

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 139464/FO/2024

**Date registered valid:** 18 February 2025

**Proposal:** Renewal of an extant planning permission 132337/FO/2021 to allow for the retention of temporary building for a further period of two years.

**Address:** 335 - 337 Oxford Road, Manchester, M13 9PG

**Ward(s):** Hulme Ward

**Applicant:** Mr Waheed Masters Diocese of Salford Trustees

**Agent (if any):**

**Case officer:** Max Gibson  
Tel: 0161 219 6359  
Email: maximillian.gibson@manchester.gov.uk

**Recommendation:** Approve

**Date of recommendation:** 09.04.2025

## **Application details**

**Type of application:** Full Application Consent

**Development type:** Minor Other

**Date of site visit:**

### **Standard consultations:**

Printed: 19 February 2025 Expired: 12 March 2025

### **Neighbour notifications**

Printed: 19 February 2025 Expired: 12 March 2025

### **Site notice**

Posted: 25 February 2025 Expired: 18 March 2025

### **Press advert**

Published: 25 February 2025 Expired: 18 March 2025

**Departure from Development Plan:** No

**Environmental Statement:** Not required

## **Description of site/building**

The site relates to a temporary building to the forecourt of Avilla House, the Catholic chaplaincy at the University of Manchester campus. The building house the chaplaincy services whilst the main building undergoes remedial works. The building has been in situ since 2022, when temporary permission was granted for two years.

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

## **Description of area**

The area relates to the University of Manchester campus on Oxford Road, south of Manchester's City Centre. The character of the area comprises several different uses, largely educational together with drinking, dining, cultural and ecclesiastical.

## **Description of development**

The application seeks temporary planning permission for an existing temporary structure that was originally granted a two-year temporary permission on 02.03.2022. A two-year temporary period is, likewise, sought under the current application. There are no physical changes sought to the existing structure.

## **Consultations & Notification Responses**

Environmental Health – recommended a waste management condition and noise assessment of external plant as per the previous permission.

Highway Services - As with the previous approval, the unit is located on private forecourt and would not impact the adopted highway.

Activities to the site are not expected to generate a level of trips that would impact local highway conditions.

Based on the above, Highways have no objections to the proposals.

Publicity - a notice was displayed on site informing passers-by of the application. A press notice was placed in the local press advertising the works as those affecting the setting of a listed building. Letters were sent to surrounding occupiers notifying them of the development. No representations have been received as a result of this publicity.

## **Issues**

The main policies that relate to this application are DM1 (Development Management), SP1 (Spatial Principles), EN3 (Heritage) and CC9 (Design and Heritage) of the Manchester Core Strategy (2012) and saved policies DC19 (Listed Buildings) and DC26 (Development and Noise) of the Unitary Development Plan for the City of Manchester (1995).

### *Principle*

Avila House, which is the university Catholic chaplaincy and in front of which the temporary structure is sited, is undergoing repair works. The temporary structure thus serves as a temporary home for the chaplaincy and allows for it to continue its ministrations. The temporary structure was previously given permission for two years in 2022 and thus the principle of the structure's presence is considered to be established. However, the impact of the structure must be reassessed in terms of local amenity and highways considerations - in particular, noise and refuse management as conditions attached to the original permission have not yet been discharged.

### *Visual amenity*

The building's appearance is purely utilitarian, with no visual interest and of low-quality materiality. The building has a clearly temporary and insubstantial appearance, as befitting its temporary nature. The walls are treated in a light grey and there is black roof, a restrained colour palette which is not overly strident, which ensures it is not an overly obtrusive addition to the street scene.

The appearance of the temporary chaplaincy contrasts poorly with the surrounding buildings, which include the ornate and architecturally significant Grade I listed Holy Name Church and the Grade II listed William Kay House, directly adjacent either side of the site. There is a jarring juxtaposition between the high-quality appearance of the listed buildings and the somewhat flimsy and unadorned appearance of the temporary chaplaincy. It is considered that the temporary building detracts from the setting of the listed buildings, resulting in an instance of less than substantial harm to the Grade II and Grade I buildings.

The building has two externally mounted condenser units to the eastern elevation at the rear of the building. These are not deliberately screened in any manner and their technical, unadorned appearance is of poor quality. However, by virtue of their location, they are screened from view from the pavement. This is also aided by the steps up to Avila House, on one flank of the rear elevation, and the wall of the neighbouring listed building on the other. These rise above the level the condensers, thereby obscuring views from surrounding vantage points. The portico of

Avila House somewhat screens any views from the upper floors of surrounding buildings. It was noted during a site visit that the units were only visible once at the rear of the building. Given the above, there are limited views of the condenser units and thus it is considered that visual impact of these units is likewise limited.

Despite the poor appearance of the structure and the resulting less than substantial harm to the setting of the adjacent listed buildings, on balance, by virtue of the temporary nature of the development, it is considered the harm can be accepted. The harm would only be limited to the period the building is in situ and it does not constitute a permanent addition to the street scene or the setting of the listed buildings. On this basis, the development is considered to be in accordance with policies DM1 and EN3 of the Manchester Core Strategy and DC19 of the Unitary Development Plan

### *Highways impacts*

The application was assessed by MCC Highways Services who stated that, by virtue of the building's location in a private forecourt to Avila House, it would not impact on the adopted highway. The presence of the building was not considered to be likely to lead to an increase in trip generation. On this basis, it is considered that there are no highways concerns related to the development.

### *Access*

There is level access to the interior of the building by virtue of a ramp at the entrance which forms part of the structure. Thus, the development is considered to comply with policy CC10 which supports high quality accessibility arrangements to buildings across the City Centre.

### *Noise*

Saved policy DC26 requires the Council to have regard to the noise impacts of development. The development includes two external condenser units mounted to a side wall of the building. No noise assessment has been submitted as part of the application and thus Environmental Health have recommended a noise assessment is carried out to ensure that the operation of the units does not give rise to disamenity to surrounding occupiers. An appropriate condition is attached to this approval requiring the submission of a noise assessment. Subject to the satisfactory discharge of this condition, the development would be considered acceptable.

### *Refuse management*

The applicant has stated that the waste management arrangements reflect the extant arrangements related to Avila House. The applicant has submitted a waste management proforma. However, further details of the refuse store and collection points is required. A condition attached to this approval would require the applicant to submit these details for agreement.

## **Other Legislative Requirements**

### **Equality Act 2010**

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

### **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**

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.

### **Condition(s) to be attached to decision for approval**

1) The permission hereby granted is for a limited period only, expiring on 28.03.2026; and the works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued on or before that date. The land shall be reinstated within 3 months in accordance with a scheme and a timetable of implementation which shall be submitted to and approved in writing by the City Council local planning authority before this permission expires.

Reason - The development is of a temporary nature only and in the interests of visual amenity pursuant to policy E3.2 and E3.3 of the City Council's Unitary Development Plan.

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

-Drawing - Existing 13-138 PLANS AND ELEVATIONS

-Design & Access Statement DESIGN AND ACCESS STATEMENT

-Supporting Information MODULAR MARKETING SUITE

All received by the City Council, as Local Planning Authority, on 06/03/2025

Reason - to ensure the development is carried out in accordance with the approved drawings pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012).

3) Within one month of the date of this approval, a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall

be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity pursuant to policies SP1 and DM1 of the Core Strategy.

4) a) Within one month of the date of this approval, a scheme to secure a reduction in the level of noise emanating from the site shall be submitted to and approved in writing by the City Council as local planning authority. This shall include a report to validate that the externally mounted ancillary plant, equipment and servicing is acoustically treated so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Any instances of non-conformity shall be detailed along with any measures required to be undertaken to ensure compliance with the agreed noise criteria.

b) The scheme shall be implemented in full within one month of the discharge of part a) of this condition.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012).

## **Appendix 1 – List of consultees & neighbours notified**

Highway Services  
Environmental Health  
Greater Manchester Police

EE Pico Cell 1592362, Communication At The Junction Of Dover Street And Oxford Road, Dover Street, Manchester, M13 9PG  
The Royal Bank Of Scotland Students Union Branch, Manchester Academy, Oxford Road, Manchester, M13 9PQ  
University Of Manchester Student Union, Steve Biko Building, Oxford Road, Manchester, M13 9PR  
327 Oxford Road, Manchester, M13 9PG  
333 Oxford Road, Manchester, M13 9PG  
Holy Name Church, 339 Oxford Road, Manchester, M13 9PG  
Vaughan House, Portsmouth Street, Manchester, M13 9GB  
325 Oxford Road, Manchester, M13 9PG  
Flat 1, St Pauls House, 337 Oxford Road, Manchester, M13 9PG  
323 Oxford Road, Manchester, M13 9PS  
2 Portsmouth Street, Manchester, M13 9GB  
Telephonica O2 Site No 12485, Communication Station On Roof Of, Steve Biko Building, Oxford Road, Manchester, M13 9PR

## **Appendix 2 – Planning constraints**

Article 4 Direction - City Centre PD Restriction - Class B1(a) 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  
Susceptible to Surf Water Flood (Less) -  
Susceptible to Surf Water Flood (Less) -  
Area Team Boundary - Name: CENTRAL