

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138556/FO/2023
Date registered valid: 15 November 2023
Proposal: Amended access and general hard and soft landscape improvements to an existing courtyard space.
Address: Ellen Wilkinson Building, Brisbane Street, Manchester,
Ward(s): Hulme Ward

Applicant: Mr Adam Ash Plincke Landscape Limited
Agent (if any): Mr Adam Ash Plincke Landscape Limited
Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 10/01/2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 21 November 2023

Standard consultations:

Printed: 21 November 2023

Expired: 12 December 2023

Neighbour notifications

Printed: 21 November 2023

Expired: 12 December 2023

Site notice

Posted: 21 November 2023

Expired: 12 December 2023

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the internal courtyard of the Ellen Wilkinson Building, a part two to part seven storey mid-20th century property located off of Blyton Street/Brisbane Street. The internal courtyard is a grassed area with hard paving and benches that features 11no semi-mature to mature trees. The courtyard is faced onto by the Ellen Wilkinson Building and the Contact Theatre. The eastern side of the courtyard is home to an access ramp and substation in use by the Contact Theatre. The site is accessed from rear exists within the Ellen Wilkinson Building and Contact Theatre and 2no pedestrian accesses located off of Blyton Street and Brisbane Street respectively.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The neighbouring area forms that of the campus of the University of Manchester, with a high number of buildings of various ages in education and offices uses being present throughout. To the north of the site lies the western portion of the pedestrianised section of the University of Manchester campus and to the south of the site lie Whitworth Park Halls that provides dedicated student accommodation.

Description of development

The application seeks consent for the installation of new hard and soft landscaping works and an access gate to the site's access off of Brisbane Street.

The soft landscaping works would comprise of the introduction of new grasses, shrubs, flowers, bushes, 7no new trees and a pond, with the site's existing tree stock to be retained. Hard landscaping would then consist of the siting of new benches, gravel paths and a timber fence that would run along part of the site's boundary with the Contact Theatre (Height).

Consultations & Notification Responses

Arborist – No objection received.

Environmental Health – No objection.

Flood Risk – No objection received.

Greater Manchester Archaeology – No objection.

Greater Manchester Ecology Unit – No objection subject to a condition relating to nesting birds.

United Utilities – No objection received.

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

National Planning Policy Framework (NPPF)

- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places

Other Legislative Requirements

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. Relevant policies are shown below:

- Policy JP-G9: A Net Enhancement of Biodiversity and Geodiversity

Issues

Principle of Development

The application would see the installation of replacement landscaping works in an already landscaped area, as well as the introduction of an access gate. As the proposals would not fundamentally alter the use of the application site and would merely be a cosmetic change to the site's appearance, it is considered that the proposal is acceptable in principle and therefore accords with Core Strategy Policies SP1 and DM1 subject to the matters discussed below.

Visual Amenity & Landscaping

As existing the application site's landscaping measures are composed of hard standing, seating areas, a grassed area that comprises the northern half of the site and 11no semi-mature to mature trees. The landscaping measures appear to be original features, with the hard landscaping measures being comprised of hard concrete paving, including a sculpture that bares a resemblance to the finish of the host building. The hard landscaping measures show signs of wear and the extensive grassed area to the north of the courtyard prevents pedestrian access in wet weather, with it becoming sodden underfoot. The aesthetic of the courtyard is also undermined through the Contact Theatre's back of house substation being visible. The proposed works would do away with the existing hard landscaping seeing it replaced by resin bound gravel paths that would roughly trace the edge of the entirety of the site, timber benches, including a statement 2m high curved bench, and a 2.1m high timber fence that would screen the Contact Theatre's substation from view. An access gate would then also be installed along the site's pedestrian access off of Brisbane Street, however no elevations of the gate have accompanied the submission. It is noted that the proposal would see the retention of points of note within the site, including the contemporary art sculpture within the centre of the site, as well as the 11no existing trees on site. In light of the above, it is considered the proposal would increase the usable space of the site and improve the appearance of the landscaping works via the introduction of new planting and hard landscaping measures. Subject to planning conditions that would require the submission of exact samples for the hard landscaping measures and plans for the pedestrian access gate, the proposal is acceptable in this regard and therefore accords with Core Strategy Policies SP1 and DM1 and the National Planning Policy Framework.

Ecology

The proposal would see the retention of the site's trees and the planting of new grasses, trees, shrubs and bushes, as well as the installation of a pond. Taking into account the current condition of the site, which is largely comprised of grass, hard paving and mature trees, it is considered that the proposal would secure a biodiversity net gain. The Greater Manchester Ecology Unit do not object to the proposal subject to a condition requiring that no works to trees take place during bird nesting season without the submission of an appropriate report. It is considered necessary that

in the event of an approval a condition be attached that would require the development to be carried out in accordance with the submitted tree protection measures, the condition would then be worded so as if any of the trees to be retained on site are damaged, removed or killed by the carrying out of the proposed works, then a replacement tree of the same size and species be installed in its place. Subject to such conditions, the proposal is acceptable in this regard and would therefore accord with Core Strategy Policies SP1, EN9, EN15 and DM1, Places for Everyone Plan Policy JP-G9 and the National Planning Policy Framework.

Highway Safety

The application would see an access gate installed on the site's southern pedestrian access off of Brisbane Street. Highways have no comment regarding this access, with ample footway being left unaffected by the proposal along Brisbane Street. Notwithstanding this, in line with the above, it is considered necessary to condition the proposal in the event of an approval so that full and final details of the access gate be submitted to and approved in writing by the Local Planning Authority. Subject to such a condition it is considered the proposal is acceptable in principle and therefore accords with Core Strategy Policy DM1 and the National Planning Policy Framework.

Conclusion

In light of the above it has been found that the proposal, subject to appropriate planning condition, accords with Manchester Core Strategy Policies SP1, EN9, EN15 and DM1, Places for Everyone Plan Policy JP-G9 and the National Planning Policy Framework. As such, the proposal is therefore 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

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance, this has included ongoing advice that has resolved the issues associated with the proposal.

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

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

- o 0658-PLI-00-ZZ-DR-L-0100 Revision P02: Existing Site Plan Site Location Plan (Received 15/11/2023)
- o 0658-PLI-00-ZZ-DR-L-0130 Revision P09: General Arrangement Plan (Received 09/01/2024)
- o 0658-PLI-00-ZZ-DR-L-0210 Revision P04: Hard Works Strategy Plan (Received 09/01/2024)
- o 0658-PLI-00-ZZ-DR-L-0300 Revision P03: Tree Removal & Retention Plan (Received 09/01/2024)
- o 0658-PLI-00-ZZ-DR-L-0310 Revision P03: Soft Works Strategy Plan (Received 09/01/2024)
- o 0658-PLI-00-ZZ-DR-L-0410 Revision P05: Levels Strategy (Received 09/01/2024)
- o 14250-RPS-EW-00-DR-E-6306 Revision P01: Ground Floor Plan External Lighting Services (Received 15/11/2023)
- o Design & Access Statement (Prepared by Plincke; Received 15/11/2023)
- o Planting schedule (Prepared by Plincke; Received 15/11/2023)
- o Lighting Impact Report (Prepared by RPS Group; Received 15/11/2023)
- o Biodiversity Net Gain/Net Loss Report (Prepared by Ecology and Land Management; Received 15/11/2023)
- o Civil and Structural Stage 3 Report (Prepared by WML Consulting; Received 15/11/2023)

Reason - 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.

3) Prior to the commencement of any above ground works samples and specifications of all hard landscaping materials to be used in the finish of the development shall be submitted to and approved writing by the Local Planning Authority. The approved materials shall then be implemented as part of the development.

Reason - To secure a satisfactory detailed development in accordance with the provisions of Manchester Core Strategy Policies SP1 and DM1 and the National Planning Policy Framework.

4) Prior to any works relating to the pedestrian access gate hereby approved, precise plans of the gate and material samples shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason - To secure a satisfactory detailed development in accordance with the provisions of Manchester Core Strategy Policies SP1 and DM1 and the National Planning Policy Framework

5) The landscaping measures as shown on drawing no.0658-PLI-00-ZZ-DR-L-0310 Revision P03 (Received 09/01/2024) and on the submitted planting schedule (Prepared by Plincke; Received 15/11/2023) and Design & Access Statement (Prepared by Plincke; Received 15/11/2023), shall be implemented prior to the occupation of the development and be retained thereafter. If within five years of the date of the completion of the development any tree or shrub is removed, uprooted, destroyed, fails, 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 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) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on drawing no.0658-PLI-00-ZZ-DR-L-0300 Revision P03 (Received 09/01/2024) and the submitted Arboricultural Survey (Prepared by Arbtech; Received 15/11/2023); 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.

7) No vegetation clearance shall take place during the optimum period for bird nesting (March - September inclusive) unless nesting birds have been shown to be absent, or, a method statement for the clearance including for the protection of any nesting birds is agreed in writing by the City Council, Local Planning Authority. Any method statement shall then be implemented for the duration of the demolition works.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Heritage & Urban Design
Neighbourhood Team Leader (Arboriculture)
United Utilities Water PLC
Greater Manchester Archaeological Advisory Service
Greater Manchester Ecology Unit

Manchester Academy, Oxford Road, Manchester, M13 9PQ
Campus Travel, Manchester Academy, Oxford Road, Manchester, M13 9PQ
Contact Theatre, Devas Street, Hulme, Manchester, M15 6JA
Sola Bar, Contact Theatre, Devas Street, Hulme, Manchester, M15 6JA
Northern Examinations And Assessment Board, Devas Street, Hulme, Manchester, M15 6EX

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