

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141897/NMC/2025

Date registered valid: 14 January 2025

Proposal: Non Material Change to planning permission 137399/FO/2023 to make alterations building height, elevational alterations and alterations to landscaping

Address: Land Bounded By Upper Brook Street & Kincardine Road, Manchester, M13 9TD

Ward(s): Ardwick Ward

Applicant: AshtonHale

Agent (if any): Mr Neil Lucas AshtonHale

Case officer: Jennifer Atkinson
Tel: 0161 234 4517
Email: jennifer.atkinson@manchester.gov.uk

Recommendation: Approve

Date of recommendation:

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

This 2.13 ha site is part of a masterplan to bring forward comprehensive development. It is bounded by Upper Brook Street, Grosvenor Street and Kincardine Road and the former Citroen car dealership garage and car park which is subject to planning application 137399/FO/2023.

The site contains buildings formerly used as the Williams Garage which are now vacant. The site is irregular in shape and is narrow at the junction with Grosvenor Street, widening towards Inchley Road.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

There has been significant investment in housing and infrastructure in Brunswick over the last decade through a Private Finance Initiative (PFI). It has been transformed with new and refurbished homes, green spaces and public realm. The prevailing character is two and three storey homes, however, there are mid rise apartments on Brunswick Street. Garside Gardens is a green space at the heart of the community.

The Unitarian Chapel (Grade II*), adjacent to the site, is used for PBSA. There is a 6 storey PBSA scheme at Kincardine Court. The University of Manchester, is on the opposite side of Upper Brook Street. There are services and amenities, nearby, particularly on Oxford Road.

The site is in Flood Zone 1 and 2 and a critical drainage area. It is in the Manchester Air Quality Management Area (AQMA) where air quality conditions are poor.

The speed limit on Cottenham Street is 20mph and there are 'No Waiting At Any Time' restrictions along the majority of its length. Limited waiting parking bays are provided on the south side (Permit Holders or Max. 3-hours).

Kincardine Road is one-way northbound with a contraflow cycle lane between Brunswick Street and Whitekirk Close, with a speed limit of 20 mph. It has Pay & Display parking bays past the Whitekirk Close junction (Permit Holders or Max. 3- hours) with additional limited waiting bays towards Hanworth Close. The rest of Kincardine Road has 'No Waiting At Any Time' restrictions. There are 'No Waiting At Any Time' and 'No Loading' (7am-7pm) restrictions on both sides of Upper Brook St.

Description of development

Non Material Change to planning permission 137399/FO/2023 to make alterations building height, elevational alterations and alterations to landscaping

Consultations & Notification Responses

N/A

Issues

Following the grant of planning permission, a number of amendments are sought to the approved design of the PBSA building and associated public. There would be no changes proposed in this application to the separate life sciences building (and public realm).

The main design changes are as follows:

- Building / Floor to Floor height
- Pre-cast facade
- Refined structural design
- MEP strategies
- Design Development
- Landscape

Building / Floor to Floor Heights

The proposal would reduce the floor to floor heights by 1no. brick. This has enabled the overall building height to be lowered by up to 1.38m. It not considered that this would have a material impact on the appearance of the façade.

Pre-Cast Facade

The design has developed since planning permission has been granted with a specialist pre-cast facade manufacturer with a focus on quality detailing and working with the pre-cast design parameters. The changes proposed would not materially alter the appearance of the building and the quality can be tested through the materials condition on the approval.

Refined Structural Design

The structural frame design has been enhanced to improve the efficiency of the frame and limit its internal spatial impact. The result of the refinement is a reduction in the extent of concrete and re-enforcement improving the sustainability. There is no outward impact from the structural amendments, however, there have been amendments to the approved plans.

MEP Strategies

The building services have evolved with a focus on sustainability and efficiency. Whilst the majority of these changes have no outward appearance the main impact has been a reduction of the ground floor plant area and roof level internal plant areas. This has enabled an increase in provision of student amenity space. This has no material impact on the scheme other than to update the plans.

Landscape

A series of changes are necessary to the landscape and public realm associated with the PBSA building, which are summarised below:

- Ground level: Updated planting bed layout at the northern part of the play area.
- Ground level: Amended planting at the northern part of the play area.
- Ground level: Amended the type of trees, although the quantum remains the same.
- Ground level: Included door barrier for all swing outward doors.
- Level 01: Amended the planting area.
- Level 01: Amended the type of trees, although the quantum remains the same.
- Level 01: Installed a strip of hard paving, 500mm minimum around all buildings for fire safety requirement.
- Level 01: Included door barrier for all swing outward doors

The changes are considered to be minor in nature and non material.

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

Condition(s) to be attached to decision for approval

- 1) The proposed seeks to make alterations building height, elevational alterations and alterations to landscaping.
- 2) The development hereby approved shall be carried out in accordance with the following additional drawings:

MAUBS-SRA-XX-XX-PP-AR-00002

UBS-SRA-ZZ-00-DR-A-02-100

UBS-SRA-ZZ-01-DR-A-02-101

UBS-SRA-ZZ-ZZ-DR-A-02-102

UBS-SRA-ZZ-ZZ-DR-A-02-103

UBS-SRA-ZZ-ZZ-DR-A-02-104

UBS-SRA-ZZ-EN-DR-A-02-306

UBS-SRA-ZZ-ES-DR-A-02-307

UBS-SRA-ZZ-EW-DR-A-02-309

UBS-SRA-ZZ-EE-DR-A-02-310

UBS-SRA-ZZ-EN-DR-A-02-320

UBS-SRA-ZZ-ES-DR-A-02-321

UBS-SRA-ZZ-SE-DR-A-02-320

UBS-SRA-ZZ-SE-DR-A-02-321

UBS-SRA-ZZ-SS-DR-A-02-323

UBS-SRA-SA-XX-DR-A-02-420

UBS-SRA-SA-XX-DR-A-02-421

UBS-SRA-SA-XX-DR-A-02-422

UBS-SRA-SA-XX-DR-A-02-423

UBS-SRA-SA-00-DR-A-02-600

UBS-SRA-SA-01-DR-A-02-601

UBS-SRA-SA-02-DR-A-02-602

UBS-SRA-SA-ZZ-DR-A-02-603

UBS-SRA-SA-08-DR-A-02-604

UBS-SRA-SA-ZZ-DR-A-02-605

UBS-SRA-SA-ZZ-DR-A-02-606

UBS-SRA-SA-ZZ-DR-A-02-607

UBS-SRA-SA-22-DR-A-02-608

UBS-SRA-SA-R1-DR-A-02-609

all received by the City Council, as Local Planning Authority, on the 27 March 2025

MAUBS-RFM-XX-00-DR-LS-0101-S4-P03, MAUBS-RFM-XX-00-DR-LS-0103-S4-P02, MAUBS-RFM-XX-00-DR-LS-0106-S4-P01, MAUBS-RFM-XX-00-DR-LS-0107-S4-P01, MAUBS-RFM-XX-01-DR-LS-0104-S4-P05, UBS-SRA-SA-XX-DR-A-02-420 P03, UBS-SRA-SA-XX-DR-A-02-421 P03, UBS-SRA-SA-XX-DR-A-02-422 P03, UBS-SRA-ZZ-SE-DR-A-02-321 P02 and UBS-SRA-ZZ-SS-DR-A-02-323 P02 received by the City Council, as Local Planning Authority, on the 14 January 2025

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) 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 approval.

19) (a) Notwithstanding drawings MAUBS-RFM-XX-00-DR-LS-0101-S4-P03, MAUBS-RFM-XX-00-DR-LS-0103-S4-P02, MAUBS-RFM-XX-00-DR-LS-0106-S4-P01, MAUBS-RFM-XX-00-DR-LS-0107-S4-P01, MAUBS-RFM-XX-01-DR-LS-0104-S4-P05 received by the City Council, as Local Planning Authority, on the 14 January 2025, prior to the commencement of landscaping

works associated with a plot of the development hereby approved, details of a hard and soft landscaping scheme (including appropriate materials specifications, street trees and provision of 34 cycle spaces within the public realm) shall be submitted for approval in writing by the City Council as Local Planning Authority.

(b) The approved scheme shall be implemented prior to the first use of the plot of the development

If within a period of 10 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

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.

Appendix 1 – List of consultees & neighbours notified

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Flood Zones Type 2 (low to medium risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: CENTRAL