

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137188/NMC/2023

Date registered valid: 6 June 2023

Proposal: Non-Material Amendment application to vary the triggers for condition nos. 8 (Road Users and Presence of Pedestrians), 9 (Car Parking), 14 (Acoustic Insulation), 16 (Contam Land), 17 (Contaminated Verification), 19 (Surface Water Drainage Works), 20 (SUDS), 25 (Landscaping) and 27 (Bird and Bat Boxes) attached to planning permission 133740/FO/2022

Address: 108 Palatine Road, Manchester, M20 3ZA

Ward(s): Didsbury West Ward

Applicant: Mr Richard Robinson, Anchorbridge Developments Ltd

Agent (if any): Mr Tom Flanagan, Paul Butler Associates

Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 06.07.2023

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/area

The site is a former public house and a large surface area car park surrounding (with some landscaping) at the junction of Palatine Road and Lapwing Lane. It is bounded to the west by residential development, to the north by a number of commercial use and the Metrolink line, to the east by the continuation of the line, Northern Lawn Tennis Club and residential development beyond, to the south by predominantly large scale residential properties fronting Palatine Road. Consent was granted under reference 130831/FO/2021 for Change of use and conversion of Former Greenfinch Public House including selective demolition to provide office accommodation (Use Class E) and 3 apartments (Use Class C3), and redevelopment of site to provide 8 dwellings (Use class C3) with associated works including landscaping and car parking.

Listed building: Not applicable

Conservation area: Albert Park Conservation Area 1988

Tree Preservation Order: Tree on site are protected by virtue of their location in the Albert Park Conservation Area. There are also 8 individual Tree Preservation Orders on site.

Description of development

Non-Material Amendment application to vary the triggers for condition nos. 8 (Road Users and Presence of Pedestrians), 9 (Car Parking), 14 (Acoustic Insulation), 16 (Contam Land), 17 (Contaminated Verification), 19 (Surface Water Drainage Works), 20 (SUDS), 25 (Landscaping) and 27 (Bird and Bat Boxes) attached to planning permission 133740/FO/2022

The changes to the condition wording are required to enable the office element to be occupied by the applicant who wish to have a presence on the site for security reasons. They would be able to utilise the existing car parking that was used in association with the former public house.

Consultations & Notification Responses

None – WDRA referred to making comments, however, these were not received.

Issues

Conditions as amended are reimposed. There are no implications for doing so. To accept this non-material amendment would not cause harm to the designated heritage asset that is the Albert Park Conservation Area. It is still the intention of the developer to implement the wider redevelopment of the site, the change to the condition will enable a presence on site and active use of part of the retained building on site.

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

Condition(s) to be attached to decision for approval

8. Before the first occupation of the residential development, full details of additional measures to highlight to road users the presence of pedestrians within the site shall be submitted to the City Council as local planning authority. The required works shall be fully implemented prior to the first occupation of the residential development.

Reason - In the interest of pedestrian and highway safety and in the interests of local amenity, as specified in policies SP1, EN19, T2 and DM1 of the Core Strategy for the City of Manchester and guidance contained within the National Planning Policy Framework.

9. Before the occupation of the residential development hereby approved, the car parking areas

shown on drawings listed at condition 2 shall be surfaced and made available for use. The car parking spaces shall be maintained in situ prior to the occupation of the residential development and remain in situ thereafter.

Reason - In the interest of residential amenity and pedestrian and highways safety, pursuant to policies SP1, T1, T2 and DM1 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.

14. a. Notwithstanding demolition and conversion of existing building to office use, before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Palatine Road and the proposed office shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data must include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria will be required to be achieved:

Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not exceed 45 dB L_{Amax,F} by more than 15 times)

Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq

Gardens and terraces (daytime) 55 dB LAeq

b. Prior to first occupation of the residential units, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason - To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance, pursuant to Policy DM1 in the Manchester Core Strategy.

16. Notwithstanding demolition and conversion of existing building to office use, the development shall not commence until a 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 the Site Investigation Proposal shall be carried out, before development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority. In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development in each phase is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

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.

17. Prior to the occupation of the residential development hereby approved, a Contaminated

Land Verification Report shall be submitted to the City Council as local planning authority.

Reason - To confirm that appropriate remedial action has been taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Manchester Core Strategy.

19. Notwithstanding demolition and conversion of existing building to office use, no development shall take place until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of national policies within the NPPF and NPPG and local policies EN08 and EN14.

20. No development hereby permitted, apart from demolition and conversion of the existing building to office use, shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
Verification report providing photographic evidence of construction as per design drawings;
As built construction drawings if different from design construction drawings;
Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

25. The details of the hard and soft landscaping treatment scheme shall be implemented not later than 12 months from the date the residential buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, 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 at the same 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.

27. Prior to the occupation of the residential development, details of bird and bat boxes to be provided (including location and specification) shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented prior to the first occupation of the residential development and thereafter retained and maintained in situ.

Reason - To provide new habitats for birds and bats pursuant to policies SP1 and EN15 of the Manchester Core Strategy (2012).

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

Conservation Area - Albert Park Conservation Area 1988

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH AREA