Planning

Growth & Development

Delegated officer report for planning application

Application no.	139830/NMC/2024
Date registered valid:	19 April 2024
Proposal:	Non-Material Amendment to planning permission referenced 138348/FO/2023 to allow changes to the wording of conditions 29 (affordable housing) and 30 (use) to allow an updated Affordable Housing Scheme and to widen the definition of Use Class C3
Address:	112 Kenyon Lane, Manchester
Ward(s):	Moston Ward
Applicant:	Eaton Adelphi (Kenyon Lane) Developments Limited and Housing 21
Agent (if any):	Mrs Deborah Baker, Barnett Zerum
Case officer:	Steven McCoombe Tel: 0161 234 4607 Email: steven.mccoombe@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	22 April 2024

Application details

Type of application: Non-Material Change Application

Development type: Notifications

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 and surroundings

The application site relates to vacant land covered in building spoil following the demolition of a large, detached, three storey, Art Deco style building, formerly home to Adelphi Cinema and until recently, a DIY store. The building was demolished, due to its poor structural conditions and is awaiting redevelopment.

The site is bounded by Kenyon Lane to the north, opposite of which is a relatively recent part three, part four storey apartment development. To the east is a church (Lightbowne Evangelical Church) and Sunday school. To the west, the site is adjoined by a plumbing supplier, associated service yard and single storey garage buildings. To the south (rear), the site is neighboured by a redundant scout hut and two storey, semi-detached dwellinghouses along Brendan Avenue.

The wider area is largely characterised by residential dwellinghouses and apartments, with a small number of local businesses situated on the opposite side of Kenyon Lane.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of development

Non-material amendments are sought to planning permission referenced 138348/FO/2023 which allowed for the erection of a 4 storey, flat roof building to form 37 residential apartments (Use Class C3) with associated car parking, amenity space and access.

The development comprises 34 x 1 bedroom apartments and 3 x 2 bedroom apartments to be let as retirement accommodation for the over 55s. The scheme is to be operated by Housing 21

– a registered provider who seek to provide 100% affordable units to be let on a social rent basis.

In this case, it is proposed to alter the wording of condition 29 to allow for an updated Affordable Housing Scheme tied into the condition. The wording changes to the condition are legalistic to allow the applicant to obtain funding from Homes England. An updated affordable housing statement to be tied into the condition has also been submitted.

In addition, an alteration to condition 30 is sought to expand the definition of Use Class C3.

At present condition 30 states:

> *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the apartments hereby approved shall not be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).*
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> *Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Manchester Core Strategy and the guidance contained within the National Planning Policy Framework.*

The applicant wishes to expand the definition of Use Class C3 to include Use Class C3b, as well as Use Class C3a. This would allow the development to be occupied for supported housing i.e up to 6 people living together as a single household and receiving care, as a by single people and families.

Consultations & Notification Responses

None Required.

Relevant Planning History

138348/FO/2023

Erection of 4 storey building to form 37 residential apartments (Use Class C3) with associated car parking, amenity space and access. *Approved 22 December 2023.*

127669/FO/2020

Erection of 4 storey building to form 3 x 1 bedroom and 30 x 2 bedroom residential apartments (Use Class C3) together with associated car parking, landscaping and access following demolition of existing building. *Approved 9 November 2021*.

044279/FU/NORTH2/93

Change of use to plumbers and builders' merchants. *Approved 6 December 1993.*

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy H1 (Overall Housing Provision) states that the proportionate distribution of new housing, and the mix within each area, will depend on a number of factors. New housing will be predominantly in the North, East, City Centre and Central Manchester, these areas falling within the Regional Centre and Inner Areas of Manchester.

The policy goes on to state that that new residential development should take account of the need to:

- Contribute to creating mixed communities by providing house types to meet the needs of a diverse and growing Manchester population;
- Reflect the spatial distribution set out above which supports growth on previously developed sited in sustainable locations and which takes account of the availability of developable sites in these areas;
- Contribute to the design principles of Manchester LDF including in environmental terms. The design and density of a scheme should contribute to the character of the local area. All proposals should make provision for appropriate usable amenity space. schemes should make provision for parking cars and bicycles (in line with policy T2) and the need for appropriate sound insulation;

- Prioritise sites which are in close proximity to centres of high frequency public transport routes;
- Be designed to give privacy to both its residents and neighbours.

Policy H2 (Strategic Housing Location) states that the key location for new residential development throughout the plan period will be within the area to the east and north of Manchester City Centre identified as a strategic location for new housing. Land assembly will be supported in this area to encourage the creation of large development sites or clusters of sites providing the potential for significant regeneration benefits.

Developers should take advantage of these opportunities by:-

- Diversifying the housing offer with particular emphasis on providing medium density (40-50 dwellings per hectare) family housing including affordable housing. In locations which are close to the City Centre, such as the Lower Irk Valley and Holt Town, higher densities will be appropriate. However, the provision of family homes should remain an emphasis in these areas, too.

- Including environmental improvements across the area.
- Creating sustainable neighbourhoods which include complementary facilities and services.

- Considering the scope to include a residential element as part of employment-led development.

The proposal will comply with the densities identified within this policy and bring about significant regeneration in an area identified for change.

Policy H3 (North Manchester) – relates to new housing in north Manchester and states that over the lifetime of the Core Strategy, north Manchester will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained. High density housing will be permitted within or adjacent to the parts of North Manchester that fall within the Regional Centre (Strangeways and Collyhurst area) and within Cheetham Hill and Harpurhey district centres as part of mixed use schemes, as well as along high frequency public transport routes.

Policy T2 (Accessible Areas of Opportunity and Need) states that the Council will actively manage the pattern of development to ensure that new development: is located to ensure good access to the City's main economic drivers, including the Regional Centre, the Oxford Road Universities and Hospitals and the Airport and to ensure good national and international connections. Is easily accessible by walking, cycling and public transport; connecting residents to jobs, centres, health, leisure, open space and educational opportunities.

Policy EN1 (Design Principles and Strategic Character Areas) - All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes.

Policy EN3 (Heritage) – states that the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance,

including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Policy EN4 (Reducing CO_2 Emissions by Enabling Low and Zero Carbon Development) concerns reducing CO_2 emissions and states that where possible, new development and retrofit projects must be located and designed in a manner that allows advantage to be taken of opportunities for low and zero carbon energy supplies. The use of building materials with low embodies carbon in new development and refurbishment schemes is also sought.

Policy EN14 (Flood Risk) – refers to flood risk and amongst other issues states that all new development should minimise surface water run-off, including through Sustainable Drainage Systems (SUDS) and the appropriate use of green infrastructure.

Policy EN16 (Air Quality) – states that the Council will seek to improve the air quality within Manchester, and particularly within Air Quality Management Areas, located along Manchester's principal traffic routes. Developers will be expected to take measures to minimise and mitigate the local impact of emissions from traffic generated by the development, as well as emissions created by the use of the development itself.

Policy EN17 (Water Quality) states that developments should minimise surface water run-off and minimise ground contamination into the watercourse construction.

Policy EN18 (Contaminated Land and Ground Stability) - The Council will give priority for the remediation of contaminated land to strategic locations as identified within this document. Any proposal for development of contaminated land must be accompanied by a health risk assessment.

Policy EN19 (Waste) states that the Council will require all developers to demonstrate the proposals consistency with the principles of the waste hierarchy (prevention, reduction, re-use, recycling, energy recovery, and disposal). Developers will be required to submit a waste management plan to demonstrate how construction and demolition waste will be minimised and recycled.

Policy PA1 (Developer Contributions) – states that where needs arise as a result of development, the Council will seek to secure planning obligations. Through such obligations, the Council may seek contributions to amongst other matters, affordable housing and will be assessed on a site by site basis.

The nature and scale of any planning obligations sought will be related to the form of development and its potential impact upon the surrounding area. Where appropriate, any such provision will be required to be provided on site.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)
The below saved policies of the Unitary Development Plan are also considered relevant:

Policy DC7.1 (New Housing Development) state that the Council will negotiate with developers to ensure that new housing is accessible at ground floor level to disable people, including those that use wheelchairs wherever this is practicable.

Policy DC26 (Noise) states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise.

The Guide to Development in Manchester (SPD) (2007)

The Guide to Development in Manchester is a supplementary planning document which contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

Manchester Residential Quality Guidance (2016)

The City Council's Executive has endorsed the Manchester Residential Quality Guidance. As such, the document is now a material planning consideration in the determination of planning applications and weight should be given to this document in decision making.

The purpose of the document is to outline the consideration, qualities and opportunities that will help to deliver high quality residential development as part of successful and sustainable neighbourhoods across Manchester. Above all the guidance seeks to ensure that Manchester can become a City of high quality residential neighbourhood and a place for everyone to live.

The document outlines nine components that combine to deliver high quality residential development, and through safe, inviting neighbourhoods where people want to live. These nine components are as follows:

Make it Manchester;
Make it bring people together;
Make it animate street and spaces;
Make it easy to get around;
Make it work with the landscape;
Make it practical;
Make it future proof;
Make it a home; and
Make it happen.

The Manchester Green and Blue Infrastructure Strategy (G&BIS)

The G&BIS sets out objectives for environmental improvements within the City in relation to key objectives for growth and development. Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is: By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

Greater Manchester Spatial Framework (GMSF)

GMSF is a joint plan for Greater Manchester that seeks to provide land for jobs and new homes across the city region and will ensure that the right land is available in the right places for such needs.

Place for Everyone Joint Development Plan (March 2024)

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

The Framework underlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Relevant to this application, Section 11 underlines the need to ‘Make Effective Use of Land, whilst Section 12 provides design guidance – ‘Achieving Well-Designed Places’

Issues

Materiality

The proposed changes to the wording of conditions 29 and 30 are not considered material. The changes would not raise any new significant issues and would still allow the overall development to accord with the conclusions of the technical assessments approved as part of the host permission, whilst complying with all relevant, overarching policy and guidance, including that of the provision of appropriate affordable housing and the acceptable usage of the development. On this, basis, the proposed amendments are considered satisfactory, and the effect of the changes is considered 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 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

The proposed amendment relates to changes to the wording of condition 29 to allow for an updated affordable housing scheme and to condition 30 to include use Class C3b into the definition of the authorised use of the development.

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 change will not result in any significant or material alterations to the host planning permission.

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

29) The development hereby approved shall be carried out in accordance with the Affordable Housing Scheme prepared by Housing 21, received by the City Council, as Local Planning Authority on 19 April 2024 subject to the following exceptions:

1. The affordable housing scheme and the requirements of this condition shall not be binding upon a mortgagee, chargee or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (however appointed) including a housing administrator (each a receiver) of the whole or any part of the affordable housing or any persons or bodies deriving title through such mortgagee or chargee or receiver;

2. The affordable housing scheme and this condition shall cease to apply (and shall be of no further effect) to any dwelling that has been acquired by an individual owner/purchaser and/or their mortgagee OR any dwelling in respect of which a statutory or voluntary right to buy or acquire has been exercised.

29.1 This condition shall not be binding on any purchaser or persons or bodies deriving title from any of the parties referred to at 29.1 or 29.2 above (whether immediate or subsequent).

Reason - To contribute to the delivery of affordable housing, pursuant to policy H8 of the Manchester Core Strategy and to allow for appropriate exceptions.

30) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the apartments hereby approved shall not be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a) and/or C3(b).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Manchester Core Strategy and the guidance contained within the National Planning Policy Framework (NPPF).

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA