

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136806/NMC/2023

Date registered valid: 25 April 2023

Proposal: Non material amendment to planning permission 125686/FO/2019 to make elevational alterations

Address: Site Bound By Oldham Road To The South East, Marshall Street To The North East, Chadderton Street To The North West, And Addington Street To The South West, Manchester

Ward(s): Piccadilly Ward

Applicant: Mulbury Homes (Oldham) Ltd

Agent (if any): Ms Eithne FitzGerald Deloitte LLP

Case officer: Jennifer Atkinson
Tel: 0161 234 4517
Email: jennifer.atkinson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 4 May 2023

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit:

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

This 0.13 hectares site comprises a two storey building and a small surface level car park bounded by Oldham Road, Marshall Street, Chadderton Street and Addington Street and is rectangular in shape.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The surrounding area is a mixture of residential and commercial developments together with temporary surface car parks.

The New Cross area is being transformed as part of the delivery of the New Cross Development Framework. It seeks to deliver a residential led redevelopment and regeneration of the area in order to provide new homes, in a sustainable location, to support the City's population growth.

Several developments have been completed or are near completion such as the Marriott Hotel, Stay City apart hotel and a residential scheme along Oldham Road. Other schemes have been granted planning permission or have recently commenced.

The area is highly sustainable. The Northern Quarter, Ancoats and NOMA are a short distance from the New Cross and provide access to a wide range of retail, amenities and services along with a vibrant evening economy. Victoria Station is a short walk from the site providing access to trains, trams and bus services.

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Consultations & Notification Responses

N/A

Issues

The changes to the proposal can be summarised as follows:

- Window distribution;
- Plant layout;
- Atrium design and rooftop plant;
- Ground floor spandrel blanking panels; and
- GRC panel at ground floor.

Window distribution

The façade of the development included a mixture of Juliet balconies, windows on fixed restrictors, fixed pane windows and spandrel windows. The proposal now includes a greater degree of Juliet balconies with fully openable windows which replaces the window restrictors. The façade already contains the principle of Juliet balconies. The proposed change would not impact on the façade as a whole and would improve the amenity of residents. The change is considered to be non material in nature.

Plant layout

Plant room layout and associated back of house access and ventilation strategy has been developed further. This requires a change to the ground floor layout, and minor rearrangement of doors and louvred panels within the proposed curtain walls. The change would not undermine the quality of the elevations or the façade as a whole. The change is considered to be non material in nature.

Atrium design and rooftop plant

An air inlet shaft has been added to provide intake air to the atrium and circulation routes, in the event of fire. The proposed shaft sits next to the lift core and is required to take fresh air 5m away from the opening of the rooflight via ductwork.

A metal louvred screen is proposed to the roof top on Addington Street elevation to screen this plant area. This would be polyester powder coated to the same colour and finish as all other metal work on the building facade. Although this change would form a modest increase in the scale of the building and increase the visual presence of the roof, particularly when viewed from Great Ancoats Street, it is considered that the change is modest in comparison with the scale of the building and is therefore non material in nature.

Ground floor spandrel blanking panels

Spandrel panels have been introduced to ground floor windows to conceal ceiling voids. This would shorten the extent of full height glazing panels. There has been careful consideration with the project architect to ensure that the solution fits in within the wider design of the building. The change is considered to be non material in nature.

GRC panel at ground floor

Eleven GRC panels located at ground floor level have been changed to brickwork. The applicant has stated that the GRC at street level may be vulnerable to graffiti and that brickwork would be better maintained in this location.

This amendment is therefore considered to improve upon the original design proposal and is therefore considered to be non material in nature.

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:

Article 35 Declaration

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

- 1) The proposed seeks to make elevational alterations.
- 2) The development hereby approved shall be carried out in accordance with the following additional drawings:

- 0322-TGA-XX-00-DR-A-0300 Rev P09, 0322-TGA-XX-01-DR-A-0301 Rev P06, 0322-TGA-XX-02-DR-A-0302 Rev P06, 0322-TGA-XX-03-DR-A-0303 Rev P06, 0322-TGA-XX-04-DR-A-0304 Rev P06, 0322-TGA-XX-05-DR-A-0305 Rev P06, 0322-TGA-XX-06-DR-A-0306 Rev P06, 0322-TGA-XX-07-DR-A-0307 Rev P06, 0322-TGA-XX-08-DR-A-0308 Rev P06, 0322-TGA-XX-09-DR-A-0309 Rev P06, 0322-TGA-XX-10-DR-A-0310 Rev P07, 0322-TGA-XX-11-DR-A-0311 Rev P06, 0322-TGA-XX-XX-DR-A-0401 Rev P04, 0322-TGA-XX-XX-DR-A-0402 Rev P04, 0322-TGA-XX-XX-DR-A-0403 Rev P04, 0322-TGA-XX-XX-DR-A-0404 Rev P04, 0322-TGA-XX-XX-DR-A-0405 Rev P04, 0322-TGA-XX-XX-DR-A-0501 Rev P05, 0322-TGA-XX-XX-DR-A-0502 Rev P04, 0322-TGA-XX-XX-DR-A-0503 Rev P04, 0322-TGA-XX-XX-DR-A-0504 Rev P05, 0322-TGA-XX-XX-DR-A-0505 Rev P04 and 0322-TGA-XX-XX-DR-A-0511 Rev P02 received by the City Council, as Local Planning Authority, on the 25 April 2023

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.

2) Following an assessment of the details submitted, I can confirm that the proposed amendments are 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 changes will not result in any significant material alterations to the planning approval.

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

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3

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) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: CENTRAL