

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131041/JO/2021

Date registered valid: 12 July 2021

Proposal: Variation of planning condition 21 (Highways Works) associated with planning permission 124381/FO/2019 to change implementation period of works ,

Address: 18 Rochdale Road, Manchester , M4 4RJ

Ward(s): Piccadilly Ward

Applicant: M4 Jonathan Blackston Iconic BNB Ltd 67 Windsor Road, Manchester, M25 0DB

Agent (if any): Mr Alexis Anderson-Jones MRTPI Serviam Planning Gainsborough House, 109 Portland Street, Manchester, M1 6DN

Case officer: Jennifer Atkinson
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Recommendation:

Date of recommendation: 17 September 2021

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Dwellings

Date of site visit:

Standard consultations:

Printed: 23 July 2021 Expired: 13 August 2021

Neighbour notifications

Printed: 23 July 2021 Expired: 13 August 2021

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site consist of a three storey Victorian building which once formed part of a much bigger block which has subsequently been demolished. The building would have once had a ground floor retail premises with residential accommodation above. The building occupies a prominent position on the corner of Rochdale Road and Sudell Street.

The building is located in the City Centre and forms part of an area of the city known as New Cross.

The building is currently vacant and has been for some time which has led to the deterioration of the property both interior and exterior. Scaffolding has recently been erected at the property to allow examination of the façade. However, it is understood that the building is currently stable and not suffering any major structural issues that would prevent its reuse.

The building contains many original features externally with original masonry, stone work, windows and ground floor shop front all in situ. The shop front and windows have been largely boarded up for protection and to prevent further weather damage.

A fire escape is located on the rear elevation to Sudell Street together access to rear yard.

The building is considered to be a non-designated heritage asset as defined by the NPPF.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The application site is located within a largely light industrial area of the city. To the north east of the site is the Sudell Street Industrial Estate. To the south is the Royal Mail sorting office and other warehouse buildings. To the north of the site, on the opposite side of Rochdale Road, are a series of vacant site which have been used for temporary car parking. Westwards, further towards the city centre, are a series of residential area which have been part of the regeneration of New Cross and NOMA.

The application site falls within 'Zone B' of the New Cross Neighbourhood Development Framework which encourages residential led development in the area.

Description of development

Variation of planning condition 21 (Highways Works) associated with planning permission 124381/FO/2019 to change implementation period of works

Consultations & Notification Responses

Local residents/public opinion – No comments received

Highway Services – Have no objection to the implementation of the highway works within 12 months of first occupation of the development.

Policy

Manchester Core Strategy (2012)

Relevant policies include SP1, EN1, H1, H3, EC3, T2, EN14, EN15, EN16, EN17, EN18, EN19 and DM1

Unitary Development Plan for the City of Manchester (1995)

Relevant saved policies include DC5, DC26 and E3.3

New Cross Neighbourhood Development Framework (NDF)

City Centre Strategy

Manchester Residential quality Guide

National Planning Policy Framework (2020)

Issues

Principle

Planning permission was granted in 2019 for the creation of apartments within the building together with various elevational alterations. Works have commenced at the site but the building has yet to be occupied.

The applicant has begun dialogue with Highway Services with regards to condition 21 which states:

Prior to the first use of the development, a scheme of highway works and details of footpaths reinstatement/public realm in relation to Rochdale Road and Sudell Street shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include the following:

- *re-instatement works the footway including tactile paving;*
- *Tree planting in the footways.*

The approved scheme shall be implemented and be in place prior to the first occupation of the development and thereafter retained and maintained in situ.

Reason - To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

The approval of the highways works under s278 will take time for approval. The applicant has therefore sought to amend the condition to allow the highways works to be implemented within 12 months of first occupation rather than on first occupation.

Highway Services have no objection to this amendment. Condition 21 should therefore be amended accordingly.

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 a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, 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 Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) 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. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation:

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The proposal has been the subject of pre-application advice, is in accordance with the development plan and therefore determined in a timely manner.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

- 1) The development must be begun not later than 6 November 2022.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawing 40285/12 A stamped as received by the City Council, as Local Planning Authority, on the 31 October 2019

Drawing 4028/13 stamped as received by the City Council, as Local Planning Authority, on the 31 October 2019

40285/11 stamped as received by the City Council, as Local Planning Authority, on the 28 October 2019

Dusk emergence survey prepared by Angela Graham Bat Consultancy Service stamped as received by the City Council, as Local Planning Authority, on the 15 October 2019

Waste management strategy, Air quality assessment prepared by Azymuth Acoustics UK, design and access statement, environmental noise report prepared by Azymuth Acoustics UK, heritage statement and bat survey prepared by Angela Graham Bat Consultancy Service stamped as received by the City Council, as Local Planning Authority, on the 6 September 2019

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) No vegetation clearance shall take place during the optimum period for bird nesting (March - September inclusive) unless nesting birds have been shown to be absent, or, a method statement for the removal works including for the protection of any nesting birds is agreed in writing by the City Council, Local Planning Authority. Any method statement shall then be implemented for the duration of the demolition works.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy (2012).

4) The development hereby approved shall be carried out in accordance with the Bat Method Statement prepared by Angela Graham stamped as received by the City Council, as Local Planning Authority, on the 7 August 2020

The approved method statement shall be implemented as part of the development.

Reason - In order to agree an appropriate methodology for the presence of any bat habitats within the building pursuant to policy EN15 of the Manchester Core Strategy (2012).

5) (a) The development hereby approved shall be carried out in accordance with the following documents:

- Phase 1 preliminary risk assessment stamped as received by the City Council, as Local Planning Authority, on the 4 January 2021
- Phase 2 Geo-Environmental Assessment, exploratory hotel (appendix 1), chemical testing (appendix 2) and soil waste assessment (appendix 3) stamped as received by the City Council, as Local Planning Authority, on the 17 March 2021

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority prior to first use.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

6) The development hereby approved shall be carried out in accordance with the site management plan stamped as received by the City Council, as Local Planning Authority, on the 7 August 2020

Development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents, highway safety and air quality, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012).

7) Within one month of the date of this planning permission samples and specifications of all material to be used on all external elevations of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. The submission shall include samples and specifications of all materials to be used on all external elevations of the development along with jointing and fixing details, details of the drips to be used to prevent staining in, ventilation and a strategy for quality control management.

The approved materials shall then be implemented as part of the development.

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, as specified in policies SP1 and DM1 of the Core Strategy.

8) The windows and doors shall be carried out in accordance with the window details stamped as received by the City Council, as Local Planning Authority, on the 22 December 2021 and Elevation showing window replacements stamped as received by the City Council, as Local Planning Authority, on the 31 March 2021

The approved details shall be implemented as part of the development and be completed prior to the first occupation of the development. The windows shall thereafter be retained and maintained in situ.

Reason - To ensure that the proposed windows/doors are appropriate in terms of appearance and position in the elevations of the Building pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012) and the NPPF/NPPG.

9) Within one month of the date of this planning permission details of the works to repair and restore the existing roof, including a detailed method statement and specification (including sections and materials) for the removal, alteration and repairs to the roof, including timber works, shall be submitted for approval in writing by the City Council, as Local Planning Authority. .

The approved details shall be carried out in accordance with the agreed method statement and be in place prior to the first occupation of the development. Thereafter the roof alterations shall be maintained and retained in situ for as long as the development remains in use.

Reason - To ensure that the alterations to the roofs of the building are appropriate and respect and reinstate the historic fabric as much as possible pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012) and the NPPF/NPPG.

10) Within one month of the date of this planning permission, details of the repair and cleaning works to the exterior masonry, decorative stone work and cills of the development a detailed method statement and specification (including material specification) for the removal, alteration, repair, re-pointing, pinning, cleaning and replacement works shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved details and method statement shall be implemented as part of the development and completed prior to the first occupation of the development.

Best endeavours shall be made to use salvage brick work and cills and other materials wherever possible in the works associated with the conversion. Should it not be possible to use salvage material in the restoration then notification shall be made to the City Council, as Local Planning Authority, prior to the starting of the works. Suitable materials shall then be agreed with the City Council, as Local Authority, and used where necessary.

Reason - To ensure that a satisfactory restoration and repair of the building in order to ensure that the historic fabric is retained where possible and appropriate materials used in the restoration of the Building pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012) and the NPPF/NPPG.

11) Within one month of the date of this planning permission details of works to remove, repair and reinstate any rainwater goods, a detailed method statement, specification and repair strategy for the works shall be submitted for approval in writing by the City Council, as Local Planning Authority. The removal, repair and reinstatement of the rainwater, shall be carried out in accordance with this method statement.

Best endeavours shall be made to use salvage any existing rainwater goods wherever possible in the works associated with the conversion. Should it not be possible to use salvage material in the restoration then notification shall be made to the City Council, as Local Planning Authority, prior to the starting of the works. Suitable material, which in this case is cast iron, shall then be agreed with the City Council, as Local Authority, and used where necessary.

Reason - To ensure the rainwater goods are appropriate for the character and appearance of the building pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

12) Within one month of the date of this planning permission details of works to clean and repair the external staircase, a detailed method statement and specification for the repair and restoration of the external staircase shall be submitted for approval in writing by the City Council, as Local Planning Authority. The works must be carried out in accordance with this

method statement and specification and be completed prior to the first occupation of the development.

Reason - To ensure that the works to the external staircase are done so in a manner which does not harm the fabric of the Building and to ensure that the resulting condition of the buildings which will be revealed is repaired appropriately within a suitable time frame pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

13) Within one month of the date of this planning permission details of the repair, restoration and cleaning works of the ground floor shop front, a detailed method statement and specification (including sections) for the works to the shop front, shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt this shall also include any film or obscure glazing for privacy purposes. The approved details shall be implemented as part of the development and be completed prior to the first occupation of the development. The windows shall thereafter be retained and maintained in situ.

Reason - To ensure that the shop front is appropriate in terms of appearance and position in the elevations of the Building pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012) and the NPPF/NPPG.

14) Prior to the first occupation of the development details of a hard and soft landscaping treatment for the rear yard and street trees where possible to Rochdale Road shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented prior to the first use of the development.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

15) (a) Prior to the first occupation of the development hereby approved, details of any externally mounted ancillary plant, equipment and servicing shall be submitted for approval. For the avoidance of doubt, externally mounted plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5 db (L_{aeq}) below the typical background (L_{a90}) level at the nearest noise sensitive location.

(b) The approved scheme shall be implemented and prior to the first occupation of the development, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason - To minimise the impact of plant on the occupants of the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

16) (a) A scheme for acoustically insulation the proposed residential accommodation against noise from Rochdale Road (and any other sources of noise near to the site) shall be submitted for approval in writing by the City Council, as Local Planning Authority prior to first occupation.

(b) The approved scheme shall be implemented and prior to the first occupation, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason - To minimise the impact of plant on the occupants of the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

17) The development hereby approved shall be carried out in accordance with the waste management strategy and drawing 40285/12 A stamped as received by the City Council, as Local Planning Authority, on the 6 September 2019 and 31 October 2019 respectively. The approved details shall be implemented prior to the first occupation of the development and thereafter retained and maintained for as long as the development remains in use.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

18) The development hereby approved shall include a building and site lighting scheme and a scheme for the illumination of external areas during the period between dusk and dawn, or as may be otherwise agreed in writing by the City Council as local planning authority. Full details of such a scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority before the first occupation of the development hereby approved. The approved scheme shall be implemented in full prior to the first use of the development and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of policies SP1 and DM1 of the Core Strategy.

19) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

20) Prior to the first use of the building, the provision of 3 cycle spaces, as indicated on drawing 40285/12 A stamped as received by the City Council, as Local Planning Authority, on the 31 October 2019 shall be implemented prior to the first occupation of the development and retained and maintained in situ for as long as the development remains in use.

Reason - To ensure there is sufficient cycles stand provision at the development in order to support modal shift measures pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).

21) No later than 12 months from first occupation of the development, a scheme of highway works and details of footpaths reinstatement/public realm in relation to Rochdale Road and Sudell Street shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include the following:

- re-instatement works the footway including tactile paving;
- Tree planting in the footways.

The approved scheme shall be implemented and be in place no later than 12 months from the first occupation of the development and thereafter retained and maintained in situ.

Reason - To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

22) Prior to the first occupation of the development details of the provision of 2 electric car charging points shall be submitted for approval in writing by the City Council, as Local Planning Authority, for the two car parking spaces as shown on drawing 40285/12 A stamped as received by the City Council, as Local Planning Authority, on the 31 October 2019. The approved details shall be implemented prior to the first use of the development and thereafter made available and retained for as long as the development is in use.

Reason - In the interest of promoting alternatives and minimising the impact of the development on air quality pursuant to policies EN16 of the Manchester Core Strategy (2012).

23) Prior to the first use of the development hereby approved, details of the number, siting and appearance bird boxes at the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented and be in place prior to the first use of the development hereby approved and shall thereafter be retained and maintained in situ.

Reason - In the interest of providing habitats for birds to improve the ecological value of the application site pursuant to policies SP1 and EN15 of the Manchester Core Strategy (2012).

24) Prior to any building signage being installed, a signage strategy for the entire building shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved strategy shall then be implemented and used to inform any future advertisement applications for the building.

Reason - In the interest of visual amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

25) Prior to the first occupation of the development hereby approved, the car parking layout, as indicated on drawing 40285/12 A stamped as received by the City Council, as Local Planning Authority, on the 31 October 2019 shall be laid out, demarcated and made available. The disabled car parking layout shall be retain and maintained for as long as the development remains in use.

Reason - To ensure disabled car parking is available for the development pursuant to policies SP1, T1, and DM1 of the Manchester Core Strategy (2012).

26) Notwithstanding drawing 40285/12 A stamped as received by the City Council, as Local Planning Authority, on the 31 October 2019, prior to the first occupation of the development, details of the siting, scale and appearance of the boundary treatment to Rochdale Road and Sudell Street shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development and be in place prior to the first occupation of the development.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment shall be erected on site, other than that shown on the drawings approved by this planning condition.

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 in order to comply with policies SP1 and DM1 of the Manchester Core Strategy.

27) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any order revoking and re-enacting that Order with or without modification) the apartments hereby approved shall be used only as private dwellings (which description shall not include serviced apartments/apart hotels or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as serviced apartments/apart hotels do not commence without prior approval; to safeguard the character of the area, and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

28) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the residential element of the development shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services

NORTHERN AUTO ELECTRICAL SERVICES, 117 - 119 Rochdale Road, Manchester, M4 4HZ
Unit 4, Sudell Street Industrial Estate, Sudell Street, Manchester, M4 4JQ
Unit 3, Sudell Street Industrial Estate, Sudell Street, Manchester, M4 4JQ
Unit 2, Sudell Street Industrial Estate, Sudell Street, Manchester, M4 4JQ
Unit 1, Sudell Street Industrial Estate, Sudell Street, Manchester, M4 4JQ
Sudell Street Industrial Estate, Sudell Street, Manchester, M4 4JQ

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH1