MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	144634/NMC/2025
Date registered valid:	28 November 2025
Proposal:	Non-material amendment application to planning permission reference 139987/FO/2024 to allow: update to phasing plan; reprofiling of ground within proximity of Blocks 2 and 3 and associated reconfiguration to basements including to Block 4; internal layout changes to accommodate redesign of building cores and fire escape routes and reduction in floor area to commercial unit within Block 6 and reduction in 2 no. PBSA units; minor elevational changes to window openings and door positions.
Address:	Victoria Point, 44 Hathersage Road, Manchester,
Ward(s):	Ardwick Ward
Applicant:	Empiric Student Property Plc
Agent (if any):	Melissa Lee - Turley
Case officer:	Robert Griffin Tel: 0161 234 4527 Email: robert.griffin@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**08.01.2026**

Application details

Type of application: Non-Material Change Application

Development type: Notifications

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site currently comprises of 6 buildings which range in height from 4 to 6 storeys together with car parking both on surface and in the basements of a number of the buildings together with areas of external landscaping and extends to 1.47hectares in area. Within the 6 buildings there are currently 271 residential units containing 566 bed spaces in a mix of apartments ranging in size from 1 bedroom studios to 4 bed apartments. The site is accessed from Hathersage Road with Bax Road (a private unadopted road) providing access to all of the buildings on site and also provides an access to the rear service area and car parking associated with Victoria Baths which bounds the site. This is the only access into the site for pedestrians, cyclists and vehicles with boundary walls around the remainder of the site. The site is located within the Ardwick ward with Manchester Royal Infirmary to the west; and the northern boundary of Victoria Park conservation area is approximately 120 metres to the south of the Hathersage Road frontage of the site. The southern boundary of the City Centre and Regional Centre, as defined in the adopted Core Strategy, is located approximately 200 metres to the south-west of the Hathersage Road frontage of the site.

The site was originally developed following the granting of outline planning permission in December 2006 and reserved matters approval in September 2007 (see planning history section below). Upon completion of the development in 2009 it was occupied as student accommodation, and this was undertaken as permitted development at that time which was prior to the commencement of the Council's article 4 direction being in place in October 2011 which prevented the change of use from C3 dwellinghouses to C4 Houses in multiple occupation without the benefit of planning permission. The use of the site as student

accommodation was later confirmed through the granting of consent for works to the site in 2017 which is set out in the planning history section of the report below.

To the north of the site are two-storey Victorian red brick terraced properties in residential use on Upper West Grove, with more contemporary post war two storey terraced properties on the site's eastern boundary. The site wraps around the northern and western boundaries of Victoria Baths a Grade II* Listed Building with its main frontage onto Hathersage Road and further substantial Victorian Villa buildings being located immediately to the east of Victoria Baths. Part two/part three storey Victorian red brick residential terraces are located on the southern side of Hathersage Road, with a larger 6 plus basement apartment block located to the south-west of the application site, and a larger office building known as 'Octagon House' being located to the western boundary of the site with large areas of hardstanding to the rear of this building, part of the site is used by the NHS for Renal services including dialysis. Further to the east of the application site and to the rear of Octagon House is a compound containing substantial electrical infrastructure which reflects the historic use of the site for both electricity and water utilities services from the 1920s through to their demolition in the early 2000s.

Description of development

Planning approval reference 139987/FO/2024 was granted on the 7th October 2025 for the redevelopment of the existing student accommodation buildings (6 in total) to include the phased demolition and extension of the existing buildings to a maximum height of 12 storey's to form Purpose Built Student Accommodation (876 bedspaces in total) (Use Class Sui Generis), including associated ancillary internal and external amenity space, ground floor community/commercial (Use Class E, F1 and F2), hard and soft landscaping and associated highway works.

The current application seeks to make a number of amendments to the planning permission through this non-material amendment application. The non-material amendments applied for are:
- update to phasing plan;
- reprofiling of ground within proximity of Blocks 2 and 3 and associated reconfiguration to basements including to Block 4;
- internal layout changes to accommodate redesign of building cores and fire escape routes;
- a reduction in floor area to commercial unit within Block 6;
- a reduction in 2 no. PBSA units; and,
- minor elevational changes to window openings and door positions.

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 this includes alterations to conditions of an approval. 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. The current application seeks a non-material amendment to the permission to allow for:

Following an assessment of the amendments proposed it is considered that some elements of these are material in nature and cold give rise to impacts on residential amenity and visual amenity.

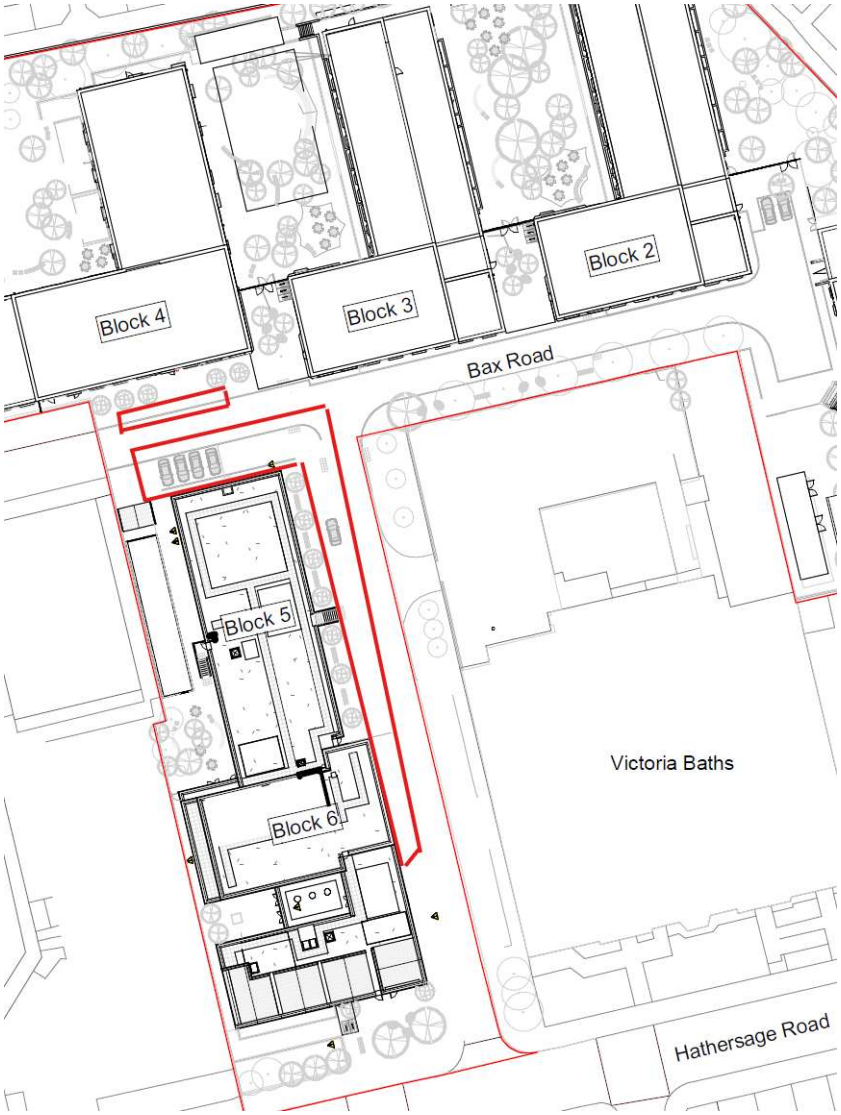
The amendments of concern include the provision of additional north facing windows to all levels blocks 2 and 3 absent on the consented scheme. These additional windows are

considered to provide an opportunity for potential overlooking and loss of privacy to adjacent existing residential properties as such the changes are considered to materially alter the originally approved scheme and could give rise to impacts on residential amenity that would warrant a fuller assessment than is available via a non-material amendment application.

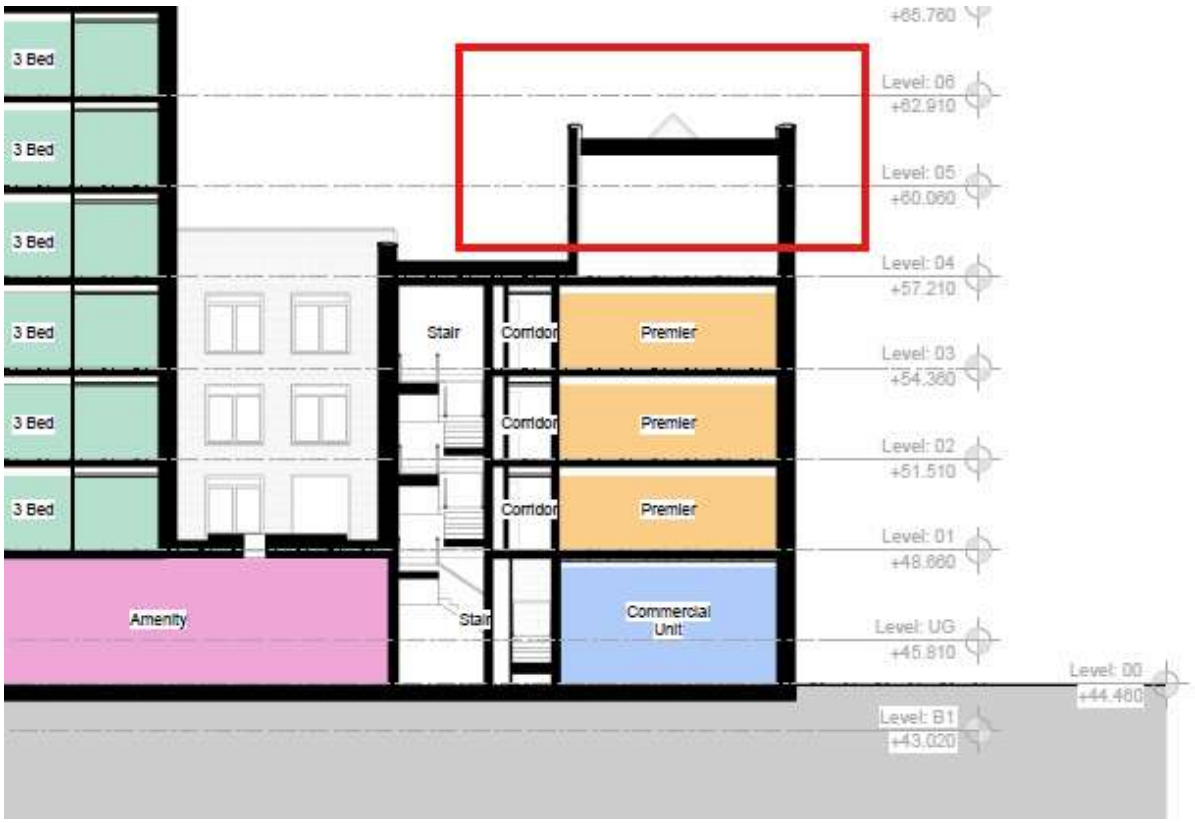


Drawings 0814-BPA-ZZ-ZZ-DR-A-1154 Rev P02 and 0814-BPA-ZZ-ZZ-DR-A-1152 Rev P02 Blocks 2 and 3 – All floors include the addition of rearward facing window.

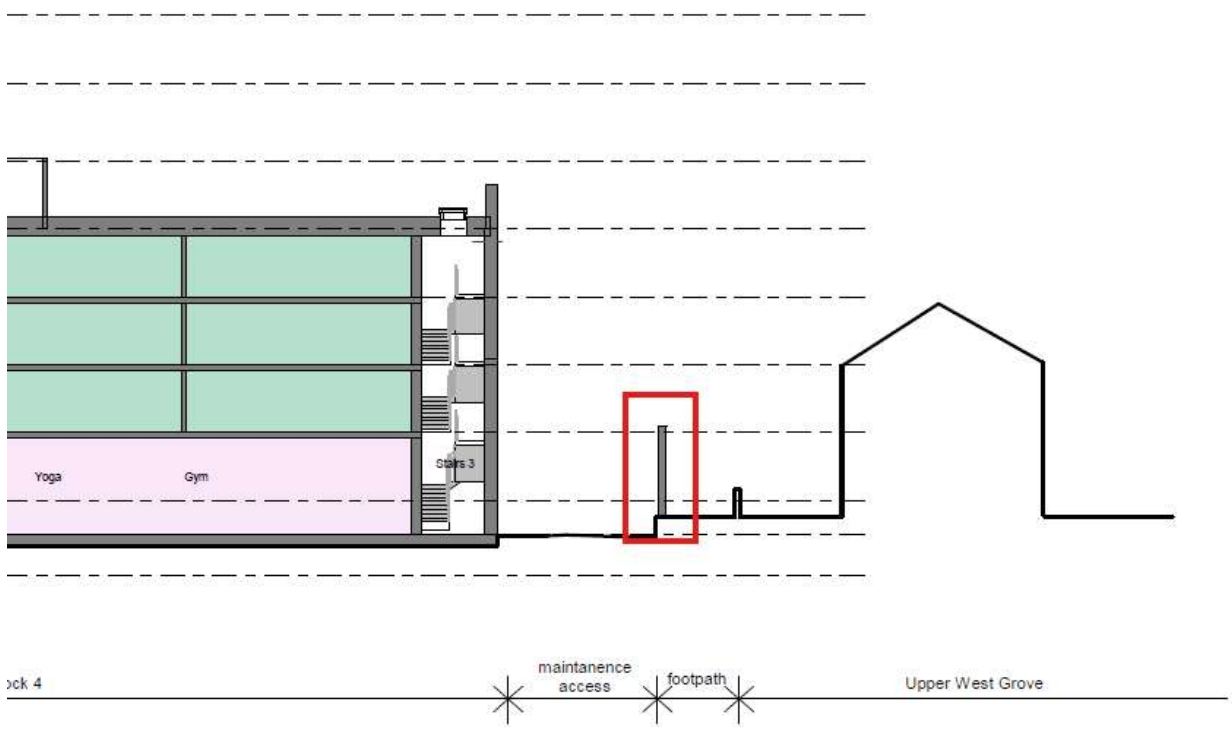
In addition, there are other anomalies within the submission where clarification had been sought but no response had been provided in order to consider further, these are:



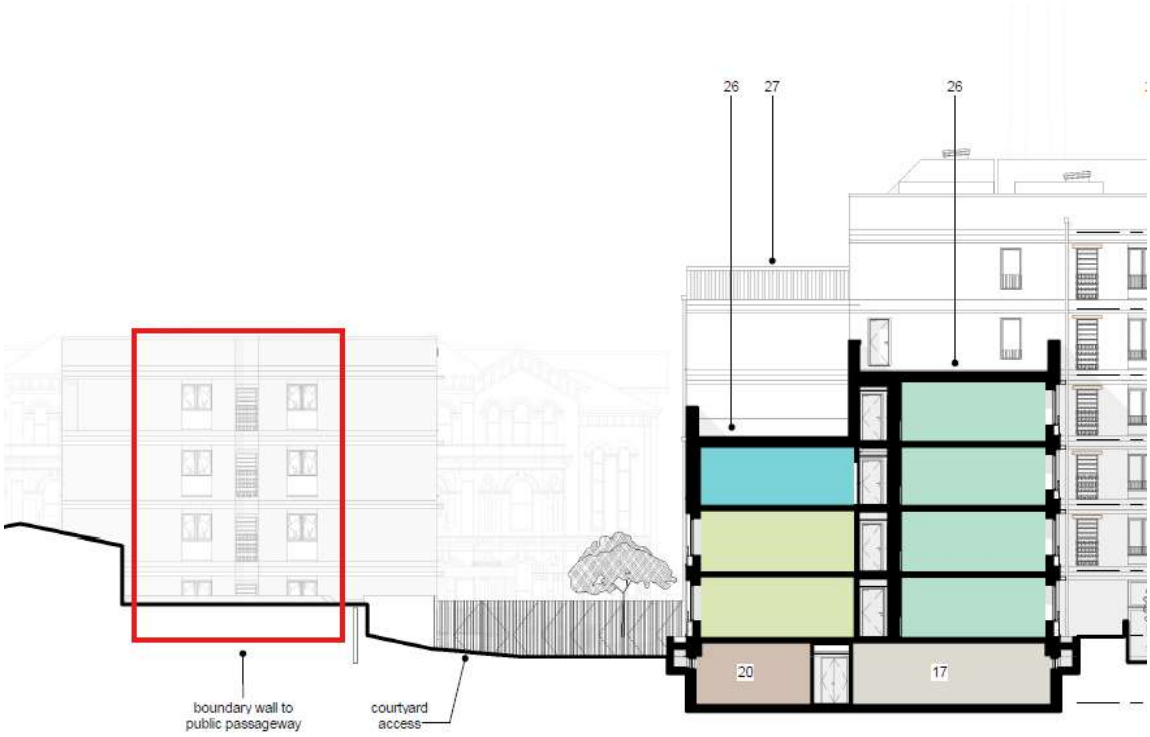
Drawing 0814-BPA-ZZ-ZZ-DR-A-1001 Rev P04 - Omission of on street parking bays on drawing



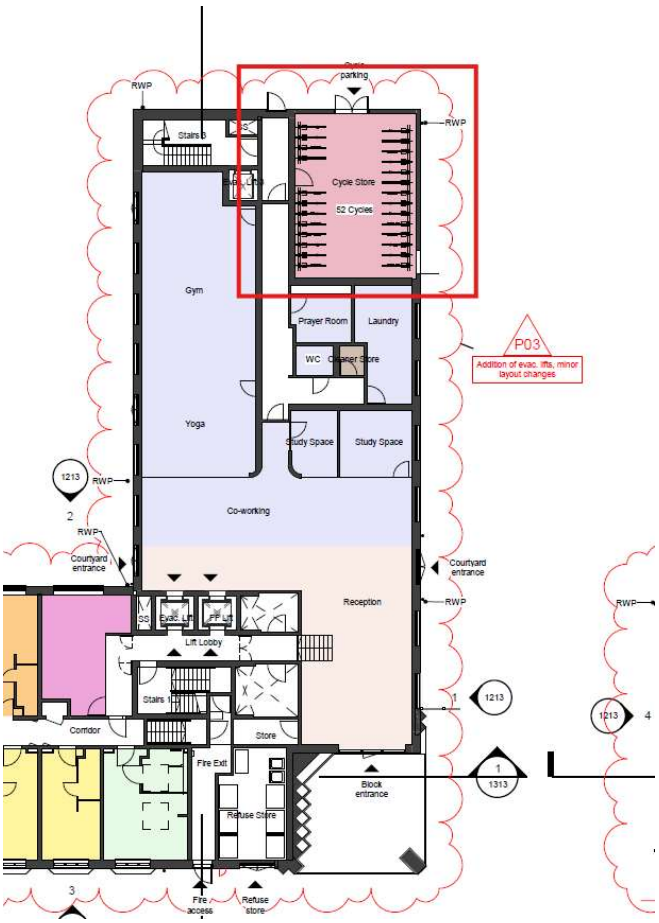
Drawing VICP-5PA-B5-ZZ-DR-A-052201 Rev P05 - Increase in height of front roof element but not referenced in the description of amendments applied for or referenced in supporting statement, and doesn't appear to reflect the other submitted drawings.



Drawing 0814-BPA-ZZ-ZZ-DR-A-1313 Rev P02 - The rear boundary fence detail appears much higher than that shown on the approved drawing.



Drawing 0814-BPA-ZZ-ZZ-DR-A-1300 Rev P02 - The block 1 rear elevation shown on this drawing has a differing window arrangement than that shown on the approved drawings. No other drawings relating to block 1 submitted with this non-material amendment application.



Drawing 0814-BPA-ZZ-ZZ-DR-A-1156 Rev P03 - Block 4 floor plan basement - alteration to the number of internal cycle spaces serving this building.

Given the above, the Council is not satisfied that the non-material amendments applied for and indicated on the submitted drawings would not give rise to unacceptable impacts on the residential amenity of nearby occupiers of existing residential properties or visual amenity in respect of what is contained on the submitted drawings particularly in respect of the special architectural character of the adjacent Grade II* listed building. The application is therefore refused.

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 polices 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: Refuse

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

1) The proposed amendments relate to: update to phasing plan; reprofiling of ground within proximity of Blocks 2 and 3 and associated reconfiguration to basements including to Block 4; internal layout changes to accommodate redesign of building cores and fire escape routes and reduction in floor area to commercial unit within Block 6 and reduction in 2 no. PBSA units; minor elevational changes to window openings and door positions.

2) Following an assessment of the details submitted, the proposed amendments to the north elevation of Blocks 2 and 3 are considered to be material in nature. It is also noted that there are other amendments within the submitted drawings that are not consistent with other drawings within the submission nor are they referred to within the list of proposed amendments.

As such, the City Council as local planning authority considers that the proposed changes have the potential to impact upon residential amenity and without further clarification the potential to impact on the visual amenity of the area and in particular the adjacent grade II* Listed Victoria Baths. As such the proposal cannot be determined as non-material under section 96A of the Town and Country Planning Act 1990.

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
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) -
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Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA