MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138385/NMC/2023
Date registered valid:	23 October 2023
Proposal:	Non-material amendment to planning permission referenced 126507/FO/2020 to allow change in eaves level and associated elevational alteration involving the introduction of cladding board.
Address:	67 Old Market Street, Manchester, M9 8DX
Ward(s):	Harpurhey Ward
Applicant:	Mr Ed Jackson, Palatine Contracts Ltd, c/o FBJ Construction
Agent (if any):	Mr Nick Harden, Edifice Building Consultants Ltd
Case officer:	Steven McCoombe Tel: 0161 234 4607 Email: steven.mccoombe@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	2 November 2023

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: 27 October 2023

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

The application site relates to a development site for apartments, following the demolition of a large 5 storey former mill building. The construction of the apartments is under way.



View of development site from Old Market St

The building occupies a commanding position, situated at the corner of Old Market Street and Domett Street, bounded by a two-storey residential estate to the south along Westgate Avenue and Domett Street, and a bowling green and associated three storey public house to the east. On the opposite sides of Old Market Street and Domett Street are informal areas of open space, beyond which there are two storey residential properties and a parade of retail units.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

With the exception of a small local centre containing a number of local shops and services a short distance to the west along Old Market Street and a public house (Ye Golden Lion) which adjoins the site to the east, the immediate area is predominantly residential in character comprising a combination of two storey dwellinghouses and to the west, large purpose-built apartment blocks.

Description of development

A non-material amendment is sought to planning permission referenced 126507/FO/2020 which allowed for the erection of a 4-storey building to accommodate 18 no. apartments (12 x 2 bedroom and 6 x 1 bedroom) - (Class C3), together with off road car parking, boundary treatment and landscaping.

In this case, the amendment relates to the raising of the eaves height of the building and the extension of the associated elevations with matching buff brickwork. The overall height of the building would remain the same.

The change is required as the applicant states that there is a potential fire risk with the original design as the proposed third floor windows were designed level with the gutter of the main roof. There are a number of mature trees adjacent the site for which leaf litter could accumulate in the gutters around the building. As the gutters at eaves level would, due to their height, be difficult to maintain regularly, the leaves would have time to dry out within the gutter and as the gutters would be level with the window openings on the original design, they could be prone to discarded cigarettes from windows, resulting in a fire risk.

It is therefore proposed that the eaves level be raised above the window openings to mitigate against any potential fire risk. The proposed level of the eaves would be above the previously approved window head, and for which the window positions would remain unchanged.

The non-material amendment application as originally submitted, proposed dark grey cladding to the upper section of the external wall. Due to the Council's concerns regarding the visual impact of the proposed cladding and that it would undermine the original design of the building, the propose cladding has been changed to buff brickwork to match that of the remaining building.

Consultations & Notification Responses

None Required.

Relevant Planning History

138359/NMC/2023

Non-material amendment to planning permission referenced 126507/FO/2020 to allow change of 3 no. external ground floor double door openings to windows. *Approved 2 November 2023*.

126507/FO/2020

Erection of 4 storey building to accommodate 18 no. apartments (12 x 2 bedroom and 6 x 1 bedroom) - (Class C3) together with parking, boundary treatment and landscaping, following demolition of existing building. *Approved 20 October 2020.*

118599/FO/2017

Erection of 4 storey building (including roof-space) to form 19 x 2 bedroom and 1 x 1 bedroom apartments (Class C3) together associated car parking spaces, landscaping and boundary treatment following demolition of existing building. *Approved 9 August 2018.*

Policy

Relevant policy is set out below:

-Manchester Core Strategy (2012) – Relevant polices SP1, EN1 and DM1.

-Guide to Development in Manchester SPD (2007).

-Residential Quality Guidance.

-National Planning Policy Framework (NPPF).

Issues

Materiality

Given the nature of the change, it is not considered that whilst there would be some change to the originally intended appearance of the building there would no material impact. The building and windows heights would remain and the elevation would utilise matching brickwork to that of the brickwork for the upper half of the building.

The proposed alterations would not result in any undue impact to residential or visual amenity and would not significantly undermine the original design intent.

It is not believed that alterations would not raise any new issues, since the conclusions of technical assessments approved as part of the host permission would be the same. The proposed amendment would therefore comply with all relevant, overarching policy and guidance. The proposed change is therefore 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 the raising of the eaves level and associated extension of brickwork to the new eaves level.

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

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

Drawings referenced 6489_PL01, 6479_PL05 and 6479_L01 received by the City Council as Local Planning Authority on 13 March 2020, drawings referenced 727-PL.SP01/B, 727-PL.2.01, 727-PL.3.02/A, 727-PL.3.03/A and 727-PL.WS/A, received by the City Council as Local Planning Authority on 19 October 2023 and drawings referenced 727-PL.3.0/B1, 727-PL.3.03/B1 and 727-PL.3.02/B1, received by the City Council as Local Planning Authority on 29 October 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester 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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA