

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139257/FO/2024
Date registered valid: 15 April 2024
Proposal: Alterations to the existing bus bay.
Address: Manchester Academy , University Of Manchester Students Union,
Oxford Road, Manchester, M13 9PR
Ward(s): Hulme Ward

Applicant: Estates Support University of Manchester
Agent (if any): Lucy Pottinger Arcadis
Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 06/06/2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 18 April 2024 Expired: 10 May 2024

Neighbour notifications

Printed: 18 April 2024 Expired: 10 May 2024

Site notice

Posted: Expired:

Press advert

Published: 23 April 2024 Expired: 7 May 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the landscaped verge and bus bay that serves the Manchester Academy off of Oxford Road. The bay face onto the private roads Spa Street and Blyton Street. The bus bay is paved in concrete and tarmac, with a grass verge featuring 2no semi-mature cherry trees located to the north-west of it.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The neighbouring area forms the southern tip of the University of Manchester Campus before it gives way to the purpose built student accommodation at Whitworth Park Halls. The historic core of the University of Manchester Campus lies to the north, with more modern and post-war development lying immediately to the north of the site and to the west. Local landmarks within the street scene consist of the Grade I listed Holy Name Church to the north-east and the Contact Theatre to the south-west of the site.

Description of development

The application seeks consent for the alteration of the Manchester Academy bus bay. Said works would consist of the bay's widening by 670mm to allow for easier access to the site. As a consequence of its widening, the neighbouring footway would be moved to the west, leading to a decrease in the size of the neighbouring grass verge. To facilitate the works a single cherry tree

is proposed to be felled, with 3no replacement trees proposed to be planted elsewhere in the University of Manchester Campus to compensate for its loss.

Planning History

079961/FO/2006/C2 - External alterations, extension and associated hard and soft landscaping – Approved December 2006.

032701 - New multi purpose hall, with an entrance foyer, office bar, toilets ancillary changing accommodation, two shops and a kiosk – Approved February 1989.

Consultations & Notification Responses

Highway Services – No objection.

MCC Flood Risk Management – No objection.

Greater Manchester Ecology Unit – No objection subject to a biodiversity net gain being achieved and an informative relating to nesting birds.

Publicity – None received.

Policy

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy SP1 – Spatial Principles
- Policy EN9 – Green Infrastructure
- Policy EN15 – Biodiversity and Geological Conservation
- Policy DM1 – Development Management

The Places for Everyone Plan – Joint Development Plan Document, for nine of the ten boroughs which make up Greater Manchester, adopted by the City Council on 21st of March 2024.

- Policy JP-G8 – A Net Enhancement of Biodiversity and Geodiversity

National Planning Policy Framework (NPPF)

- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 15 – Conserving and Enhancing the Natural Environment

Issues

Principle of the development

The application would see alterations to the access of an existing building. As the proposal would not fundamentally change the use of the site but merely its vehicular access arrangements, it is considered the proposal is acceptable in principle and accords with Core Strategy Policies SP1 and DM1 subject to the matters discussed below.

Visual Amenity

The proposed alteration would see the widening of the bus bay's vehicular access. As existing the bay's concrete surface is worn and cracked at various points. The grass verge and trees on site provide some visual interest to this elevation, notwithstanding this however, the site's characteristics remain largely utilitarian. The widening of the bay itself is considered to be an inconsequential change to the appearance of the street scene with the change being relatively minor, however consideration should also be given to the loss of a cherry tree. The loss of trees whilst regrettable is not considered to have a detrimental effect on the appearance of the street scene, with the tree only being semi-mature and with the adjacent cherry tree proposed to be retained. Furthermore, replacement trees would be planted in other areas of the University of Manchester Campus, this being Alan Gilbert Square and the Ellen Wilson Building, and thus the appearance of the wider campus would be improved. On this basis, the proposal is acceptable in this regard and accords with Core Strategy Policies SP1 and DM1, and the National Planning Policy Framework.

Ecology

The submission has been accompanied by an Arboricultural Report/Arboricultural Impact Assessment and tree replacement plan. The submitted assessment concludes that the Cherry Tree to be removed, tree T1, is of low amenity value and that the tree to be retained, tree T2, would be protected for the duration of the construction works. The proposed tree replacement plan notes that the trees to replace T1 would be, as mentioned above, located at Alan Gilbert Square and the Ellen Wilkson Building, and would be of species to match neighbouring trees, Acer Campestre Louisa Redshine and Acer Campestre Fastigiata. The GMEU do not object to the application subject to a biodiversity net gain being achieved on site, as well as an informative relating to nesting birds. On the basis the proposed felled tree would be replaced at a ration of 1 to 3, it is considered a biodiversity net gain would be achieved. Subject to the aforementioned informative and conditions requiring the protection and retention of tree 1 and further information regarding the replacement trees, it is considered the proposal is acceptable in this regard and therefore accords with Core Strategy Policies EN9 and EN15, and Places for Everyone Plan Policy JP-G8.

Highway Safety

The application site is located away from the public highway on a private road. A swept path analysis has accompanied the submission and makes clear that vehicles would be able to enter and exit the site in forward gear. Highways do not object to the proposal. On this basis the proposal is acceptable and therefore accords with Core Strategy Policies SP1 and DM1.

Conclusion

In light of the above the proposal, subject to appropriate planning condition, is considered to be acceptable and accords with Core Strategy Policies SP1, EN9, EN15 and DM1, Places for Everyone Plan Policy JP-G8 and the National Planning Policy Framework. On this basis the proposal is recommended for approval.

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 acted positively in determining this application by assessing the proposal against relevant planning policies and all material considerations. The nature of the scheme has not necessitated further discussions with the applicant. On this basis it is decided to grant planning permission in accordance with the presumption in favour of sustainable development.

Condition(s) to be attached to decision for approval

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

- 8231_01: Location Plan (Received 14/02/2024)
- 8231_02: Site Plan (Received 14/02/2024)
- 8231_03: Existing & Proposed Plans (Received 14/02/2024)
- 8231_03 Revision 1.0: Swept Path Analysis
- 8231_04: Existing & Proposed Drainage Plan
- 8231_05: Existing and Proposed Sections
- 8231_06: Proposed Tree Locations Plan
- Arboricultural Report and Arboricultural Impact Assessment (Prepared by JCA; Dated 30/11/2023; Received 14/02/2024)

Stamped as received by the City Council as Local Planning Authority on 15/04/2024 unless specified otherwise.

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.

3) No materials shall be used in the finish of the development hereby approved other than those referred to on the approved plans / supporting documentation.

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.

4) Retained tree condition In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained within the submitted Arboricultural Report and Arboricultural Impact Assessment (Prepared by JCA; Dated 30/11/2023), stamped as received by the City Council as Local Planning Authority on 14/02/2024; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

5) a) The approved replacement trees hereby approved shall be implemented in accordance with drawing no.8231_06 'Proposed Tree Locations Plans' (Prepared by Arcadis; Dated March 2024; Received 15/04/2024).

b) Prior to the felling of tree T1, as detailed within the approved Arboricultural Report and Arboricultural Impact Assessment prepared by JCA, details of the approved replacement trees' size and planting specification, including details of tree pit design and details of ongoing maintenance, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved details shall then be implemented as part of the development and be maintained and retained thereafter.

c) Within three months of the completion of the development a verification report confirming the planting of the replacement trees shall be submitted to and approved in writing by the City Council as Local Planning Authority. If within five years of the date of the completion of the development any replacement tree is removed, uprooted, destroyed, fails, or becomes, in the opinion of the

local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in its 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.

6) The development shall be drained in accordance with drawing no.8231_04 'Existing & Proposed Drainage Plan'. The approved details shall be implemented prior to the occupation of the development and be retained and maintained thereafter.

Reason - In the interest of securing proper drainage on site and ensure future maintenance of the surface water drainage system, pursuant to policy EN17 of the Manchester Core Strategy.

Informatives

1) The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Neighbourhood Team Leader (Arboriculture)
MCC Flood Risk Management
Greater Manchester Ecology Unit
University Of Manchester

The Royal Bank Of Scotland Students Union Branch, Manchester Academy, Oxford Road, Manchester, M13 9PQ
Manchester Academy, Oxford Road, Manchester, M13 9PQ
Campus Travel, Manchester Academy, Oxford Road, Manchester, M13 9PQ
University Of Manchester Student Union, Steve Biko Building, Oxford Road, Manchester, M13 9PR
Holy Name Church, 339 Oxford Road, Manchester, M13 9PG
Flat 2, St Pauls House, 337 Oxford Road, Manchester, M13 9PG
Flat 1, St Pauls House, 337 Oxford Road, Manchester, M13 9PG
Contact Theatre, Devas Street, Hulme, Manchester, M15 6JA
Sola Bar, Contact Theatre, Devas Street, Hulme, Manchester, M15 6JA
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
Area Team Boundary - Name: CENTRAL