

Planning

Growth & Development

Delegated officer report for planning application

Application no.	135666/VO/2022	
Date registered valid:	19 December 2022	
Proposal:	City Council Development for the relocation of existing sculpture	
Address:	Vauxhall Court , Hamerton Road, Manchester, M40 7RD	
Ward(s):	Harpurhey	Ward
Applicant:	Mr James Kay Manchester City Council	
Agent (if any):	Mr James Kay Manchester City Council	
Case officer:	Max Tel: 0161 219 Email: maximillian.gibson@manchester.gov.uk	Gibson 6359
Recommendation:	Approve	
Date of recommendation:	31/01/2023	

Application details

Type of application: Regulation 3 Consent

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 6 January 2023 Expired: 27 January 2023

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: Expired:

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: n/a

Tree Preservation Order: n/a

Description of area

The area relates to a mainly residential part of Manchester called Collyhurst north of the city centre. The area is undergoing substantial regeneration and is a strategic priority for the council.

The site relates to two areas of public realm on the western side of Rochdale Road in Collyhurst. There is currently a piece of sculpture in a poorly maintained piece of paved public realm in front of a row of vacant shops and flats, the remnants of a larger estate that once stood in the area. The second site is a patch of grass outside of a newer tower block a few hundred metres from the existing location of the sculpture.

Description of development

The development relates to the relocation of the sculpture from outside the abandoned parade of shops to the patch of grass adjacent to one of the tower blocks, as the parade of shops is scheduled for demolition.

Consultations & Notification Responses

Publicity - a notice was displayed on site, no responses have been received as a result of this publicity.

Highways - no objections

Issues

Relevant Policy

Policies DM1 and SP1 of the Manchester Core Strategy (2012)

The site on which the sculpture currently sits is to be redeveloped. The parade of shops and flats is scheduled for imminent demolition. Therefore, the relocation of the sculpture to a nearby site will protect it and allow local residents to continue to appreciate this piece of public artwork.

Conserving the artwork for future generations is also important to provide a link with previous iterations of residential development in the neighbourhood.

No objections have been raised to its relocation and it is unlikely to have any negative impact on visual or residential amenity.

Given the above, the development is considered to be in accordance with policies DM1 and SP1 of the Manchester Core Strategy.

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

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The proposal is considered to be acceptable and therefore determined within a timely manner.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

The drawings referenced:

- Drawing - Existing & Proposed ELEVATIONS DR B 0002 A
- Drawing - Site Plan EXISTING AND PROPOSED DR B 0003 A
- Photo - PHOTOGRAPHIC SCHEDULE

received by the city council, as local planning authority, on 05/12/2022.

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.

Informatives

1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.lineearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

2) Once the sculpture has been removed from Eastford Square, the excavated area must be backfilled and finished flush with paving slabs to match the surrounding area. Although adjacent buildings are programmed for demolition, the remediation works should take place in a timely manner as it is understood that Eastford Square will remain open to pedestrians until the programmed demolition works.

Appendix 1 – List of consultees & neighbours notified

Highway Services

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

Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface

Historic Landfill Site 250m Buffer -

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Area Team Boundary - Name: CENTRAL