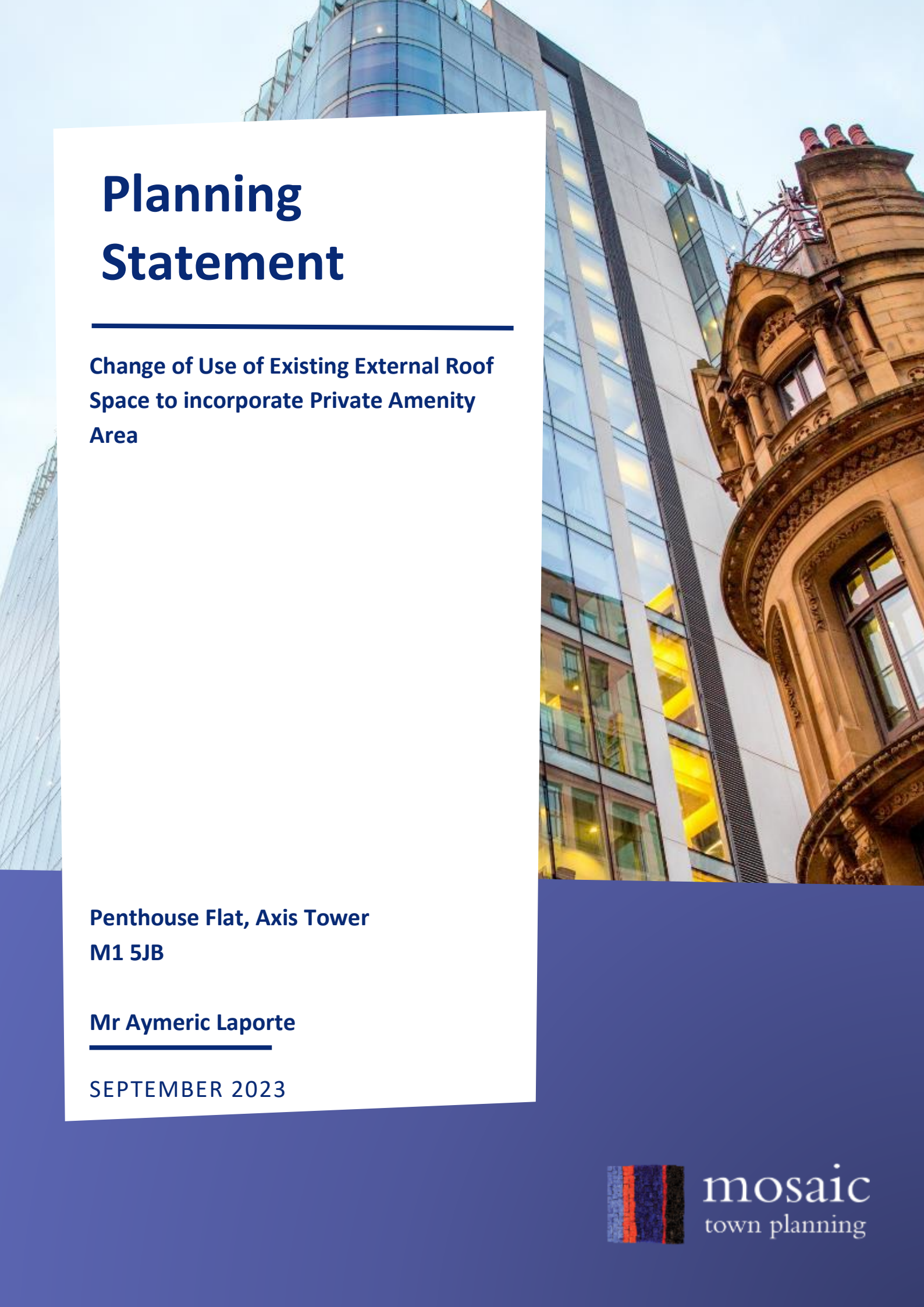




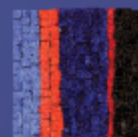
Planning Statement

**Change of Use of Existing External Roof
Space to incorporate Private Amenity
Area**

**Penthouse Flat, Axis Tower
M1 5JB**

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1 Introduction

- 1.1 This Planning accompanies an application to change the use of the existing external roofspace of the Axis Tower to incorporate a private amenity space for the occupier of the penthouse floor immediately beneath.
- 1.2 This Statement will describe the proposals in more detail, along with the site and surroundings. It will then consider relevant planning policy, the evidence base and the planning history of the site, before providing an analysis setting out the planning issues relevant to the determination of the applications. It concludes by confirming that the proposals constitute sustainable development in accordance with the Development Plan and should be approved without delay.

Submitted Plans and Documents

- 1.3 The submitted plans are as follows:
- Location Plan
 - Existing Roof Plan
 - Proposed GA Roof Plan
 - Proposed Roof Pergola Plan
 - GA Sections
 - Pool Sections
- 1.4 The individual plans are supplemented by additional technical design details contained within the Design Statement.
- 1.5 The following reports are provided:
- Design Statement – Fairhursts Design Group
 - Wind Study Report – Westlakes Engineering

2 The Proposals

- 2.1 The application is to create a private external amenity area as part of the existing flat roof, for the use of the occupier of the top floor penthouse flat which is situated immediately below. This would contain a seating area with bar, a pool and a gym, all to a domestic scale and segregated from retained plant and equipment which service the building as a whole. Each of the three areas will have single-storey steel structures which will be roofed but partially open.
- 2.2 The proposed seating in the form of a sofa and the bar will be situated on the north-west of the roof. They will be physically attached to the new floor surface, which will consist of A1 fire-rated oak effect mineral composite decking fixed to open mesh steel grating, raising the floor level by 0.2m. This area will be covered by a 2.685m canopy consisting of fire-rated toughened laminate glazed screens on PPC mild steel frames with integrated mood lighting.
- 2.3 There will be a screen wall along the north side. The adjacent external boundary to the west will be formed of A2 fire rated toughened laminate windbreaker glazed screens with half-height digitally printed graphics. Internal separation from the central servicing area will be by means of perforated metal screens. The screens used across the scheme will vary between 2.3m and 2.5m in height, compared with the 3.1m screens to the northern and southern boundaries.
- 2.4 The pool at the south-west would be a one piece stainless steel structure 7.09m long by 3.95m at its widest point, tapering down to 1.98m and featuring a counter current system (performance training and water body massage). It would have a glazed roof using fire-rated toughened laminated glazing panels above a steel frame, and a remote controlled pivoting glass end panel when in use. It would be installed on steel beams above existing shear walls. The adjacent decking will contain two tethered sun loungers.
- 2.5 The pool would be enclosed by glazed screens to the north and east, and again by a perforated metal screen to the segregated maintenance route to the south. The glazed screen along the western edge of the amenity area would border this section.
- 2.6 The same combination of decking, glazed screens and perforated metal screens will again be utilised for the gym at the east end of the building, which will be within a glazed pergola. The east elevation will have a glazed wall (also forming the eastern boundary of the amenity area), perforated screens will form the south and west elevations and an open north side. The new end wall will be set back 1.2m to 1.5m from the existing balustrade to allow service access and minimise any visual variation from distant viewpoints.

Retained Plant and Equipment

- 2.7 The domestic area will be physically segregated from the areas occupied by plant and equipment to service the building as a whole, including the cradle crane system, through the use of the perforated metal screens referred to above. These will delineate maintenance passages to the perimeter, containing access doors where appropriate, and surround the central area containing the cradle crane system. The access doors will be lockable with keys in the control of the building concierge and not the occupier of the apartment.
- 2.8 There will be minor modifications to equipment so that it is compatible with the provision of the private amenity area:
- Repositioning of termination hood of fan to west side of clad stair core
 - Rotation of AC condenser units which restrict access along north side
 - Soil Vent Pipe increased in height to comply with current building control standards.

Staircase

- 2.9 The roofspace will be accessed from the existing staircase, a continuation of that which serves the lower floors and to the same dimensions. The exit door will be replaced and the direction of opening changed for fire escape and access purposes. There will be minor and cosmetic improvements such as new paint and plaster finishes with boxing-in of services, balustrade remedial work and new vinyl covering to the treads and risers.
- 2.10 There is an existing door directly onto the staircase from the penthouse apartment, with access from lower floors restricted to maintenance workers who will continue to be able to access the roof via the staircase without passing through the apartment.

3 Site and Surroundings

- 3.1 Axis Tower has 29 storeys (including ground and basement floors) and is situated at 9 Whitworth Street West, M1 5JB.
- 3.2 The flat occupied by the applicant occupies the penthouse floor. There is a flat roof above this, which is reached by the staircase which serves the entire building. The lifts stop at the floor below, with the overrun occupying part of the roof terrace. The roof also contains other plant and equipment used for the operation and maintenance of the building as a whole, including a mobile crane on a central fixed track.
- 3.3 The roof terrace at present is bounded by 3.1m parapets to the northern and southern elevations and 1.1m dark grey metal balustrades to the east and west, set back 700mm from the building edge.
- 3.4 The building is in a densely developed urban location which significantly restricts views of the top level. It is possible to see the eastern and western ends of the roof, where no substantial parapet is present from the corridor of Whitworth Street West and the elevated railway. In addition, it is possible to look down onto the roof from nearby taller buildings such as the Beetham Tower (301 Deansgate) and Deansgate Square.

4 Planning History

- 4.1 The substantive permission was granted on 21/11/14 at Land Bounded By Albion Street, Trafford Street & The Rochdale Canal:
- 106490/FO/2014/C1: Construction of a lower ground plus 27 storey residential building (Class C3) with associated servicing arrangements, hard landscaping, pedestrian access bridge and associated works
- 4.2 This permission was subject to the following amendment approved on 26/04/17:
- 115351/NMC/2017: Non-Material Change to planning consent ref:106490/FO/2014/C1 (Construction of a lower ground plus 27 storey residential building (Class C3) with associated servicing arrangements, hard landscaping, pedestrian access bridge and associated works) including lowering the building parapet, revisions to glazing details, providing new parallel opening vents, increased depth of soffit and lowering of second floor cladding profile, height reduction of media screen, sub-station and door repositioning, alteration to column design, deletion of apartment bedroom, reconfiguration of bin store and amendment to the feature profile detail.
- 4.3 The amended plans included the following:
- Roof Plant Plan (Floor 27) General Arrangement 05200 B1_02_2227 Rev. P2
 - Roof Plant Plan General Arrangement 05200 B1_02_2228 Rev. P2
 - Sixteenth Floor (Typical Floors 16-26) General Arrangement 05200 B1_02_2216 Rev. P2
- 4.4 The Roof Plant Plan General Arrangement shows feature lights at the north east and south east corners.
- 4.5 The Design & Access Statement submitted with the amendment states “The building has reduced in height by 1.240mm. This has been achieved by lowering the height of the parapet, The proposed parapet is 3,100mm in height which is suitable to hide the lift and stair over run as well as the BMU (cleaning cradle) when not in use. Glazed areas to parapet changed from clear glass to opaque.” It also refers to “Dark grey horizontal ‘flat bar’ metal balustrade to east and western corners of roof. PPC RAL 7021. Set back approx. 700mm from building edge.”

5 Planning Policy

National Planning Policy Framework

- 5.1 Paragraph 11 sets out the application of the presumption in favour of sustainable development, for which the economic, social and environmental objectives are set out in paragraph 8.
- 5.2 Chapter 9 is supportive of high quality design.
- 5.3 Paragraph 188 states that “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”

Local Policy

Manchester Core Strategy (2012)

- 5.4 The site is within the designated City Centre (policies CC1-CC10) and the Regional Centre (EC3) within the *Manchester Core Strategy (2012)*.
- 5.5 At a local level, **Policy DM1 Development Management** of the *Manchester Core Strategy* advises that development should have regard to the following specific issues (amongst others):
 - Appropriate siting, layout, scale, form, massing, materials and detail.
 - Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
 - Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
 - Adequacy of internal accommodation and external amenity space.
- 5.6 **Policy CC9 Design and Heritage** applies within the city centre and states that “Design of new buildings will need to be of the highest standard in terms of appearance and function.”
- 5.7 **Policy EN1** considers design principles for the city centre character area which contains the site. Its core area presents a particularly dense environment that accommodates a wide and closely integrated range of uses including commercial, civic and residential activities. Developers will be expected to consider the City's heritage and continue the rich pattern of activity in the core area.
- 5.8 **Policy EN2 Tall Buildings** is essentially concerned with proposals for new tall buildings rather than minor modifications to existing. It includes the following:

- A fundamental design objective will be to ensure that tall buildings complement the City's key existing building assets and make a positive contribution to the evolution of a unique, attractive and distinctive Manchester, including to its skyline and approach views.
- By their very size tall buildings can have a significant impact on the local environment and its micro-climate. It is therefore expected that this impact be modelled and that submissions for tall buildings also include appropriate measures to create an attractive, pedestrian friendly local environment.

6 Analysis

Principle

- 6.1 The roof area and associated plant and equipment are ancillary to the residential block as a whole and so cannot be regarded as being within a separate planning use class. However, the area was not approved or constructed as part of any individual dwelling within the definition of use class C3. More specifically, it is not part of the 'planning unit', or unit of occupation, formed by the penthouse flat.
- 6.2 On this basis, if the area affected is to be used as private amenity space for a specific dwelling in addition to incorporating continued access for maintenance staff, this might be regarded as a matter of fact and degree to constitute a material change of use. In any case, the ancillary structures and boundary treatments will materially affect the external appearance of the building to a minor degree, involving operational development requiring planning permission.
- 6.3 However, there can be no land use objection in principle to the introduction of an alternative form of ancillary residential use. Therefore, there is no requirement to establish that the principle of the use is acceptable in terms of planning policy.
- 6.4 Furthermore, the apartment does not have any external amenity space at present. Whilst this is common in the city centre, it is nevertheless a benefit of the proposal, the value of which is recognised by Core Strategy Policy DM1 Development Management which considers the adequacy of external amenity space.

Development Management Considerations

- 6.5 We consider that the following development management merit further consideration to determine whether they are relevant:
- Visual impact
 - Public safety due to objects falling off the building or being lifted by wind
 - Fire Safety

Visual Impact

- 6.6 The aspects of the proposals which could be visible from outside of the site are the 2.5m glazed screens at the eastern and western ends and the partially enclosed structures for the three spaces used for the bar, pool and gym. Due to the presence of the 3.1m parapets to the north and south, there is only potential for these to be viewed from the east and west.

- 6.7 It is relevant to have regard to the highly urbanised context of the site, in a locality with numerous high buildings existing and proposed, some of which are higher than Axis Tower. An assessment has been carried out by architects Fairhurst Design Group in the Design Statement:

“In order to see the proposed canopy roof structures of the bar, gym or pool from ground level the viewer would need to be approximately 500m away from Axis Tower to the North East or South West ends of the building. This would only be possible from New Wakefield Street, or Duke Street if the view was completely unobstructed. In all other areas the proposed structure is below the height of the existing sides to the roof.”

- 6.8 The fact that it will be possible to see the structures to a limited extent does not indicate that they are unacceptable. The affected elevations of the existing building to the east and west are the least prominent and have been treated as secondary elevations in design terms, without the distinctive striped façades which distinguishes the principal north and south elevations. This is consistent with little attention seemingly having been paid to its appearance at roof level, with the edges utilising low level dark grey balustrades.
- 6.9 By making a conscious decision to look upwards, it will be possible for an observer to make out the glazed screens utilised on these elevations, but in addition to being set back by up to 1.5m, they add just 1.4m in height (above the existing 1.1m balustrades). To place this in perspective, the roof level exceeds 120m and the additions will remain below the height of the end of the parapets which reach over 125m to either side of the east and west elevations. The proposed canopies will not exceed the height of these solid existing parapets running along the northern and southern edges, or of the existing lift overrun and stairwell structures. Therefore, the physical impact from the limited vantage points from which the additions could be seen will be minimal.
- 6.10 It may be possible to discern a faint glow of light to the rear of the new glazed screens at night. The impact of this will be negligible in a highly urbanised environment featuring numerous high rise buildings with illumination such as the nearby and significantly higher Beetham Tower. In any case, the penthouse apartment has glazed windows immediately below from which light will spill at night, whilst Axis Tower has feature lights on the end of the parapets to the eastern elevation. Furthermore, the proposed lights are directional and could be controlled by planning condition if deemed appropriate, and the space will only be used sporadically at night during fine weather. Therefore, the impact can only be marginal.
- 6.11 In conclusion, very little weight can be ascribed to the visual impact of the proposals, which will be minor and neutral in nature, appearing even more so compared to the roof apparatus common on tall buildings throughout the city centre.

Public Safety and Wind

6.12 A Wind Study Report accompanies the application to assess wind loadings on the proposed roof structure and advise on any measures needed to resist wind uplift. Although the report refers to the stability of the building as a whole, this is a matter for building regulations rather than planning.

6.13 The Wind Study Report comments that:

“the design proposals are consistent with guidance within British Standard BS8579: 2020 Guide to the Design of Balconies and Terraces, which recognises the effect of wind on high rise buildings and considers minimum balustrade heights and the need for shelter and containment. It suggests that to ensure that items do not become dislodged mitigation measures may include subdivision and raised side balustrades.”

6.14 With reference to the specific structures now proposed:

- The steel frame of the bar structure will have base plates resting beneath square ballast paving slabs sufficient to address the maximum design wind load, whilst the proposed monolithic seating and actual bar will be fixed to the floor of the new structural frame.
- Calculations for the gym show that with peak wind pressure the maximum design wind load would be insufficient to create a net uplift on the unit. Exercise machines will be permanently fixed to the structural frame of the unit.
- The weight of the pool will be carried by its steel frame and transferred directly to the shear walls below. The weight of the water itself would prevent uplift but the substantial nature of the unit would still avoid risk of uplift when empty.

6.15 The combination of screens will create an environment that is reasonably sheltered from wind, but it is unlikely that the roof terrace will be used in bad weather.

6.16 With reference to the safety of the public environment around the building:

- Furniture will be robust and securely fixed in place.
- It is recommended that any loose items should be put into a secure storage area or taken down into the apartment.
- However, if items left on the roof are picked up by strong wind, the additional 2.5m screens greatly reduce the risk of items being blown off the roof. It is more likely that they will hit a screen and fall to the ground. Use of elevated roof terraces for recreational purpose on buildings taller than the subject site has recently been approved in several locations in Manchester City Centre.

- 6.17 The resident of the penthouse flat will be the primary user of the roof. This compares with other high rise buildings with roof top amenity areas which are typically communal areas for numerous flats or utilised in connection with commercial bars and restaurants which are regularly occupied by numerous people. Whilst there will be an occasional social gathering at the application site, by definition this is unlikely in adverse weather conditions.
- 6.18 To obtain an indication of how Manchester City Council has approached the use of roofspace on other tall buildings, we have sought relevant examples. An application on Land at Portugal Street East (ref: 121099/FO/2018) was approved on 16/03/21 and Block 1 has 29 storeys. The development is immediately adjacent to Metrolink.
- 6.19 The accompanying Planning Statement states that “The residents’ rooftop social lounge opens up out to an external roof terrace, while a second external terrace is accessible from the core for the use of the residents all year round...Care has been taken over the design of the balustrades for security reasons and to make the environment as environmentally comfortable as possible for as much time of the year as possible... These amenity spaces are circled by a further external zone for the use of service access only.” (paragraphs 4.34-4.35).
- 6.20 The committee report makes reference to the wind environment around the building, but does not identify wind on the roof terrace or any danger of furniture or loose objects being picked up as being issues which particular attention or control.
- 6.21 The Design Statement together with the Wind Study Report which accompany the present application confirm that a great deal of attention has been paid to ensuring that there is no material safety risk from the proposed structures or furniture and this is substantiated by technical evidence. Any personal items left on the roof are likely to simply be blown towards a screen and hit the floor, and would not present any greater danger than might arise at countless external balconies and other elevated external spaces around the city centre.

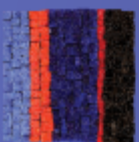
Fire Safety

- 6.22 A requirement for a Fire Statement has now been introduced under The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021.
- 6.23 A Fire Safety Statement is not required for this application because the development is not a ‘relevant building’ on the basis that the application is for a material change in use of land or buildings within the curtilage of a relevant building and the material change of use would not result in the provision of one or more relevant buildings (ie. no more dwellings are not created).

- 6.24 However, associated Planning Policy Guidance is of interest in distinguishing the roles of the planning system and building regulations. Paragraph: 005 Reference ID: 71-005-20210624 states “Fire statements will support the consideration of information on fire safety matters as they relate to land use planning matters (e.g. site layout, water supplies for firefighting purposes and access for fire appliances).
- 6.25 The Guidance goes on to say that: “The fire safety matters contained in a fire statement are relevant only to the extent they are relevant to land use planning. The level of detail and focus of information should not contain the breadth and depth of information on fire safety which will be submitted at building control application stage. Requirements of the fire statement at planning stage will not duplicate or require compliance with the building regulations or the Fire Safety Order, and local planning authorities will not be responsible for any building regulation matters or the enforcement of building control requirements.” (paragraph: 008 Reference ID: 71-008-20210624).
- 6.26 Adopting a similar approach to that discussed for pollution in paragraph 188 of the *National Planning Policy Framework*, the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land and planning decisions should assume that where matters are controlled by other regimes, these operate effectively.
- 6.27 We therefore conclude that fire safety is not relevant to the determination of the planning application.

7 Conclusion

- 7.1 This Statement has demonstrated that there can be no objection in principle to the use of the existing roofspace of a residential building to provide amenity space for the use of the occupant of the upper floor penthouse flat. However, given that the space does not currently form part of a residential unit of occupation and that there it will be some impact on the external appearance, although very minor, we have taken the view that planning permission is required.
- 7.2 It is necessary to address development management considerations in determining this planning application and we have identified that the potential relevance of visual impact, public safety and wind, and fire safety should be explored.
- 7.3 The visual impact to the visible east and west elevations involved glazed screens which will be 1.4m higher than the existing balustrade but set back from it by up to 1.5m. In the context of the existing floor level of over 120m, this will be barely discernible from the limited viewpoints which are generally at least 500m away. These are secondary elevations and little weight can be attached to this marginal impact.
- 7.4 Technical evidence in the Wind Study Report, to be read in conjunction with the Design Statement, demonstrates that there is no danger to public safety from wind uplift affecting the proposed roof structures and fixed furniture, whilst small personal items would be contained by the proposed screens if blown by wind, and would be no more of an issue here than at numerous other outdoor balconies and other elevated amenity spaces in the city centre.
- 7.5 The proposed development would not create a relevant building for the purposes of a Fire Safety Statement and so this is a matter for building regulations rather than a material consideration for the determination of this planning application.
- 7.6 Whilst Development Plan policies are of limited direct relevance to what is actually proposed, there is no conflict with the adopted Manchester Core Strategy and there are no material planning considerations to indicate that permission should be withheld. We conclude that the proposals constitute sustainable development and that the application should be approved without delay.



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