

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140152/NMC/2024
Date registered valid: 30 May 2024
Proposal: Non-material amendment to planning permission reference 136963/FO/2023 to install roof top plant and equipment
Address: Loreto College, 146 Chichester Road, Manchester, M15 5PB
Ward(s): Hulme Ward

Applicant: Ms Tracy Livesey, Loreto College
Agent (if any): Mrs Melissa Murphy, 10architect Ltd
Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 17.06.2024

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: No required for NMC application

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of the site

The application site is bounded by Moss Lane West to the south, Maher Gardens and the southern boundary of the Loreto College campus to the north, Tamworth Street to the west and Chichester Road to the east.

The application site currently comprises a single storey brick building formerly a Probation Centre and associated office space, landscaping including trees and hard surfacing providing car parking spaces, together with two public rights of way that cross the 0.93 hectare site. The building on site has been vacant since May 2021 and is not currently formerly in use. The site is in the ownership of the City Council and was leased to the Ministry of Justice until May 2021. Cornbrook runs in a culvert across the site with an easement restricting development within 7 metres of it and part of the application site as a result of Cornbrook lies within flood zone 2.

Trafford Council's administrative boundary is to the immediate west of the application site. Residential properties in the form of two storey dwellinghouses and a recently constructed three storey apartment block lie to the immediate west, with residential dwellinghouses and the recently converted former Hyde's Brewery to the south on Moss Lane West. A five-storey apartment block is located on the south east corner of the junction between Moss Lane East/West and Chichester Road south whilst on its north-eastern corner is a three storey office building 'Chichester House'. The Loreto Sixth Form College campus and associated car parking

lie to the immediate north with part of the campus comprising unmarked car parking and single storey St Vincent's building falling within the application site.

A number of listed buildings are located within the vicinity of the site including:

- Church of St Mary (Grade II*) and Boundary Wall to the Churchyard of the Church (Grade II) (a)
- Chapel Building, Loreto College (Grade II) (b)
- Moss Side People's Centre (Grade II) (c)
- St Mary's House (Grade II) (d)
- Mawlawi Kurdish Cultural Centre (Grade II) (e)
- Queen's Brewery Court (Grade II) (f)
- Playground Wall of St Mary's Junior School, on West, North and East sides (Grade II) (g)

To the north, north-west of the application site is a cleared area of land within Trafford Council's administrative area which is currently subject of a planning application by Trafford Housing Trust for redevelopment comprising of 161 residential dwellings (Class C3) and 190sqm of commercial floor space with vehicular access from Maher Gardens and Bold Street.

Description of the proposals

Planning permission reference 136963/FO/2023 was granted on 5th September 2023 following approval by the Council's Planning Committee at its meeting on 31st August 2023. The approved proposals were for the erection of a three-storey Class F1 (a) (Provision of education) building comprising 20no. classroom teaching block, an assembly space, study centre, staff rooms and W/C provisions. The proposals incorporate provision of cycle and car parking together with a landscaping scheme including tree replacement provision.

The College currently provides an education facility for 3,558 students, of which 216 students are currently located in temporary classroom accommodation which the proposals would replace when completed. The proposed teaching block would see an increase in staff numbers at the College of 30 full time equivalent posts together with an increase in student numbers above the current capacity of the campus (which includes those currently utilising a number of temporary buildings) of 264 students.

The proposals subject of this application seek the relocation of external plant and equipment to the central area of the flat roof of the building.

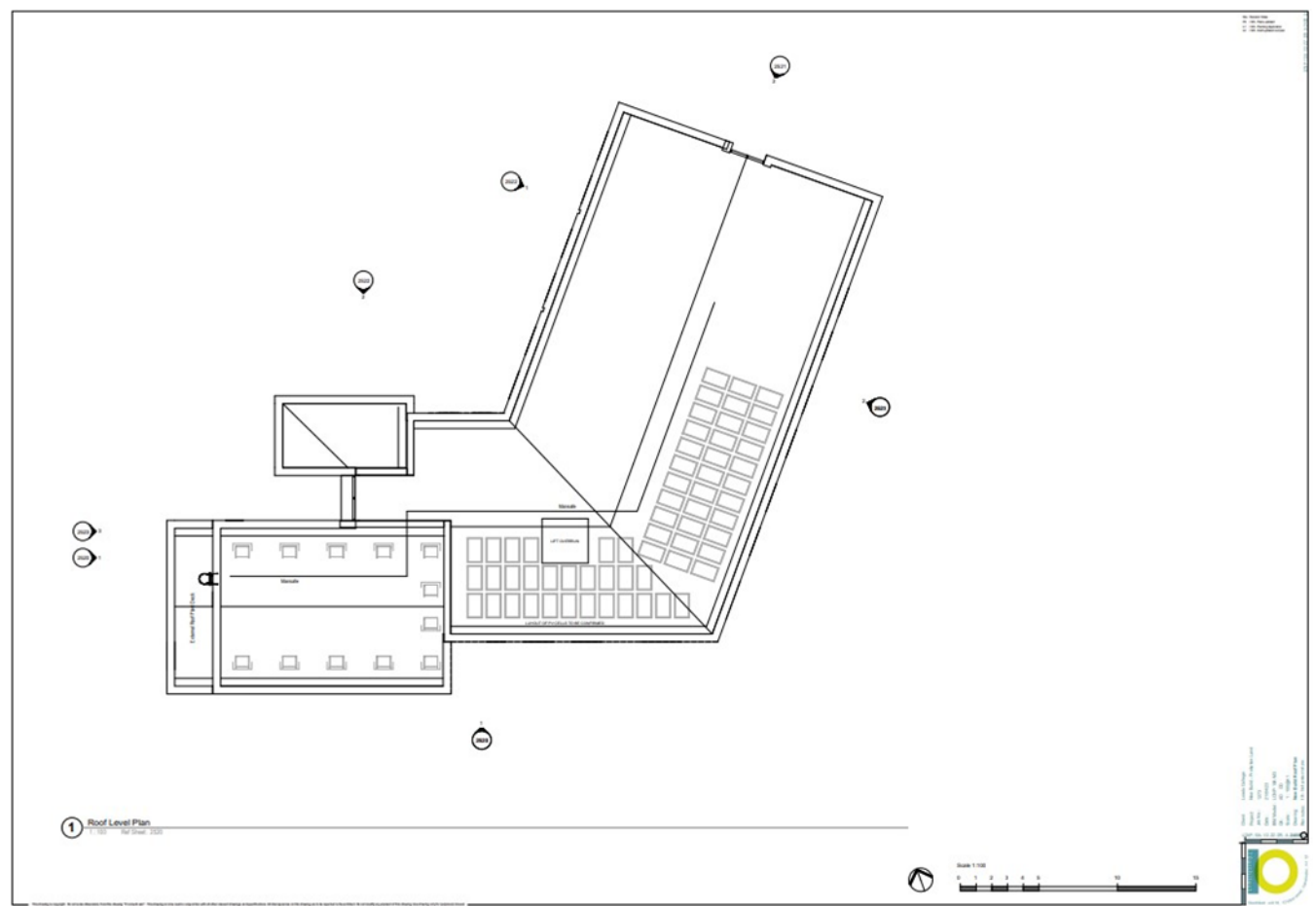
Issues

Materiality

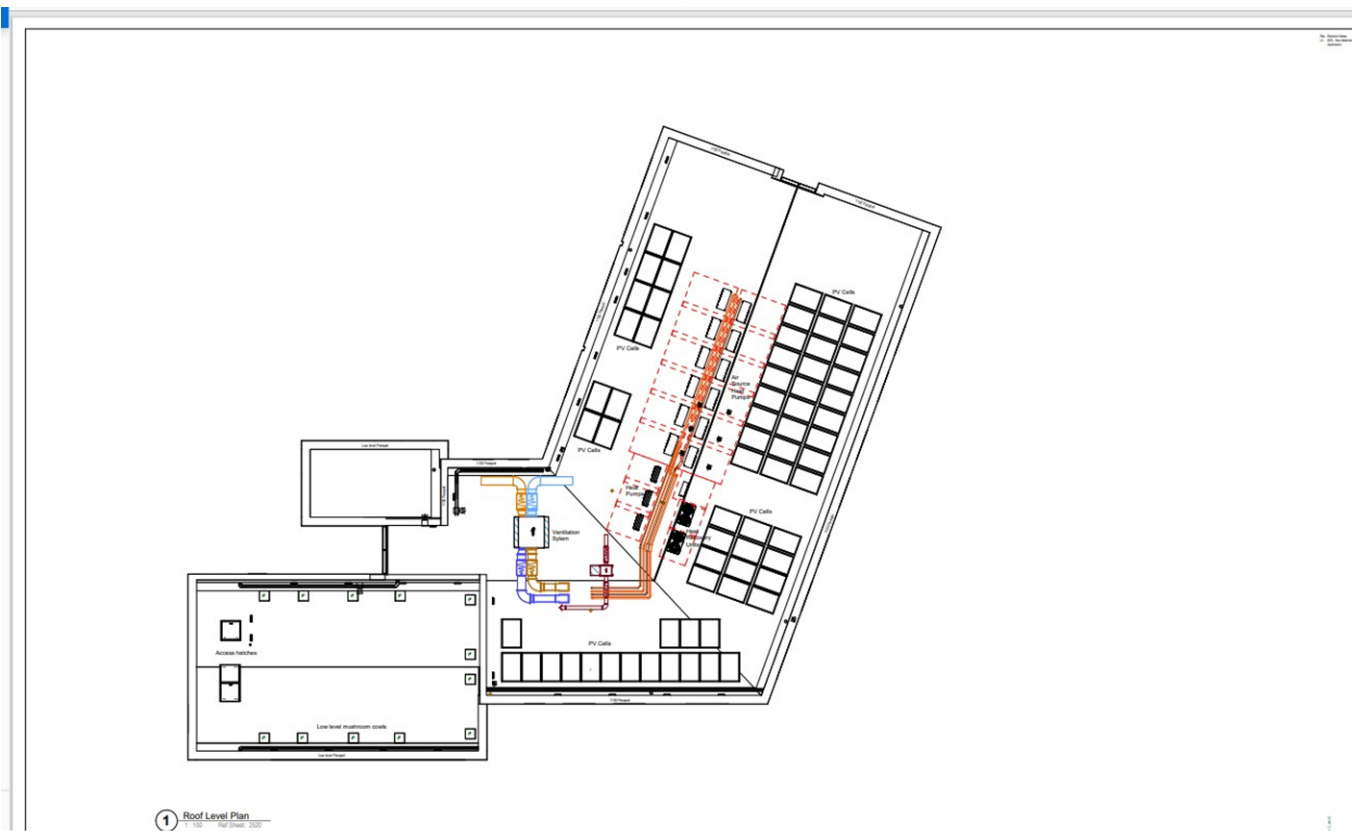
Section 96A of the 1990 Act (as inserted on 1st October 2009 by sec.190 of the Planning Act 2008) allows a local planning authority in England to make a change to any planning permission relating to land in its area if it is satisfied that the change is not material. In deciding whether a change is material, the authority must have regard to the effect of the change, together with any previous non-material changes, on the planning permission as originally granted.

The proposals are the relocation of external plant and equipment in the form of air source handling units and other equipment located centrally on the flat roof of the building behind a 1.1m high parapet roof. Given the location of the equipment on the roof, the height of the parapet wall and that there is a planning condition attached to the approve relating to the acoustic performance of external plant and equipment it is considered that the proposals are non-material in nature and do not give rise to significant visual or residential amenity impacts greater than considered under the principal planning approval.

As a result of the proposed amendments changes are required to condition 2 of the planning approval to reference the proposed update elevations.



As approved roof plan



Non-material amendment roof plan



As approved elevations



Non-material amendment elevations

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

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

- 1) The proposed amendments relate to the relocation of the installation of roof top plant and equipment.
- 2) Following an assessment of the details submitted, the Council 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 have no significant material impact upon the appearance on the development within the streetscene or character of the wider area. It is also considered that the proposals would not have any impact on the amenity of any existing residential properties.

Condition 2 Specified Plans

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

LCNP-10A-V0-ZZ-DR-A-0700-L1 Proposed Ground Floor GA Plan; LCNP-10A-V0-ZZ- DR-A-0701-L1 Proposed First Floor GA Plan, LCNP-10A-V0-ZZ- DR-A-0702-L1 Proposed Second Floor GA Plan;

LCNP-10A-V1-XX- DR-A-2523-L1 Street Elevations; LCNP-10A-V2-XX-DR-A-2530-L1 Typical Bay Detail; LCNP-10A-V1-XX-DR-A-9009-L1 - Proposed site sections; LCPL-10A-V1-XX-DR-A-

9011-L1 - Site Levels Plan; LCPL-10A-V1-XX-DR-A-9201-L1 Fence Elevations; LCP-10A-V1-XX-DR-A-2540-L1 Sample Panel Board; LCPL-10A-V1-00-DR-A-9004-L1 Proposed Landscaping, LCPL-10A-V0-XX-DR-A-0003-L1 Proposed Site Plan All as received by the City Council on the 12th May 2023

LCNP-10A-V1-00- DR-A-0702-L1 Proposed St Vincent's GA Ground Floor Plan; LCNP-10A-V1-XX-DR-A-2501- L1 Proposed Elevations both as received by the City Council on the 12th May 2023

Air Quality Assessment Reference 6456r1 dated 31st March 2023 prepared by Redmore Environmental; Crime Impact Statement Reference 2023/00210CIS/01 Version B dated 22.03.23; Design and Access Statement April 2023; Planning Noise Assessment reference P23-075-R01v1 prepared by Hepworth Acoustics; Acoustic Design Review reference P23-075-R02v1 prepared by Hepworth Acoustics; Arboricultural Method Statement, Tree Protection Plan reference TPP01 and Arboricultural Impact Assessment prepared by Arbtech dated 11th April 2023; Geo -Environmental Investigation and Assessment reference 10939G-WML-XX-ZZ-RP-G-002 April 2023 prepared by WML Consulting; Phase 1 Desk Study and Preliminary Geoenvironmental Assessment reference 10939G-WML-XX-ZZ-RP-G-0001 prepared by WML Consulting; Transport Statement reference 230425/SK222137/TS01(-01) All as received by the City Council on the 12th May 2023

LCNP-10A-V2-ZZ- DR-A-2400-L3 Proposed Roof Plan as received on the 30th May 2024

LCNP-10A-V1-XX-DR-A-2520-L2 Elevations (1 of 3); LCNP-10A-V1-XX-DR-A-2521-L2 Elevations (2 of 3); LCNP-10A-V1-XX- DR-A-2522-L2 Elevations (3 of 3) as received by the City Council as local planning authority on the 18th June 2024

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.

Appendix 1 – List of consultees & neighbours notified

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Flood Zones Type 2 (low to medium risk) -

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

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Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA