

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131768/NMC/2021

Date registered valid: 29 September 2021

Proposal: Non material amendment to planning permission 119731/FO/2018 to allow the cladding panel next to the neighbouring building raised up to 1st floor level on the rear elevation together with an increased number of panel joints on all elevations on the ground floor.

Address: Cheshire Cheese Ph & Vacant Land (Formerly Nos 32-38), Oldham Road, Manchester, M4 5FE

Ward(s): Ancoats & Beswick Ward

Applicant: Cheshire Cheese Assets Ltd C/o Agent

Agent (if any): James Berggren, EdgePlan, 7 Charlotte Street, Manchester, M1 4DZ

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 6 October 2021

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

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 relates to a development site presently under construction on land formerly occupied by a public house – The Cheshire Cheese, situated at the junction of Oldham Road and Cornell Street.

The development will ultimately culminate in the erection of a 7 storey building to form 38 apartments (Class C3) and ground floor commercial unit.

Listed building: Not applicable

Conservation area: Ancoats Conservation Area 1989

Tree Preservation Order: No

Description of area

In terms of the immediate surroundings, the site fronts a major gateway route into the city centre and is situated on the edge, but within, the Ancoats Conservation Area, a short distance to the north of city centre ring road.

The site is neighboured to the rear by a large, part 5, part 6 storey mixed use apartment and commercial use complex (The Express Networks 2 Building) and to the south by more recent 6 storey mixed use developments, containing double height ground floors for commercial use, with apartments above. To the north and north-east are blocks of traditional, upgraded two and three storey terraced residential properties, with the terrace along Oldham Road containing commercial ground floor uses, including a recently opened café bar on the opposite side of Cornell Street. Opposite the site on the other side of Oldham Road is the New Cross regeneration area.

Description of development

Non material amendments are sought to planning permission referenced 119731/FO/2018 which allowed for the erection of a 7 storey building to form 38 (27 x 2 bedroom and 12 x 1 bedroom) residential apartments, with part of the ground floor containing a small commercial unit (Class E – 117 sqm). In addition, the proposed development includes a small ground floor car park area, cycle store, plant room and bin store.

The amendments sought in this case relates to the cladding panel next to the neighbouring building raised up to 1st floor level on the rear elevation, which represents a 535mm increase in the cladding height; and

2. An increased number of panel joints on all elevations on the ground floor

Consultations & Notification Responses

None Required.

Issues

Principle

The principle of the development has already been assessed and agreed as part of the original planning permission. The only issue for consideration in this case relates to the impact of the proposed elevational changes.

It is considered that the changes sought are non-material and unlikely to have any material impact upon surrounding levels of amenity, the design of the building or the character and appearance of the Ancoats Conservation Area.

Materiality

The changes solely relate to the side and front and rear external elevations and to existing clad areas. The most notable change relates to the increase in cladding to the south eastern corner of the building (rear) whereby the area to be clad is proposed to increase upwards by 535mm.

Given the size increase in the context of the much larger building, coupled with the position of this area at the rear of the building and the enclosed nature of the site at this location, any impact is not considered harmful.

It is further believed that as spacing of the cladding joints will not have a significant visual impact given the number of panels remain as approved and the extent of the cladding to these area is unchanged.

On balance, it is considered that given the minimal nature of the proposed cladding changes in the context of the overall scale of the building, the proposed changes would be negligible and unlikely to result in any material impact to the appearance and architectural rhythm, character and fenestration of the ground floor.

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: Approve

Article 35 Declaration

The proposed amendments relate to minor elevational changes. Namely:

1. The cladding panel next to the neighbouring building raised up to 1st floor level on the rear elevation, which is a 535mm increase in the cladding height; and
2. An increased number of panel joints on all elevations on the ground floor.

Following an assessment of the details submitted, I can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will not have any significant, material or detrimental impact upon surrounding amenity or the character, appearance and function of the host building or conservation area.

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

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

Drawings numbered 502/P4, 608/P1, 609/P1, 610/P1, 511/P4, 512/P4, 613/P1, 614/P1, 615/P1, 521/P3 and 522/P3 received by the City Council as Local Planning Authority on 16 August 2018, drawing numbered 507/P5 (as result of a non-material amendment referenced 128521/NMC/2021) received by the City Council as Local Planning Authority on 6 November 2020 and drawings numbered 516/P5 517/ P5 and 518/P5 (as part of the current non material amendment referenced 131768/NMC/2021), received by the City Council as Local Planning Authority on 29 September 2021.

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.

Appendix 1 – List of consultees & neighbours notified

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

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Conservation Area - Ancoats Conservation Area 1989

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: NORTH1