

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139573/NMC/2024

Date registered valid: 19 March 2024

Proposal: Non Material Amendment application to allow an amendment to the wording of condition 22 attached to planning permission referenced 128987/FO/2020.

Address: 424 Stockport Road, Manchester, M12 4EX

Ward(s): Ardwick Ward

Applicant: Dr Noman Ehsan, Mediscan Diagnostic Services Ltd

Agent (if any): Mr DK Seddon Howard & Seddon ARIBA

Case officer: Steven McCoombe
Tel: 0161 234 4607
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Recommendation: Approve

Date of recommendation: 9 April 2024

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Standard consultations:

Printed: 20 March 2024 Expired: 12 April 2024

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

The application site relates to the former Ducie Arms public house and its associated car park to the side.

The site is located on the corner of Stockport Road, Plymouth Grove and Hayley Street. The building is currently vacant and was previously used as a public house on the ground floor with a total of nine residential bedsits on the upper two floors.

The existing building is three storeys in scale, with a two-storey outrigger to the rear along Hayley Street and a further single storey extension to the side occupied by a separate signage and printing business.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The proposed site is a triangular island site bounded by Stockport Road, Hayley Street and Plymouth Grove. The building itself faces Stockport Road (A6) – a major north/south arterial route which links south Manchester with the city centre.

Hayley Street is a one-way road between Plymouth Grove and Stockport Road. Immediately to the north on the opposite side of Hayley Street is Longsight Youth Centre.

The surrounding area is largely residential comprising houses and apartment blocks. It is located opposite the New Bank Health Centre, and within walking distance of Longsight district centre, with contains local amenities, including retail shops, a library, supermarket, schools and bus stops.

Description of development

A non material amendment is sought to condition 22 (ground conditions) attached to planning permission referenced 128987/FO/2020 which allowed for the erection of a three-storey detached building to provide a new purpose-built medical centre with residential accommodation above, following demolition of the existing building. The approved scheme would create a new purpose-built medical centre set over two floors (ground and first), with eight residential apartments above, together with associated car parking, cycle storage and landscaping.

In this case it is proposed to make a minor alteration to the wording of condition 22 to allow the ground conditions for the entire site to be appropriately investigated. The words 'with the exception of demolition' have been added into the condition wording.

At present the condition wording would prevent the ground underneath the existing building from being investigated since the wording requires the submission and agreement of a site investigation report and any necessary remediation strategy, prior to the commencement of development.

The proposed amendment therefore seeks to alter the wording so that demolition is excluded from the commencement of development. This would then allow the site to be fully investigated once the building has been demolished.

Consultations & Notification Responses

Environmental Health – No objection.

Planning History

128987/FO/2020

Erection of a three-storey mixed use development comprising a medical centre (Class E) on the ground floor and 8 x residential apartments (Class C3) above, together with associated car parking and landscaping following demolition of existing building. *Approved 25 November 2021.*

119437/FO/2018

Proposed change of use from Class A4 public house with residential use above, to form a Class D1 medical clinic at ground floor with 6 no. self-contained flats (Class C3a) at first and second floors, with associated elevational alterations, erection of a first and second floor side and second floor rear extension, creation of roof garden, together with reconfiguration of existing rear car park, and landscaping. *Approved 15 June 2018.*

F03627

Extensions and internal alterations to the Public House and the formation of a car park for 9 vehicles. *Approved 7 January 1976.*

Issues

Materiality

Given the nature of the change, it is not considered that there would be any material impact to the overall deliverability of the scheme or its ultimate design.

With the exception of the ground investigation report to which the condition relates, the proposed amendment would not alter the conclusions of technical assessments approved as part of the host permission and neither would there be any changes to all relevant, overarching policy and guidance which culminated in the approval of the development. On this basis, the proposed change to condition 22 is not considered 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 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

The proposed amendment relates to minor changes to the wording of condition 22 (ground conditions) to allow the existing building to be demolished ahead of site investigation works.

Following an assessment of the details submitted, I can confirm that the proposed amendments is 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

22) Notwithstanding the details outlined in the submitted Phase I Contaminated Land Assessment by GeoSmart Information Ltd (Ref: 74579R1, August 2021 received by the City Council as Local Planning Authority on 6 October 2021, with the exception of demolition works, the development hereby approved shall not commence until a more detailed scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as Local Planning Authority.

The measures for investigating the site identified in within an agreed Site Investigation Proposal shall be carried out in accordance with a detailed schedule and a report prepared outlining what measures, if any, are required to remediate the land shall be submitted to and approved in writing by the City Council as local planning authority. The development shall only be implemented in accordance with the agreed details.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

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

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH AREA