MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	125079/JO/2019
Date registered valid:	14 October 2019
Proposal:	Variation of condition no. 3 (specified plans) attached to planning permission 113982/FO/2016 to allow provision of smoke vents, kitchen extracts and ventilation grilles
Address:	Site Bounded By Princess Road, Bowes Street, Broadfield Road And The Existing Alley Way To The South Linking Princess And Broadfield Road, Manchester, M14 7LS
Ward(s):	Whalley Range Ward
Applicant:	Rowlinson Construction Ltd, London House, London Road South, SK12 1YP
Agent (if any):	Mr D Coulson, Buttress, 41 Bengal Street, Manchester, M4 6AF
Case officer:	Jennifer Connor Tel: 0161 234 4545 Email: j.connor3@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: **26 May 2020**

Application details

Type of application: Variation or Removal of Condition

Development type: Largescale Major Other

Date of site visit: 16 October 2019

Standard consultations:
Printed: 15 October 2019 Expired: 5 November 2019

Neighbour notifications
No neighbour notifications have been printed and sent.

Site notice
Posted: 16 October 2019 Expired: 6 November 2019

Press advert
Published: 22 October 2019 Expired: 12 November 2019

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

The area within which the site is located is predominantly residential, consisting mainly of Victorian terraced accommodation. The area to the north constitutes refurbished two storey terraced housing and a number of two and three storey new build properties facing Bowes Street. To the south of the site are two storey terraced properties known as 'The Avenues' off Parkside Road.

The site lies within the Moss Side ward, to the south of Moss Side Local Centre. Located to the west of the development site is Princess Road, a main arterial route running in a north – south direction, into the City Centre and out to the M56 motorway, acting as a major transport corridor serving the city as a whole. Further to the west is Alexandra Park.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Variation of condition no. 3 (specified plans) attached to planning permission 113982/FO/2016 to allow provision of smoke vents, kitchen extracts and ventilation grilles

Consultations & Notification Responses

Environmental Health – requested further information to address conditions originally applied. The comments have been superseded by the subsequent discharge of condition 20 attached to the original planning consent under reference CDN/20/0190.

Policies

The relevant policies within the Core Strategy are as follows:

- SP1 - '*Spatial Principle'*
- H1 - '*Overall Housing Provision'*
- H5 – *'Central Manchester'*
  Central Manchester, over the lifetime of the Core Strategy, will accommodate 14% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained. High density housing will be permitted within or adjacent to the Regional Centre (Hulme and Higher Education Precinct) as well as within Hulme, Longsight and Rusholme district centres as part of mixed use schemes.
- H8 – 'Affordable Housing'
- H10 – '*Housing for people with additional support needs'*
- T2 - '*Accessible areas of opportunity and needs*'
- EN1 - '*Design Principles and Strategic Character Areas'*
- EN4 - '*Reducing CO2 emissions by enabling low and zero carbon development'*
- EN8 - '*Climate Change*'
- EN16 '*Air Quality'*
- EN19 - '*Waste'*
- DM1 - '*Development Management'*

Unitary Development Plan (UDP) for the City of Manchester (1995)

The relevant extant policies in the UDP are as follows:

- Extant Policy DC2a.1 and DC2b.1 *'Special Needs Housing'*

(Special Needs and Supported Housing Supplementary Planning Guidance 1998)

- Extant Policy DC7 - '*New Housing Development'*
- Extant DC26 – '*Development and Noise'*

Issues

The principal of the development was already established as part of planning application 113982/FO/2016.

Works are well advanced as this application could not be determined due to negotiations over the discharge of the condition relating to highways works. The highways arrangement has been agreed as part of the discharge of condition 12 attached to planning permission 113982/FO/2016.

The consented scheme showed smoke shafts stopping below roof level. The revised scheme shows the raising of the smoke shaft so that it projects clear of the roofline. The smoke shafts have been set back from the principal elevations to minimise their visual impact, they will also be finished in the same VMZinc Anthracite cladding as the pitched roofs. The change was undertaken as a requirement of building regulations.

The consented scheme showed no catering extract at roof level, the revised scheme installs one roof terminal for the catering extract.

The change outlines would not have any negative implications for the design of the scheme or upon views of the development from wider vantage points. Environmental Health were satisfied as part of a separate condition discharge application. Conditions applied to the original consent are reimposed.

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

In assessing the merits of an application for planning permission officers will seek to work with the applicant in a positive and pro-active manner to seeking solutions to problems arising in relation to dealing with the application. Appropriate conditions have been attached to the approval

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:

(04) 211 REV C4 ROOF PLAN
(05) 207 REV C4 ELEVATIONS

Received 08 October 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.

2) Materials in line with those stated in condition discharge applications CDN/18/0339, CDN/19/0062 and CDN/19/0673 to discharge condition 2 attached to planning permission 119398/FO/2016 and in line with the plans submitted with this application.

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.

3) Landscaping in line with that stated in condition discharge application CDN/20/0077 to discharge landscaping condition 4 attached to planning permission 113982/FO/2016.

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.

4) The car parking layout indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the buildings hereby approved being occupied. The car parks shall remain in use at all times thereafter.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to policies DM1, T2 and SP1 of the Manchester Core Strategy.

5) The development hereby approved shall only be carried out in accordance with measures detailed in the Energy Statement and Sustainability Statement prepared by the Energy Council dated 15/09/2016, stamped as received by the City Council, as Local Planning Authority on the 29/09/2016.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework (NPPF).

6) The bicycle storage area indicated on the approved plans shall be implemented in full and made available for use prior to first occupation of the residential apartments hereby approved. The approved scheme shall remain available for use whilst apartments are occupied.

Reason - To ensure there is adequate bicycle parking provision, pursuant to policies DM1, T1 and SP1 of the Manchester Core Strategy.

7) 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) none of the apartments (not including the Extra Care apartments) hereby approved 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).

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.

8) The details for Construction Management are as per the discharge of condition 9 as part of application reference CDN/18/0339.

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

9) The development shall be carried out in accordance with the Crime Impact Statement (2016/0370/CIS/01 Version A: 22/08/2016) prepared by Design for Security at Greater Manchester Police stamped as received by the City Council, as Local Planning Authority, on the 21/09/2016. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as

local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

10) 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 garages or extensions; shall be erected other than those expressly authorised by this permission.

Reason - In the interests of residential amenity pursuant to policy DM1 and SP1 of the Manchester Core Strategy (2012).

11) Highways works shall be as detailed in the application to discharge Condition 12 (CDN/18/0889) attached to planning permission 113982/FO/2016.

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).

12) Drainage works shall be as detailed in the application to discharge Condition 13 (CDN/18/0844) attached to planning permission 113982/FO/2016.

Reason - The application site is located within a critical drainage area and in line with the requirements in relation to sustainable urban drainage systems, further consideration should be given to the control of surface water at the site in order to minimise localised flood risk pursuant policies EN14 and DM1 of the Core Strategy for Manchester.

13) No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

(a)Verification report providing photographic evidence of construction as per design drawings;
(b)As built construction drawings if different from design construction drawings;
(c)Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason - The application site is located within a critical drainage area and in line with the requirements in relation to sustainable urban drainage systems, further consideration should be given to the control of surface water at the site in order to minimise localised flood risk pursuant policies EN14 and DM1 of the Core Strategy for Manchester.

14) Prior to the first occupation the commercial unit, details of any roller shutters to the ground floor of the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt the shutters shall be fitted internally to the premises. The approved details shall be implemented prior to the first occupation of the development and thereafter retained and maintained in situ. The roller shutter shall be opened/raised on Monday to Saturday 09:00 to 17:00

Reason - To ensure that the roller shutters are appropriate in visual amenity terms and provide an active frontage to Princess Road and Bowes Street pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

15) 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.

16) 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.

17) Local Labour Agreement shall be as detailed in the application to discharge Condition 18 (CDN/18/0339) attached to planning permission 113982/FO/2016.

Reason - To safeguard local employment opportunities, pursuant to pursuant to policies EC1 of the Core Strategy for Manchester.

18) Deliveries and Servicing shall be as detailed in the application to discharge Condition 19 (CDN/19/0362) attached to planning permission 113982/FO/2016.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

19) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with the scheme approved under reference CDN/20/0190, any works approved shall be implemented before the use commences.

Reason - To ensure an adequate fume extraction system is put in place in the interest of visual and residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC10 of the Unitary Development Plan for the City of Manchester (1995).

20) The commercial unit and health hub shall not be open outside the hours to be agreed in writing by the City Council as local planning authority.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

21) The commercial unit and health hub shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties pursuant to policies SP1, H1 and DM1 of the Core Strategy.

22) Acoustic Insulation shall be as detailed in the application to discharge Condition 23 (CDN/19/0341) attached to planning permission 113982/FO/2016.

Reason - To secure a reduction in noise from Princess Road; in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

23) Prior to occupation of the development a scheme for the acoustic insulation of any externally mounted ancillary equipment to ensure that it achieves a background noise level of 5dB below the existing background (La90) in each octave band at the nearest noise sensitive location shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

24) Waste Management shall be as detailed in the application to discharge Condition 25 (CDN/18/0339) attached to planning permission 113982/FO/2016.

Reason - In order to ensure that adequate provision is made within the development for the collection of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

25) Air Quality shall be as detailed in the application to discharge Condition 26 (CDN/19/0457) attached to planning permission 113982/FO/2016.

Reason: To secure a reduction in air pollution from traffic or other sources in order to protect future residents from air pollution pursuant to policies SP1 and DM1 of the Core Strategy.

26) 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.

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 Section 11 of the National Planning Policy Framework and policy EN18 of the Core Strategy.

27) Travel Planning shall be as detailed in the application to discharge Condition 28 (CDN/19/0397) attached to planning permission 113982/FO/2016.

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

Environmental Health

Appendix 2 – Planning constraints

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