

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132179/NMC/2021

Date registered valid: 9 November 2021

Proposal: Non Material Amendment to condition 12 (previously condition 21) to vary the wording of the condition from "before the development hereby approved is first occupied" to "within 6 months of the first occupation" attached to application ref no 122644/FO/2019 as amended by application ref no 128409.

Address: 60 Charles Street, Manchester, M1 7DF

Ward(s): Deansgate Ward

Applicant: Mr John Parnell CEPF II Charles Street Manchester 33 Cavendish Square, London, W1G 0PW

Agent (if any): Mr Pablo Cabrejas SimpsonHaugh Commercial Street, Manchester, M15 4RQ

Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 2 December 2021

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

Listed building: Not applicable

Conservation area: Not Applicable

Tree Preservation Order: Not Applicable

Description of area

See 122644/FO/2019

Description of development

See 122644/FO/2019

Consultations & Notification Responses

NONE

Issues

The re-wording of condition 12 is required to reflect the normal review and approval process for the BRE Certification. An amendment is therefore sought to the condition to allow the information required by condition 12 to be submitted within 6 months of occupation rather than pre-occupation. This is considered to be acceptable

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

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

1) Reason 1: Following an assessment of the details and plans submitted, it is confirmed that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as Local Planning Authority. The City Council is satisfied that the proposed changes will have no material impact upon the previously approved scheme and the works will not adversely affect visual or residential amenity within the area or will they have any significant material impact upon the overall quality of the development.

2) Reason 2: The re-wording of condition 12 is required to reflect the normal review and approval process for the BRE Certification. An amendment is therefore sought to the condition to allow the information required by condition 12 to be submitted within 6 months of occupation rather than pre-occupation.

12) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'very good'. Post construction review certificate(s) shall be submitted to, and approved in writing by the City Council as local planning authority, within 6 months of the development hereby approved is first occupied.

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, policy DP3 of Regional Spatial Strategy for the North West (RSS), and the principles contained within The Guide to Development in Manchester SPD (2007), and the National Planning Policy Framework.

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

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

Flood Zones Type 2 (low to medium risk) -

Flood Zones Type 3 (high risk) -

Area Team Boundary - Name: CITY1