MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139862/NMC/2024
Date registered valid:	23 April 2024
Proposal:	Non-Material Amendment to conditions 7 (noise-residential accommodation), 16 (Pavements) and 18 (Travel plan) of planning permission 131730/JO/2021 to extend the timescales for submission of details.
Address:	Land Off Oldham Street And Spear Street, Manchester, M4 1LF
Ward(s):	Piccadilly Ward
Applicant:	Kempton Homes Ltd
Agent (if any):	Mrs Caroline Payne Emery Planning
Case officer:	Emily Booth Tel: 0161 234 4193 Email: emily.booth@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	14 May 2024

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

Listed building: Not applicable

Conservation area: Stevenson Square Conservation Area 1987 Stevenson Square (Extension) Conservation Area 1987

Tree Preservation Order: Not applicable

Description of area

This application relates to a recently completed building at 76-82 Oldham Street (Block A) and 70 Spear Street (Block B). The buildings are separated by Spear Street. The site was redeveloped following a fire in 2013 that resulted in the loss of all but one of the buildings on site including the substantial art deco building that was formerly Dobbins department store. The building remaining on site was located at 5 Warwick Street and was a two-story brick-built building constructed in the 1930's that has seen some incremental change.

The site is within the Stevenson Square Conservation Area and opposite the Smithfield Conservation Area. Grade II Listed buildings at 132 Oldham Street, 105 Oldham Street, 66 Oldham Street are close to the site and the Grade II Listed former worker's cottages at 4-8 Bradley Street are opposite the site.

Other uses in the immediate area include offices, residential apartments, creative industries, shops, bars and restaurants. The adjoining property at 84-86 Oldham Street, is used for residential purposes. There are other nearby residential properties at 2 Houldsworth Street, 60a Oldham Street, 89-95 Oldham Street, 90-94 Oldham Street, 99 Oldham Street, 105 Oldham Street, 119 Oldham Street, 127 Oldham Street, 82 Tib Street, 100 Tib Street and 110-112 Tib Street.

Planning permission was granted on 30th August 2016 for the demolition of the existing building and all site structures and the construction of 2no. mixed use buildings (Application referenced: 110074/FO/2015/C2).

Building A - Part 4, part 5, part 6 and part 8 storey building including ground floor and plus basement with ancillary facilities services and commercial use (A1, A3, B1) at ground floor and basement levels, 72 residential apartments (C3) above and 2 green roofs.

Building B - Part 3 and part 5 storey building including ground floor and plus basement with 100 cycle parking spaces, building services and commercial space at basement level and 9 car parking spaces, ancillary facilities and services and commercial space (A1, A3, B1) at ground floor level and 28 residential apartments (C3) above and 1 green roof.

Two applications referenced CDN/18/0327 and CDN/18/0389 were submitted in 2018 to discharge conditions 3 (Archaeology), 4 (Contaminated Land), 5 (Construction Management Plan), 6 (Flood Risk), 8 (NSE4 - Noise - Residential Accommodation), 14 (Waste Management), 16 (Wheel Wash), 17 (Materials to be Approved), 19 (Lightwells), 24 (Photovoltaics) and 27 (TV Signal - Impact Area Known). Conditions 3, 4 and 27 have been part discharged and condition 19 has been discharged.

An application to vary planning permission referenced 120586/JO/2018 to vary Condition 10 (Fumes, Vapours and Odours) to allow the submission of the information 'prior to the occupation of each individual unit' rather than 'prior to the commencement of development' was approved on 3rd January 2019

An application to vary planning permission referenced 126531/JO/2020 to vary Conditions 2 (Approved Drawings and Documents), 3 (Archaeology) and 16 (Materials to be Approved) and remove Condition 18 (Lightwells) imposed upon planning approval reference 120586/JO/2018 to accommodate changes to the design required in order to satisfy necessary performance criteria and technical compliance including changes to apartment layouts, staircases, waste storage, cycle storage, smoke ventilation measures, louvres, passenger lifts, risers, plant spaces, roof vents, photovoltaics, green/blue roofs to both blocks, corridors, floor slab, stall risers, window openings and brick banding was approved in November 2020

An application referenced 131730/JO/2021 to vary conditions 1 (Approved Plans and Documents), 15(d) (Materials to be Approved - Window Drip Detail), 18 (Travel Plan) and 21 (Photovoltaics) attached to application referenced 126531/JO/2020 was approved in February 2022.

An application referenced 139360/JO/2024 to vary condition 10 (Servicing Hours) attached to application referenced 131730/JO/2021 was refused in April 2024 due to impact on residential amenity and insufficient information.

An application referenced 139580/JO/2024 has also been submitted to vary Conditions 10 (Servicing Hours), 19 (BREEAM) and 30 (Use Restriction) of application referenced 131730/JO/2021 to take account of further and amended information.

Description of development

A Non-Material Amendment is now sought to amended the wording of conditions 7, 16 and 18 attached to application referenced of application referenced 131730/JO/2021

This change to the wording is sought on the basis, that the extension to the date of the required submissions would allow for 4 months from the date of the decision on this Non-Material Amendment for the details to be submitted and the conditions discharged.

It is sought because the contractors who were managing the project left without formally discharging the conditions within the timescales and the applicant is seeking to resolve this. The relevant work is understood to have now been instructed and the additional 4 months would allow for it to be carried out, submitted and discharged within approved timescales.

Consultations & Notification Responses

Not applicable.

Issues

The above described changes to Conditions 7, 16 and 18 are non-material. Please see original report for app. 131730/JO/2021 for details of the original scheme. A copy of the report for app. 131730/JO/2021 will be stored on the application file for this application.

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 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: Approve

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

1) Following an assessment of the details submitted, it is confirmed that the proposed amendment to the wording of Conditions 7 (Noise - Residential Accommodation), 16 (Pavements) and 18 (Travel Plan) of application referenced 131730/JO/2021 to allow four months from the date of this decision to submit the required information for approval in writing by the City Council as local planning authority is considered to be of a non-material nature and acceptable to the City Council as Local Planning Authority. The City Council is satisfied that the proposed amendment to the description will have no material impact upon the previously approved scheme, will not adversely affect residential amenity within the area or will it have any significant material impact upon the overall quality of the development and there are no material planning considerations to indicate otherwise.

2) The re-wording of condition 7, 16 and 18 of application referenced 131730/JO/2021 is requested as the contractors who were managing the project left the project without formally discharging the conditions within the timescales and the applicant is seeking to resolve this via this application. The applicant has confirmed that the relevant work has now been instructed and advise that the additional 4 months would allow for the work to be carried out, submitted and discharged within approved timescales.. The wording of Conditions 7, 16 and 18 is therefore amended to change the timescales for submission of the information required by the conditions as applied for. It should be noted that this letter of consent does not supersede the decision notice attached to listed building consent 131730/JO/2021. These documents should be read in conjunction with one another. Therefore, the conditions previously applied to the consent referenced 131730/JO/2021, still apply to this development. However, due to the acceptance of the amendments outlined above, the following amended conditions also apply:

7) The residential accommodation within the development shall be acoustically insulated against noise from Oldham Street and Spear Street fully and only in accordance with the information within the report by Hann Tucker referenced 24535/AR1 and dated 24 May 2019 as approved by the City Council as local planning authority under application reference CDN/18/0389 on 25 July 2019. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Upon completion of the development and within 4 months of the date of this decision, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that above criteria is met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the noise criteria. This report shall be submitted to and approved in writing by the City Council as local planning authority within 6 months of the first occupation of the residential accommodation along with a timescale that confirms when any necessary changes will be implemented.

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

16) Details of the high-quality materials to be used for the footpaths of Oldham Street, Warwick Street, Bradley Street and Houldsworth Street and for the areas between the pavement and the line of the proposed building shall be submitted to and approved in writing by the City Council as the local planning authority within 4 months of the date of this decision. These works shall include dropped kerbs and tactile paving adjacent priority junctions. Any works approved by the City Council as local planning authority shall be implemented in full within four months of the date of this decision.

Reason - In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes and in accordance with policies EN1, T1, CC10, EN1,

EN3, CC9, DM1 and SP1; of the Core Strategy and saved policies DC18.1 and DC19.1; of the Unitary Development Plan for the City of Manchester.

18) The approved Travel Plan prepared by WYG Transport dated January 2019 shall be implemented in full at all times when the development hereby approved is in use.

Within four months of the date of this decision, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) (a commitment to surveying the travel patterns of staff during the first three months of use of the development and thereafter from time to time) shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
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
Conservation Area - Stevenson Square Conservation Area 1987
Conservation Area - Stevenson Square (Extension) Conservation Area 1987
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL