

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136545/NMC/2023

Date registered valid: 22 March 2023

Proposal: Non material amendment to planning permission 125681/FO/2019 to make elevational alterations and internal reconfiguration of layout

Address: Site Bound By Thompson Street To The North East, Oldham Road To The South, Bendix Street To The South West And A Building Occupied By Turning Point To The North West, Manchester

Ward(s): Piccadilly Ward

Applicant: Mulbury Homes (Central) 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: 30 March 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 0.14 hectares car park and locksmith building is bounded by Oldham Road, Thompson Street and Bendix Street and is rectangular in shape.

The site previously comprised a single storey locksmith building and associated car parking. The surrounding area is a mixture of residential and commercial developments together with temporary surface car parks.

The site is currently undergoing redevelopment as part of planning permission 125681/FO/2019.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

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.

Description of development

Non material amendment to planning permission 125681/FO/2019 to make elevational alterations and internal reconfiguration of layout

Consultations & Notification Responses

N/A

Issues

The proposed changes to the scheme can be summarised as follows:

- The building line to move by 300mm towards Oldham Road;
- Changes to the window design, including alteration to the specified window design panel; and altered design of the perforated soffit trim;
- Internal alterations to the Residents Lounge;
- Change in location of access points to the ground floor;
- Installation of gate at either end of the Thompson and Bendix Street walkway, to restrict access;
- Changes to Plant, including alterations of the Ground Floor plant room; and additional rooftop plant and enclosure.

The proposed changes have been derived due to a review of the proposal and efficiency of internal spaces. The elevational alterations would not diminish the quality of the elevations and in some instances provide a better appearance. The roof top plant screen has been enlarged but it has been demonstrated that it would not be more visually prominent.

The approach the energy efficiency of the building has been updated in a new energy statement. The proposal now includes air source heat pumps which helps improve the energy efficiency of the building as whole.

The proposed changes are considered to be non material in nature.

The relevant conditions have been updated in the decision notice to reflect the amended drawings.

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 and internal reconfiguration of layout
- 2) The development hereby approved shall be carried out in accordance with the following additional drawings:

- D480-TGA-XX-00-DR-A-0300 Rev P5, D480-TGA-XX-00-DR-A-2101 Rev P3, D480-TGA-XX-01-DR-A-0301 Rev P5, D480-TGA-XX-13-DR-A-0313 Rev P4, D480-TGA-XX-XX-DR-A-0201 Rev P2, D480-TGA-XX-XX-DR-A-0401 Rev P3, D480-TGA-XX-XX-DR-A-0402 Rev P3, D480-TGA-XX-XX-DR-A-0403 Rev P3, D480-TGA-XX-XX-DR-A-0501 Rev P3, D480-TGA-XX-XX-DR-A-0502 Rev P3, D480-TGA-XX-XX-DR-A-0503 Rev P3, D480-TGA-XX-XX-DR-A-10000 Rev P5, D480-TGA-XX-XX-DR-A-10001 Rev P4 and D480-TGA-XX-XX-DR-A-2100 Rev P3 received by the City Council, as Local Planning Authority, on the 22 March 2023

- Energy statement prepared by Future Serv (Ref. Y5425/17.0/Reports Issue 4) received by the City Council, as Local Planning Authority, on the 22 March 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.

12) The development hereby approved shall be carried out in accordance with the Energy statement prepared by Future Serv (Ref. Y5425/17.0/Reports Issue 4) received by the City Council, as Local Planning Authority, on the 22 March 2023. A post construction review certificate/statement shall be submitted for approval, within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

15) (a) Notwithstanding the noise impact assessment received by the City Council, as Local Planning Authority, on the 23 December 2020, prior to the first use of the commercial unit/or residents lounge as indicated on drawing 0324-TGA-XX-00-DR-A-0300 Rev P45 and 0324-TGA-XX-00-DR-A-0301 Rev P5 received by the City Council, as Local Planning Authority, on the 22 March 2023, a scheme of acoustic insulation for that commercial unit shall be submitted for approval in writing by the City Council, as Local Planning Authority.

Where entertainment noise is proposed the L Aeq (entertainment noise) shall be controlled to 10dB below the L A90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively.

(b) Prior to the first use of the commercial unit, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason - In order to limit the outbreak of noise from the commercial premises pursuant to policies SP1 and DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

16) The waste management arrangements for the residential element of this development hereby approved shall be carried out in accordance with site waste management strategy and drawing 0324-TGA-XX-00-DR-A-0300 Rev P5 and 0324-TGA-XX-00-DR-A-0301 Rev P5 received by the City Council, as Local Planning Authority, on the 22 March 2023. The details shall be implemented prior to the first occupation of the residential element of the development and thereafter retained and maintained in situ.

Reason - To ensure adequate refuse arrangement are put in place for the residential element of the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

17) Prior to the first occupation of the commercial unit or residents lounge, as indicated on drawing 0324-TGA-XX-00-DR-A-0300 Rev P5 and 0324-TGA-XX-00-DR-A-0301 Rev P5 received by the City Council, as Local Planning Authority, on 22 March 2023, the waste management arrangements shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The details shall be implemented prior to the first use of the commercial unit hereby approved and thereafter retained and maintained in situ.

Reason - To ensure adequate refuse arrangement are put in place for the commercial unit pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

18) Prior to the first use of the commercial unit or residents lounge, as shown on drawing 0324-TGA-XX-00-DR-A-0300 Rev P5 and 0324-TGA-XX-00-DR-A-0301 Rev P5 received by the City

Council, as Local Planning Authority, on 22 March 2023, details of a scheme to extract fumes, vapours and odours from that commercial unit shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall then be implemented prior to the first occupation of the commercial unit and thereafter retained and maintained in situ.

Reason - To ensure appropriate fume extraction is provided for the commercial unit pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC10 of the Unitary Development Plan for the City of Manchester (1995).

19) Prior to the first use of the commercial unit or residents lounge as indicated drawing 0324-TGA-XX-00-DR-A-0300 Rev P5 received by the City Council, as Local Planning Authority, on 22 March 2023, details of any roller shutters to the ground floor of that commercial unit shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt the shutters shall be fitted internally to the premises. The approved details shall be implemented prior to the first occupation of each commercial units and thereafter retained and maintained in situ.

Reason - To ensure that the roller shutters are appropriate in visual amenity terms pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

20) In the event the commercial units or residents lounge hereby approved, as indicated on drawing 0324-TGA-XX-00-DR-A-0300 Rev P5 and 0324-TGA-XX-00-DR-A-0301 Rev P5 received by the City Council, as Local Planning Authority, on 22 March 2023, is used as a commercial premises it shall not be open outside the following hours:-

Monday to Saturday	08.00hrs - 23.00hrs
Sundays	09.00hrs - 23.00hrs

No amplified sound or any amplified music shall be played in the commercial unit / residents lounge hereby approved, as indicated on drawing 0324-TGA-XX-00-DR-A-0300 Rev P5 and 0324-TGA-XX-00-DR-A-0301 Rev P5 received by the Local Planning Authority on 22 March 2023 other than in accordance with a scheme detailing the levels at which any music shall be played and the hours during which it shall be played which has been submitted to and approved in writing by the City Council as local planning authority.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

22) The commercial unit or residents lounge as shown on drawing 0324-TGA-XX-00-DR-A-0300 Rev P5 and 0324-TGA-XX-00-DR-A-0301 Rev P5 received by the City Council, as Local Planning Authority, on 22 March 2023, shall remain as one unit and shall not be sub divided or amalgamated without the benefit of planning permission being secured.

Reason- In the interests of residential amenity and to ensure the future viability and vitality of the commercial units pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1, C5 and SP1 of the Manchester Core Strategy.

23) The commercial unit or residents lounge, as indicated on drawing 0324-TGA-XX-00-DR-A-0300 Rev P5 and 0324-TGA-XX-00-DR-A-0301 Rev P5 received by the City Council, as Local Planning Authority, on 22 March 2023, can be occupied as an ancillary residents lounge, A1, A2, A3,A4, B1 and D1 (excluding a place of worship) and for no other purpose of The Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order

with or without modification). The first use of the unit to be implemented shall thereafter be the permitted use of that unit

Reason - For the avoidance of doubt and in order to secure a satisfactory form of development due to the particular circumstance of the application site, ensuring the vitality of the units and in the interest of residential amenity, pursuant policy DM1 of the Core Strategy for Manchester.

24) In the event that any of the commercial unit, as indicated on drawing 0324-TGA-XX-00-DR-A-0300 Rev P5 and 0324-TGA-XX-00-DR-A-0301 Rev P5 received by the City Council, as Local Planning Authority, on 22 March 2023 are occupied as Use Class A3 or A4, prior to its first use the following details must be submitted and agreed in writing by the City Council, as Local Planning Authority. These details are as follows:

- Management of patrons and control of external areas. For the avoidance of doubt this shall include:
 - o Dispersal policy;
 - o Mechanism for ensuring windows and doors remain closed after 9pm

The approved scheme shall be implemented upon first use of the premises and thereafter retained and maintained.

Reason - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to policies SP1, DM1 and C10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

29) Prior to the first occupation of the development, the provision of 166 cycle spaces, as indicated on drawing 0324-TGA-XX-00-DR-A-0300 Rev P5 received by the City Council, as Local Planning Authority, on 22 March 2023 shall be implemented prior to the first occupation of the residential element of the development hereby approved and retained and maintained in situ for as long as the development remains in use.

Reason - To ensure there is sufficient cycles stand provision at the development and the residents in order to support modal shift measures pursuant to policies SP1,T1, T2 and DM1 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

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

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

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