

It is noted that a number of comments have been received from members of the public on the application. These cover a variety of matters, most of which have already been covered in the submitted planning application, including the rationale, policy justification, and impact of the proposals. It is not our intention to repeat that information here.

There are a few technical points raised by the public comments that the Applicants' have been asked to clarify, which are set out below:

- Air Quality - comments received on why assessments use different methodologies and mitigation. The Applicants' air quality consultant has commented as follows:

The submitted assessment considers both the PBSA and life science buildings proposed, and was undertaken in accordance with MCC Air Quality & Planning Technical Guidance. When considering the impacts of the both buildings on local air quality and identified existing sensitive receptor locations, the methodology detailed within the Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK) guidance was utilised. Based on a screening assessment of the cumulative predicted additional vehicle trip generation for both proposed developments, the impact on local air quality was considered to be insignificant in accordance with the IAQM and EPUK guidance.

With regard to the consideration of local air quality at the proposed development Sites, the current nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}) air quality objectives for England do not apply at the life science building as no sensitive uses (such as residential uses) with regard to air quality are proposed. As such, an assessment of site suitability with regard to air quality for the proposed life science building was not undertaken. As the PBSA site is for a form of residential use, the current air quality objectives for NO₂, PM₁₀ and PM_{2.5} apply and site suitability assessment was undertaken. Where there is relevant exposure at the PBSA building, no exceedances of the current relevant air quality objectives were predicted and it was considered suitable for the proposed PBSA use with regard to air quality.

- Closure of Inchley Road - comments have been received around the closure of this road and wider possible impacts on the road network. The Applicants would like to point out that the closure of Inchley Road does not form part of this planning application.
- Daylight / Sunlight / Overshadowing - comments received on the submitted Tall Building Statement failing to demonstrate the impact of the proposed development on the daylight, sunlight and overshadowing of surrounding residential properties. The Applicants would like to draw officers attention to the very detailed daylight report (and Environmental Statement chapter) prepared by GIA, which clearly assesses the potential impact of the development on surrounding properties in accordance with the requirements of the BRE Guidelines. The submitted Tall Building Statement seeks to justify the tall building proposed against the necessary planning policies test, signposting as required to other more technical assessments contained within the planning application.
- Highways - comments received on various highways matters. The enclosed technical highways note by Civic Engineers responses to these points.
- Planning Policy - comments received on compliance with MCC's Development Plan the Oxford Road Corridor SRFG and, specifically, policies relating to the density of development, PBSA, and height. The Applicants' would draw officers attention to the robust and detailed assessment of the

proposals against the Development Plan within the Supporting Planning Statement submitted with the application, which we have not repeated here.

Adjacent Landowner Comments

It is also noted that an objection has been raised by an adjacent landowner – Empiric – who owns the listed former Chapel to the north of the application site. This raises a number of points relating to heritage impact, design/scale/massing, daylight and sunlight, and access/road safety.

The Applicants consider that all matters and necessary justification relating to heritage impact, design/scale/massing, and access/road safety are already comprehensively covered in the submitted planning application. It is not our intention to repeat that here, although we would note that in relation to heritage Historic England has chosen not to comment, or raise any concerns, with the application.

In relation to daylight and sunlight the Applicants daylight consultant (GIA) has provided the following response to the technical comments made on its submitted assessment:

“The approach to be taken to daylight and sunlight issues has been considered carefully by a number of recent decisions from the Planning Inspectorate. This stems from the High Court decision on the application of Melanie Rainbird and the Council of the London Borough of Tower Hamlets.

At stage one the question to ask is whether there is a noticeable impact on daylighting and sunlighting. At stage two it is necessary to consider whether the impact is acceptable. In order to answer the stage one question, the primary daylight and sunlight methodologies within the BRE guidelines 2022 are to be applied. In answering the stage two question, wider considerations are to be taken into account in arriving at a balanced judgement on amenity - this can include (but is not limited to) the consideration of alternative target values in certain contexts. It is not correct to determine the acceptability of a proposed development by reference to the primary daylight and sunlight methodologies at paragraphs 2.2.23 and 3.2.13 of the BRE guidelines alone. This is only the first stage of the two stage process.

The BRE Guidelines note in the opening summary that the document is “purely advisory and the numerical target values within it may be varied to meet the needs of the development and its location.” The theme of flexibility is carried through the document, giving the developer and/or planning authority the opportunity “to use different target values”. It is clear both from the guidance itself, and concluded in various appeal decisions, that the BRE’s recommendations are not a rigid set of numerical requirements to be complied with. This is flagged at the earliest stages of the document in the introduction which states that “the advice here is not mandatory and the guide should not be seen as an instrument of planning policy”.

It is relevant to note that, in the cumulative scenario, with the adjacent application (137401/FO/2023) built out, the proposed development will not have any impact on The Chapel. However, the following comments relate to the proposed development proceeding in isolation, without the adjacent scheme in place. With only the proposed development in place, the windows and rooms assessed for VSC daylight and APSH sunlight respectively will fully comply with the BRE target criteria. 24/29 rooms will also comply with the criteria for NSL daylight, albeit five rooms will fall short of the target. All of the rooms which do not meet the NSL daylight target are single aspect, provided with deep floorplates and are served by small apertures which remained following the building’s conversion from a church. The BRE guidelines state that “if an existing building contains rooms lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable.” As such, it is the design of these rooms that contributes to not meeting the NSL daylight target, as the single aspect orientation, deep floorplates and aperture size prevents daylight from penetrating into the back of the rooms.

Additionally, it should be noted that student accommodation is experienced in a different manner than traditional housing. Students do not tend to spend most of the time in their rooms, can make

use of communal spaces and generally value a variety of amenities such as access to public transport, libraries and university facilities other than natural light during their transient occupancy of the accommodation. As such, natural light is considered to be a less sensitive design matter than it is for dwellings and so a degree of flexibility is necessary in the interpretation of results. Furthermore, a deep and spacious room such as those provided in The Chapel, albeit with lower levels of daylight, is considered desirable, particularly given the nature of the proposed occupant.

In summary, it is acknowledged that there are some reductions outside those anticipated by the BRE guidelines. However, the guidelines are intended to be used with flexibility, any impacts are limited and are driven by the design of the rooms within The Chapel. As such, given the dense, urban location, nature of the occupants within The Chapel and limited overall impact to the building, the impact on daylight and sunlight is considered to be wholly acceptable."

Design Amendments

MCC planning officers have also asked for clarification on a few design matters on the proposed PBSA building, principally relating to confirming that the bronze metal cladding will be anodised, and that the elevations be amended to reduce the extent of metal work.

Following further discussions with planning officers some minor updates to the elevations of the PBSA building are enclosed with this letter. It has been agreed with officers that the amendments are acceptable and will not require any further formal consultation.

The following updated documents are enclosed, which updated the Rev P01 versions in the original submission:

- UBS-SRA-SA-XX-DR-A-02-420: External Envelope PBSA - Typical Bay Study - Kincardine Block (Rev P02)
- UBS-SRA-SA-XX-DR-A-02-421: External Envelope PBSA - Typical Bay Study - Upper Brook Street Block (Rev P02)
- UBS-SRA-ZZ-EE-DR-A-02-310: Site Elevation Proposed - Thorburn Walk: South East (Rev P02)
- UBS-SRA-ZZ-EN-DR-A-02-306: Site Elevation Proposed - Kincardine Road: North East (Rev P02)
- UBS-SRA-ZZ-ES-DR-A-02-307: Site Elevation Proposed - Upper Brook Street: South West (Rev P02)
- UBS-SRA-ZZ-EW-DR-A-02-309: Site Elevation Proposed - North West (Rev P02)

Amendments to Adjacent Planning Application (ref: 137401/FO/2023)

The Applicants are aware that comments have been made to the planning application submitted by Williams Motor Co (Holdings) and Alliance UBS Limited under reference number: 137401/FO/2023, which sits immediately to the north of this application site. The proposals sought under that separate application formed part of the wider illustrative Upper Brook Street Masterplan with those proposed by the Applicants, and was considered as a cumulative development within the submitted Environmental Statement.

The Applicants' EIA consultation (Avison Young) has undertaken a review of the amendments to application ref: 137401/FO/2023 in so far as they could impact on the conclusions of the submitted Environmental Statement. A letter is enclosed from Avison Young concluding that, in all cases, it is considered that the changes proposed to the adjacent application (ref: 137401/FO/2023) would be so minor in the context of the overall development as to not change the impacts reported or, where appropriate, the mitigation measures proposed. There would therefore be no change to the submitted ES with this application due to these changes.

I trust the above is helpful and will allow officers to progress this application. Please let me know if you need anything further.

Yours sincerely,



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AshtonHale Ltd

Enc: Bat Emergence Survey Report (prepared by Brooks Ecological)
Transport Note (prepared by Civic Engineers)
Updated Elevations for PBSA Building (prepared by Sheppard Robson)
EIA Letter of Comfort (prepared by Avison Young)