MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	127095/NMC/2020
Date registered valid:	8 June 2020
Proposal:	Non material amendment to planning condition 31 (off site highways works) of planning permission 124947/JO/2019 to alter the implementation time frame for the street trees
Address:	Bendix Street Car Park , Thompson Street, Manchester, M4 5FS
Ward(s):	Piccadilly Ward
Applicant:	Mr John Toyne Balfour Beatty Bendix Street Car Park, Thompson St, Manchester, M4 5FS
Agent (if any):	Hodder + Partners SGI Studios Hodder + Partners SGI Studios, 1 Kelso Place, Manchester, M15 4LE
Case officer:	Jennifer Atkinson Tel: 0161 234 4517 Email: j.atkinson@manchester.gov.uk
Recommendation:	
Date of recommendation:	16 June 2020

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit:

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 is approximately 0.5 hectares and is located within the New Cross area of Manchester. The site is bounded by Oldham Road to the east, Marshall Street to the south, Chatterton Street to the west and Bendix Street to the north.

The site consists of two plots of land spanning across Goulden Street, the road that runs between the two plots.

- Plot A (to the south) – Land bounded by Goulden Street, Oldham Road, Marshall Street and Chadderton Street. The plot current comprises a surface car park.
- Plot B (to the north) – Land bounded by Goulden Street, Oldham Road, Bendix Street and Chadderton Street. The plot currently comprises a single storey building which is operated by Europcar with a forecourt onto Oldham Road.

The topography of the application site is relatively flat and comprises predominately hard standing with the exception of plot B which contains the single storey commercial building. The public realm and footways around the application site are in a relatively poor condition. Access to plot A is via Chadderton Street whilst there are multiple entrances for plot B from Chadderton Street and Bendix Street.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The surrounding area is a mixture of residential and commercial developments. To the north east of the application, along Bendix Street, is the Central Locksmiths unit beyond this is the Wing Yip Chinese supermarket situated along Oldham Road. To the south east along Oldham Road is a three storey terrace building with ground floor commercial and residential apartments above. To the north of the application site is the grade II Listed former police and ambulance station which briefly comprises a tall rectangular chimney and curtain walling. To the west along Marshall Street is a further surface car park.

The application site falls within the New Cross Development Framework which sets out the vision for the regeneration of the area. Currently the area suffers from limited activity, a poor quality built environment and public realm. As a result of the framework, the area is, however, in transition with the framework setting out the form nature of development to come forward within the area. As a result, the New Cross area is expected to undergo significant regeneration over the coming years as a result of its close proximity to the City Centre through the implementation of the New Cross Development Framework which envisages large scale residential development to be developed as part of meeting the City's population growth.

The close proximity of the application site means that the heart of the City Centre is only a short distance away. The nearest neighbourhood is the Northern Quarter which provides a range of retail, amenities and services along with a vibrant evening economy.

Description of development

Non material amendment to planning condition 31 (off site highways works) of planning permission 124947/JO/2019 to alter the implementation time frame for the street trees

Consultations & Notification Responses

N/A

Issues

This application seeks to make alterations to the compliance period of condition 31 which requires the agreement and implementation of s278 works. Whilst the applicant can implement the s278 works prior to first occupation there will be a delay in the installation of the street trees as the contractor is currently furloughed due to covid-19. The applicant has given a date of the end of November 2020 to get the trees in place. The condition has been amended accordingly.

It is considered that the change is acceptable and non-material in nature.

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 polices 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

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

1) The proposal involves the amendment to the wording of condition 31 (off site highways works) to allow the implementation of the street trees no later than November 2020.

2) 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 result in any significant material alterations to the planning condition.

31) Prior to the first use of the residential element of the development hereby approved, a scheme of highway works and details of footpaths reinstatement/public realm in relation to Marshall Street, Chadderton Street, Bendix Street and Oldham Road 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:

- Alternation/re-instatement works to the adopted highway including the installation of Traffic Regulation Orders (TROs) for the proposed Chadderton Street entrance.
- Details of materials, including natural stone or other high quality materials to be used for the footpaths and for the areas between the perimeter pavement and the line of the proposed building/public realm
- Installation of street trees where possible.

The approved scheme shall be implemented and be in place prior to the first occupation of the each of the residential blocks hereby approved and thereafter retained and maintained in situ with the exception of the street trees which must be implemented no later than 30 November 2020.

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).

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH1