

Planning

Growth & Development

Delegated officer report for planning application

Application no.	132132/NMC/2021
Date registered valid:	4 November 2021
Proposal:	Non- material amendments to conditions 5 (glint and glare) and 12 (fume extraction) of planning approval reference 121323/FO/2018 to allow Amendment to Condition 5 to: "Each phase of development identified on the approved phasing plan shall not progress above ground floor slab until a Glint and Glare Assessment has been carried out and submitted to the City Council as local planning authority. If the results of the assessment indicate the development would create a hazard to the safe operation at Manchester Airport the development shall not commence unless and until mitigation measures are submitted and approved in writing by the City Council as local planning authority. The development shall be subsequently carried out in accordance with the agreed mitigation measures details." and condition 12 to " Each phase of development identified on the approved phasing plan shall not progress above ground floor slab until a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter"
Address:	Plots E1, E2, E3 Of The 2018 Revised Airport City North Masterplan. The Masterplan Area Is Bounded By Thornley Lane To The North, Bailey Lane To The East, And The M56 To The South, Manchester
Ward(s):	Woodhouse Park Ward
Applicant:	Airport City LP C/o Agent
Agent (if any):	Ms Frances Hampson, Deloitte, Hanover Building, Corporation Street, Manchester, M4 4AH
Case officer:	Robert Griffin Tel: 0161 234 4527 Email: robert.griffin@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	22.11.2021

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: None required for this type of application

Standard consultations:

Printed: 11 November 2021

Expired: 2 December 2021

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 site

The site is located in the Woodhouse Park ward on land between Manchester Airport and the residential areas of Wythenshawe to the north. To the north, west and east the site is bounded by Enterprise Way a link road that opened in November 2017 and which provides infrastructure to serve the future development plots within Airport City North. To the north of Enterprise Way are additional Airport City North development plots, bounded by residential properties along Hilary Road, Gorston Walk and Felskirk Road. To the south of the site lies the M56 Spur and the Airport's ground transport interchange and main terminal buildings. The site covers a total area of 3.42 hectares.

The site is currently predominately vacant brownfield land (having been cleared of trees, poor quality vegetation remains) and partially existing surface level airport car parking. The site does not include or immediately adjoin any designated areas afforded special protection, such as areas of ecological or biodiversity value, historic or Listed Buildings or Conservation Areas. The site is located in Flood Zone 1 (areas of land with the lowest probability of flooding), there are two surface water features present both within the development site and in close proximity to it. One ordinary watercourse is present within the site itself which is partially culverted and flows from south east to north west where it is then culverted below Enterprise Way. A further ordinary watercourse is present to the east of the site this also flows from south east to north-west, where it is culverted beneath Enterprise Way. It is understood that these two features are

unnamed tributaries of Baguley Brook which discharge to the pond in Painswick Park to the north of the site.

Planning approval 121323/FO/2018 was granted in December 2018 for the erection of: two 6 storey office buildings (Class B1(a) comprising 8,567 sqm of net internal floorspace in Plot E2 and 8,581 sqm of net internal floorspace in Plot E3) and ground floor commercial space (Class A1,A2,A3,A4,A5, B1(a) or D1 (excluding Places of Worship) uses only; 9 storey multi-storey car park (1,497 spaces) including 1,812 sqm of ground floor commercial space (Class A1-A5, B1(a) or D1 (excluding Places of Worship) uses only), pedestrian and vehicular access arrangements, temporary (5 years) surface level car parking (202 spaces) and associated infrastructure works including brook diversion and landscaping.

The applicant seeks to make a non-material amendment to two conditions attached to the planning approval in relation to the pre-commencement elements of a glint and glare assessment and fumes and odours extraction system to allow the conditions to align with the project programme and the availability of technical details. This application is therefore submitted with a view to amending the wording accordingly and to facilitate the phased implementation of the permission. The non-material amendments sought are as follows:

Condition 5 - "Each phase of development identified on the approved phasing plan shall not progress above ground floor slab until a Glint and Glare Assessment has been carried out and submitted to the City Council as local planning authority. If the results of the assessment indicate the development would create a hazard to the safe operation at Manchester Airport the development shall not commence unless and until mitigation measures are submitted and approved in writing by the City Council as local planning authority. The development shall be subsequently carried out in accordance with the agreed mitigation measures details."

Condition 12 - ""Each phase of development identified on the approved phasing plan shall not progress above ground floor slab until a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter."

Issues

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. 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 proposed non-material amendments is to change the wording of two planning conditions and for the trigger of the requirement for compliance from pre-commencement to shall not progress above slab level. Following consideration and notification of the aerodrome safeguarding officer at Manchester Airport it is considered that the proposed amendments do not alter the form of the development approved and will be dealt with appropriately as each phase of the development progresses.

As such the changes will not materially alter the originally approved scheme and are therefore considered to be non-material.

As a result of this change an update to conditions 5 and 12 are required.

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

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

1) The proposed amendments relate to the amendment to conditions 5 (Glint and Glare) and 12 (Fume extraction system) for each phase of development to allow the submission and agreement of details prior to progressing above slab level.

2) Following an assessment of the details submitted, the City Council 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 are minor in nature and would not have a significant material impact upon the overall design and external appearance of the previously approved development. It is also considered that the proposals would not have any impact on the visual amenity of the wider area.

5) Each phase of development identified on the approved phasing plan shall not progress above ground floor slab until a Glint and Glare Assessment has been carried out and submitted to the City Council as local planning authority. If the results of the assessment indicate the development would create a hazard to the safe operation at Manchester Airport the development shall not commence unless and until mitigation measures are submitted and approved in writing by the City Council as local planning authority. The development shall be subsequently carried out in accordance with the agreed mitigation measures details.

Reason- To ensure the safe operation of Manchester Airport to ensure the development does not create an ocular hazard pursuant to policy DM2 of the Core Strategy.

12) Each phase of development identified on the approved phasing plan shall not progress above ground floor slab until a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Manchester Airport Safeguarding Officer

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 - Within Outer Area

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 15M

Airport Noise Index Zone - Noise and Nuisance Index - 40-49

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 (Middle) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH