MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	129516/NMC/2021
Date registered valid:	25 February 2021
Proposal:	Non Material Amendment to vary Condition 2 (approved drawings) and Condition 3a (plant equipment) attached to application ref no 122808 as amended by 128403 to amend the detail of the roof top plant area and approved scheme of acoustic insulation of the plant.
Address:	135-141 Oldham Street, Manchester, M4 1LN
Ward(s):	Piccadilly Ward
Applicant:	Bywater Gamma UK Property I (No.1) C/o WSP, 8 First Street, Manchester, M15 4GU
Agent (if any):	Miss Victoria Welch WSP 8 First Street, Manchester, M15 4RP
Case officer:	Angela Leckie Tel: 0161 234 4651 Email: angela.leckie@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	11 March 2021

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: 10-03-21

Standard consultations:
Printed: 26 February 2021 Expired: 19 March 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: Smithfield Conservation Area 1987

Tree Preservation Order: Not applicable

Consultations & Notification Responses

Head of Environmental Health – Has no objections on the basis of the revised Acoustic Report recommendations being implemented.

Issues

The proposed amendments relate to changes resulting from detailed design development and supply issues and the roof compound has now been reduced slightly in size. An amended acoustic report has been submitted which has assessed the acoustic insulation requirements for the redesigned plant. The acoustic panels would be the same colour as the approved (RAL Silver 9006) and meet the relevant acoustic requirements.

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:

Article 35 Declaration

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

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) The development hereby approved shall be carried out in accordance with the following drawings and documents:

(a) Dwgs
Location Plan 001
Site Plan 002
Proposed basement 004 Rev B
Proposed Ground Floor 006 Rev C
Existing First Floor Plan 007 Rev A
Proposed First Floor 008 Rev A
Proposed Second Floor 010 Rev B
Proposed Section A-A 012 Rev A
Proposed Section 013 B-B
Proposed front elevation 016 Rev A
Proposed rear elevation 018 Rev B
Proposed sub station 019
Dwgs M01, M02, M03 and M04
Proposed roof plan ref: 4051461.037
Facade Artwork Refinement Document
Design and Access Statement
Disabled Access Statement
Waste Management Floor Plan
Waste Management Strategy
Transport Assessment M18049-02 TN

Entrance Construction Details 020
Proposed Section C-C Rev 022

Window Replacement Proposal Document
Planning and Heritage Statement received via email 21st March 2019.

Proposed Window Replacement 023a
Proposed Window Replacement 024a
Proposed Window Replacement 025a
Proposed new ground floor window 026 received via email 16th May 2019

(b) Materials

Samples of materials presented to Manchester City Council Planning officers in the form of a material sample received 17th June 2019 as set out in the following documents:

- Specification document detailing window, door and tile specification;
- Wall tile specification document (Solus)
- Window specification document (Technal);
- Rear Single Glazed Shop Front specification document (SMART);
all received by Manchester City Council as Local Planning Authority 14th June 2019.

Wall tile sample and window frame sample recevied 17th June 2019

Window Frame Justification contained within email from Victoria Welch received via email 25th July 2019.

(App ref no CDN/19/0523)

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies NPPF Section 7 (Requiring good design), Section 16 (Conserving and enhancing the historic environment), Core Strategy Policies SP1 (Spatial principles), DM1 (Development Management), CC9 (Design and Heritage), CC10 (A place for everyone), EN3 (Heritage) and saved policy DC18 (Conservation Areas) and DC19 (Listed Buildings).

2) The proposed amendments relate to changes resulting from detailed design development and supply issues and the roof compound has now been reduced slightly in size. An amended acoustic report has been submitted which has assessed the acoustic insulation requirements for the redesigned plant.

3) a) The externally mounted ancillary plant, equipment shall be installed and acoustically insulated in accordance with the following:

Specifications and recommendations on noise levels set out within Hann Tucker Associates
135-141 Oldham Street, Manchester
Planning Condition Discharge Report, 24 February 2021

b) Upon completion of the development and prior to operation of the plant, equipment and servicing (excluding testing) a verification report will be required to validate that the work undertaken throughout the development confirms to the above noise criteria. The report shall also undertake post completion testing to confirm that the noise criteria has been met. The report shall give the results of post-completion testing to confirm that the proposed noise limits are being achieved once the plant and any mitigation measures have been installed. Any instances of non-conformity with the above criteria shall be detailed along with any measures required to ensure compliance. These measures shall be approved in writing by the City Council as Local Planning Authority and the development shall be implemented in full in accordance with the approved details before the plant is first brought into use.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site. In accordance with saved policy DC26 (Development and Noise) and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) 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(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Smithfield Conservation Area 1987
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CITY2