

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135181/NMC/2022

Date registered valid: 11 October 2022

Proposal: Non material amendment to planning permission referenced 124472/FO/2019 to amend the timescale for implementation in condition 21 (b)

Address: Kincardine Court, Kincardine Road, Manchester, M13 9JA

Ward(s): Ardwick Ward

Applicant: Mr Archie Fishlock Unite Students C/o Agent

Agent (if any): Mr Will Hannah Turley 1 New York Street, Manchester, M1 4HD

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

Recommendation: Approve

Date of recommendation: 25 October 2022

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

The application site is approximately 0.19 hectares and consists of an existing 243 bed student accommodation block known as 'Kincardine Court'. The curtilage of the accommodation contains a 45 space car park and an internal courtyard with associated landscaping.

The existing accommodation block was built in 2000 and comprises three connected blocks (blocks A, B and C). The accommodation contains ensuite student bedrooms in three or four bed cluster flats as well as a reception, common room and laundry area at ground floor. As well as the car parking area, there is an existing cycle store located externally within the central courtyard area.

The block varies in height between 3-6 storeys, stepping up in height from 3 storeys on the eastern block (block C on Whitekirk Close) moving clockwise around to the western corner (block A on Kincardine Road) which is 6 storeys in height.

The main access from residents is from Kincardine Road where the main entrance and reception is located. There is a vehicular and pedestrian access from Whitekirk Close into the private car park area via an existing security gate. This car park provides parking spaces for the student accommodation as well as access to a small car park for neighbouring residents on Haymans Walk (5 car parking spaces) via an additional security gate.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

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Description of development

Non material amendment to planning permission referenced 124472/FO/2019 to amend the timescale for implementation in condition 21 (b)

Consultations & Notification Responses

n/a

Issues

Planning permission 124472/FO/2019 included the following condition:

Condition 21 Highways

Prior to the first occupation of the development hereby approved, a scheme of highway works and details of footpaths reinstatement/public realm in relation to shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include the following:

- *provision of a red/green men signalised crossing facilities at the signalised junction of Upper Brook Street/Booth Street East/Inchley Road;*
- *off site car club bay on the surrounding road network.*

The approved scheme shall be implemented and be in place prior to the first occupation of the development hereby approved and thereafter retained and maintained in situ.

Reason - To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012) and in accordance with the New Cross Public Realm Strategy

The applicant has experienced delays in the approval of the s278 agreement for the works. This has been submitted for approval to the Council.

In line with the agreement of Highway Services, the works can be implemented within 6 months of first occupation to sufficient time to implement the measures. This is acceptable and the

relevant update to the condition should be made. The change is considered to be non material in nature.

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 amend the timescale for implementation in condition 21 (b)
- 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.
- 21) Prior to the first occupation of the development hereby approved, a scheme of highway works and details of footpaths reinstatement/public realm in relation to shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include the following:

- provision of a red/green men signalised crossing facilities at the signalised junction of Upper Brook Street/Booth Street East/Inchley Road;
- off site car club bay on the surrounding road network.

The approved scheme shall be implemented and be in place prior within 6 months of the first occupation of the development hereby approved and thereafter retained and maintained in situ.

Reason - To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012) and in accordance with the New Cross Public Realm Strategy

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Flood Zones Type 2 (low to medium risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: NORTH AREA