

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 131528/NMC/2021

**Date registered valid:** 26 January 2022

**Proposal:** Non material amendment to planning permission reference 125033/VO/2019 to amend the plant and equipment screen to include louvres at roof level.

**Address:** Abraham Moss Leisure Centre, Crescent Road, Manchester, M8 5UF

**Ward(s):** Crumpsall Ward

**Applicant:** Mr Neil Fairlamb, Manchester City Council

**Agent (if any):** Mr Michael Kavanagh, Ellis Williams Architects

**Case officer:** Janine Renshaw-Livesey  
Tel: 0161 234 4555  
Email: [janine.renshaw-livesey@manchester.gov.uk](mailto:janine.renshaw-livesey@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 21 February 2023

## Application details

**Type of application:** Non-Material Change Application

**Development type:** Notifications

### Standard consultations:

Printed: 3 February 2022 Expired: 24 February 2022

### 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

### Principle

The principle of the development was established as acceptable upon the approval of application referenced

The amended plan referenced 05000, stamped as received on the 26 January 2022.

### 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.

Overall it is considered that the proposed revision is of a minor nature and would have no more impact upon either visual or residential amenity than the approved scheme. This is particularly as the louvres inserted do not effectively alter the design and therefore not considered to give rise to any overlooking impacts to neighbouring occupiers. The amendments would accord with policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework (NPPF) 2018 and saved policy DC1 of the UDP.

## **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 OR Reasons for recommendation to refuse**

1) The details of the proposed amendments relate to:

Plant and equipment screen at roof

2) Following an assessment of the details and plans submitted, it is confirmed that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as Local Planning Authority. The City Council is satisfied that the proposed changes will have no material impact upon the previously approved scheme and the works will not adversely affect visual or residential amenity within the area.

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

04000 Rev P07  
04001 Rev P06  
04002 Rev P05  
4010 Rev P01  
4011 Rev P01  
5010 Rev P01

0600 Rev P02  
0601 Rev P02  
90001 Rev P02  
94000 Rev P03  
04022 Rev P01  
Location Plan 91001 P01  
Design and Access Statement Rev P01  
Supporting Information from United utilities and Drainage Information  
Air Quality Assessment from Laing O'Rourke  
Construction Management Plan from Laing O'Rourke  
Crime Impact Statement version A  
External lighting Plan Statement from BDP  
Mixed Use Statement from Ellis Williams Architecture Rev P01  
Open Space Statement Rev P01 from Ellis Williams Architecture  
Outline MEP Specification from BDP  
Resource Management Plan  
Sustainable Appraisal BREEHAM UK New Construction Statement 2018 Assessment  
Utility Assessment Rev P01 from BDP  
91010 Rev P01  
Noise Assessment by RAMBOLL  
Below Ground Drainage Statement by RAMBOLL  
Flood Risk Assessment by RAMBOLL  
Contaminated Land and Geotechnical Desk Study Report by RAMBOLL  
Waste Management Strategy  
Transport Statement by RAMBOLL  
Framework Travel Plan by RAMBOLL, stamped as received by the city council as local planning authority on the 3rd October 2019.  
Contaminated Land and Geotechnical Desk Study Report by RAMBOLL, stamped as received by the city council on the 3rd October 2019.

94000 P6 Landscape Masterplan  
64002 P2 Soft Landscaping Scheme  
Proposed Site Plan 91010 P02,  
The Ecology Report by The Environment Partnership  
The Ground Investigation Report Factual Report 00003 Rev 1  
Contaminated Land Interpretive Report 00004 Rev 3 by Ramboll, stamped as received by the city council as local planning authority on the 20 February 2020.

The Revised Construction Management Plan by Laing O'Rourke Lang and the Electrical Car Charging Point Appraisal by Laing O'Rourke, stamped as received on the 27 February 2020.

Drawing Number L-94000 rev P6, stamped as received by the City Council, as Local Planning Authority, on the 28 February 2010.

The email from Ellis Williams Architects, dated 23 December 2019.

05000, stamped as received on the 26 January 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the 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 - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT\_LOW\_RISK\_AREA

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: NORTH