

Application Number/s: 131730/JO/2021

Applicant: Kempton Homes

Agent: Emery Planning

Location: Land off Oldham Street & Spear Street, Manchester, M4 1LF

Proposal: Section 73 Application to vary Conditions 1 (Approved Plans and Documents), 15d (Materials – Window Drip Detail), 18 (Travel Plan), 21 (Photovoltaics) related to 126531/JO/2020.

Ward: Piccadilly

Description of Site and Surrounding Area

This application relates to land at 76-82 Oldham Street and land bounded by Spear Street, Warwick Street, Houldsworth Street and Bradley Street. The two pieces of land are separated by Spear Street. The site has been used as a car park following a fire in 2013 that resulted in the loss of all but one of the buildings on site including the substantial art deco building that was formerly Dobbins department store. The building remaining on site, 5 Warwick Street, is a two story brick built building constructed in the 1930's that has seen some incremental change.

The site is within the Stevenson Square Conservation Area and opposite the Smithfield Conservation Area. Grade II Listed buildings at 132 Oldham Street, 105 Oldham Street, 66 Oldham Street are close to the site and the Grade II Listed former worker's cottages at 4-8 Bradley Street are opposite the site.

Other uses in the immediate area include offices, residential apartments, creative industries, shops, bars and restaurants. The adjoining property at 84-86 Oldham Street, is used for residential purposes. There are other nearby residential properties at 2 Houldsworth Street, 60a Oldham Street, 89-95 Oldham Street, 90-94 Oldham Street, 99 Oldham Street, 105 Oldham Street, 119 Oldham Street, 127 Oldham Street, 82 Tib Street, 100 Tib Street and 110-112 Tib Street.

Planning permission was granted on 30th August 2016 for the demolition of the existing building and all site structures and the construction of 2no. mixed use buildings (Application referenced: 110074/FO/2015/C2).

Building A - Part 4, part 5, part 6 and part 8 storey building including ground floor and plus basement with ancillary facilities services and commercial use (A1, A3, B1) at ground floor and basement levels, 72 residential apartments (C3) above and 2 green roofs.

Building B - Part 3 and part 5 storey building including ground floor and plus basement with 100 cycle parking spaces, building services and commercial space at basement level and 9 car parking spaces, ancillary facilities and services and commercial space (A1, A3, B1) at ground floor level and 28 residential apartments (C3) above and 1 green roof.

Two applications referenced CDN/18/0327 and CDN/18/0389 were submitted in 2018 to discharge conditions 3 (Archaeology), 4 (Contaminated Land), 5 (Construction Management Plan), 6 (Flood Risk), 8 (NSE4 - Noise - Residential Accommodation), 14 (Waste Management), 16 (Wheel Wash), 17 (Materials to be Approved), 19 (Lightwells), 24 (Photovoltaics) and 27 (TV Signal - Impact Area Known). Conditions 3, 4 and 27 have been part discharged and condition 19 has been discharged.

An application to vary planning permission to vary Condition 10 (Fumes, Vapours and Odours) referenced 120586/JO/2018 to allow the submission of the information 'prior to the occupation of each individual unit' rather than 'prior to the commencement of development' was approved on 3rd January 2019

A further application to vary planning permission to vary Condition 2 (Approved Drawings & Documents), 3 (Archaeology), 16 (Materials to be Approved) as well as to remove Condition 18 (Lightwells) was submitted to vary permission granted under 120586/JO/2018. This application's reference was 126531/JO/2020. Application 126531/JO/2020 was approved on 18 November 2020 and the development is currently being developed under this approval. The following planning conditions were retained to this approval:

- Approved Plans and Documents
- Archaeology
- Contaminated Land
- Construction Management Plan
- Flood Risk 1
- Flood Risk 2
- Noise (Residential Accommodation)
- Noise (External Equipment)
- Fumes, Vapours and Odours
- Servicing Hours
- Opening Hours
- Waste Management
- Emergency Contact
- Wheel Wash
- Materials to be Approved
- Pavements
- Cycle Parking
- Travel Plan
- BREEAM
- Ecology
- Photovoltaics
- Disabled Access
- Secured by Design
- TV Signal – Impact Known
- Car Parking
- Car Parking Shortfall
- Private Dwellings
- United Utilities
- Signage Strategy
- Use Restriction

- Commercial Waste Management

Description of Proposal

A variation of conditions application has been submitted (131730/JO/2021) to vary the development previously approved, most recently under active 126531/JO/2020.

This application seeks to vary the following conditions:

- Condition 1 (Approved Plans and Documents)
- Condition 15d (Window Drip Detail)
- Condition 18 (Travel Plan)
- Condition 21 (Photovoltaics)

Publicity LBC

Site Notice/s Posted and Dates: Posted 15/10/2021, Expired 05/11/2021

Press Adverts Published and Dates: Published 12/10/21, Expires 02/11/21

Neighbour Notification: Notified 08 October 2021

Representations Received: None

Consultations

- *Environmental Health*
- *Highway Services*
- *Urban Design & Conservation*

Policy Context

The main issues for consideration relate to the impact of the proposed amendments on the impact on amenity, visual amenity, highway safety, the setting of nearby listed buildings and the adjacent conservation area and the availability of disabled access. The main policies that relate to the proposal are Policies SP1 (Spatial Principles), CC1 (Primary Economic Development Focus: City Centre and Fringe), CC3 (Housing), CC4 (Visitors, Tourism, Culture and Leisure), CC5 (Transport), CC6 (City Centre High Density Development), CC7 (Mixed Uses), CC8 (Change and Renewal), CC9 (Design and Heritage), CC10 (A Place for Everyone), H1 (Housing), T1 (Sustainable Transport), T2 (Accessible Areas of Opportunity and Need), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage), EN4 (Reducing CO2 Emissions), EN6 (Target Framework for CO2 Emissions), EN8 (Adaption to Climate Change), EN9 (Green Infrastructure), EN14 (Flood Risk), EN15 (Biodiversity and Geological Conservation), EN16 (Air Quality), EN17 (Water Quality), EN18 (Contaminated Land and Ground Stability), EN 19 (Waste) and DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester and saved policies DC10.1 to 10.4 (Food and Drink), DC14.1, DC14.2 and DC14.3 (Shopfronts and Related Signs), DC18.1 (Conservation Areas), DC19.1 (Listed Buildings), DC20 (Archaeology), DC26 (Development and Noise) and RC20 (Small Area Proposals) - Area 10 of the Unitary

Development Plan for the City of Manchester and Sections 5,6,7,8,9,12,14,15 and 16 of the National Planning Policy Framework (NPPF).

Amendments

Balconies

The proposed balconies are to change from structural glass to steel. Originally, the applicant had sought permission for steel balconies in RAL 9005 (Jet Black). However, this was not considered appropriate, as the balcony colour would visually jar with the approved colour of the window frames and details. Due to this, it was agreed that the steel balconies would instead be in colour RAL 1002 (Sand Yellow). A sample window was made on site, with a site visit conducted by the planning officer and Urban Design/Conservation Officer confirming the appropriateness of this colour on 10 February 2022.

Car Park Panels

Two panels of brickwork are proposed to replace approved glazing along the Bradley Street elevation. The principle and reasons for this change is accepted. However, the blank brickwork originally proposed was deemed inappropriate, as the large expanse of blank brickwork would detract from the street scene. As such, an amended 'feature' brickwork design has been agreed to break up the monotony of blank brickwork. Though this is still not ideal, it is accepted on balance.

Sub-station door design

The sub-station door was brought forward to ensure minimum space can be provided within the sub-station. As the doors are for maintenance only, the fact that they open outward is accepted, as this would be infrequent and opened safely from the outside to reduce any impact with regard to highway safety.

Entrance doors to commercial units

This amendment is accepted.

Block A Bin Store

Upon comments from environmental health, revised bin store plan for Block A was provided. The amended plan is acceptable.

Change in Apartment Types

4.no 1-bedroom apartments have been changed to 2.no 3-bedroom apartments. This change is acceptable and would not unduly impact on the apartment choice, nor increase the provision of 1-bedroom apartments above the 33% threshold.

Basement Plans

The alterations to basement layouts proposed is accepted.

Condition 15(d) Window Drip Detail

The information supplied is acceptable and this condition can be altered accordingly.

Condition 18 (Travel Plan)

The LPAs Highways Services department confirmed that the travel plan is acceptable and the condition can be amended accordingly.

Condition 21 (Photovoltaics)

The amended equipment is acceptable and this condition can be amended accordingly.

RECOMMENDATION:

That planning permission be granted subject to amended conditions, as set out in the decision notice.