

Planning

Growth & Development

Delegated officer report for planning application

Application no.	128455/NMC/2020
Date registered valid:	30 October 2020
Proposal:	Non-Material Amendment to planning permission 120724/JO/2018 to change the wording of conditions 29 (footpaths) and 34 (cycle route) to allow a revised timescale for implementation
Address:	Unit 6 Bentinck Street Industrial Estate , Bentinck Street , Manchester , M15 4LN
Ward(s):	Hulme Ward
Applicant:	Mr Gary Jackson De Trafford Brooke Court, Lower Meadow Road, Wilmslow, SK9 3ND
Agent (if any):	Lynsay Ewart Paul Butler Associates 31 Blackfriars Road, Salford, M3 7AQ
Case officer:	Lucy Harrison Tel: 0161 234 5795 Email: lucy.harrison@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	26 November 2020

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: 21 October 2020

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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The proposal relates to a residential development currently under construction, known as St George's Gardens. It is on the north side of Chester Road adjacent to the Grade II* listed St George's Church and its Grade II listed boundary wall. It is one of a number of plots along this stretch of Chester Road that are currently under construction for residential apartments.

Description of development

The proposal is to amend the wording of conditions 29 and 34 to allow the timescales for the implementation of works to re-surface the pavements and to connect the scheme to the existing cycle network.

Consultations & Notification Responses

None required.

Issues

The proposed works required by the two conditions are subject to a Highways S278 agreement, which is still being negotiated. This needs to be resolved before the works can be carried out. As the development is nearing completion and first occupation, it is unlikely that the works can be completed in time with the prescribed timescales. It is considered, therefore, that the proposed change to implement the works within six months of the date of this approval is reasonable, would not have a material impact upon the approved proposal and should be approved.

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

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

0) Following an assessment of the details submitted, I confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as Local Planning Authority. The City Council is satisfied that the proposed amendments would not have a material impact upon the previously approved scheme, would not adversely affect visual or residential amenity within the area, would not have a material impact upon the overall quality of the development, and there are no material planning considerations to indicate otherwise.

It should be noted that this letter of consent does not supersede the decision notice attached to planning permission 120724/JO/2018. These documents should be read in conjunction with one another. Therefore, the conditions previously applied to planning permission 120724/JO/2018, still apply to this development. However, due to the acceptance of the amendments outlined above, the following amended conditions apply:

1) Condition 29

Before the development hereby approved is completed, details of the materials, including natural stone or other high quality materials to be used for the footpaths and for the areas between the pavement and the line of the proposed building shall be submitted to and approved in writing by the City Council as the local planning authority. All works approved in discharge of this condition shall be implemented in full within six months of the date of this decision letter.

Reason - In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes and in accordance with Core Strategy policies SP1 and DM1.

2) Condition 34

Before the development hereby approved is first occupied a scheme to connect the site to the existing local cycle route infrastructure shall be submitted to and approved in writing by the City Council as local planning authority. The development shall subsequently be carried out in accordance with the approved details within six months of the date of this decision letter.

Reason - To assist promoting the use of sustainable forms of travel, pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD (2007).

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

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

Area Team Boundary - Name: CITY1