MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137822/NMC/2023
Date registered valid:	9 August 2023
Proposal:	Non-Material Amendment to planning permission 137031/FO/2023 to allow for revisions to the design and location of the external ramp and relocation of the external lockers and canopy.
Address:	Richmond Park Amenities Building , Whitworth Lane, Manchester, M14 6NN
Ward(s):	Fallowfield Ward
Applicant:	Mr Benjamin Smith The University of Manchester
Agent (if any):	Miss Amy Le Vasseur Rider Levett Bucknall
Case officer:	Robert Griffin Tel: 0161 234 4527 Email: robert.griffin@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	4 September 2023

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: Non-undertaken for this section 96a application

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: Not applicable

Tree Preservation Order: Not applicable

Description of area
The application property is a student amenity building located within the Owens Park Student Accommodation Campus. The predominant surrounding uses are student halls of accommodation with associated facilities including sports hall and grounds and other amenity buildings associated with the campus. Residential properties lie to the north and east of the campus but are separated from the application building by Campus buildings. Fallowfield District Centre lies ot the east of the Campus located along Wilmslow Road providing a range of commercial activities which serve surrounding student and residential areas.

The Richmond Park Amenity building is a single storey building of buff brick with darker engineering brick where the building meets the ground level which falls away to its eastern side. Doors and windows are of a light coloured finish and the building has an arched metal standing seam finish. Surrounding Halls of residence buildings are of four storeys in height with similar brick and window finishes to provide a similar character within this part of the Campus which was constructed in the 1990s. The building sits within a landscaped space providing outdoor amenity space with some groups of trees and cycle parking facilities to its front.

Description of development

The original application proposals that this non material amendment seek to amend were for consent for a number of alterations to the existing amenities building and installation of access ramp, stairs, external lockers and canopy.

The elevational alterations proposed comprise the installation of additional windows on the north elevations, and new access doors on the eastern and southern elevation. A separate advertisement consent application has been submitted for new additional signage proposed for the building.

There are a series of internal reconfiguration works being undertaken requiring the elevational alterations proposed. In addition to these it is proposed to install a new external access ramp to the eastern elevation with associated stepped access also provided. The ramp would enable access into the reconfigured internal space via enlarged door access on the eastern elevation, access would also be provided to the external locker space and front entrance to the building.

Planning History
044572/MO/CENTL2/93 - RESERVED MATTERS Details of siting, design, external appearance and landscaping for the erection of an amenity building - Approved 1994

044082/MO/CENTL2/93 - RESERVED MATTERS Details of siting, design external appearance, means of access and landscaping for the erection of 8 blocks to provide 512 student rooms with car parking - Approved September 1993

043530/OO/CENTL2/93 - Erection of 8x 4-storey blocks to provide 512 student residences with ancillary facilities, 3 meeting rooms, community building and approx. 293 car parking spaces (Phase 1) - Approved July 1993

Consultations & Notification Responses

Non undertaken in this instance for this section 96a application.

Issues

Materiality

Section 96A of the 1990 Act (as inserted on 1st October 2009 by sec.190 of the Planning Act 2008) allows a local planning authority in England to make a change to any planning permission relating to land in its area if it is satisfied that the change is not material. In deciding whether a change is material, the authority must have regard to the effect of the change, together with any previous non-material changes, on the planning permission as originally granted.

The amendments proposed are to amend the external ramp design and location and relocation of external lockers and canopy. The submitted drawings indicate that the proposed amendments would result in an altered site edge red to the original application proposals with the amended proposals taking place outside of the original application site edge.

Following assessment of the amendments proposed it is considered that these material in nature and would result in development taking place outside of the original site edge red. As such the changes are material and cannot be determined via a section 96a application and must be refused.

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: Refuse

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

1) The proposed amendments relate to amendments to the external ramp design and location and relocation of external lockers and canopy.

2) Following an assessment of the details submitted, it is confirmed that the proposed amendments are considered to be a material change, the proposed changes would result in the proposals taking place outside of the original application site edge red and therefore can not be determined as non-material in this instance under section 96A of the Town and Country Planning Act 1990.

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 Zone - All Exceeding 90M
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA