MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	143296/NMC/2025
Date registered valid:	24 June 2025
Proposal:	Non material amendment to planning application referenced 140389/JO/2024 to allow internal and external alterations
Address:	35 Fountain Street, Manchester, M2 2AN
Ward(s):	Deansgate Ward
Applicant:	35 Fountain Street Limited
Agent (if any):	Ollie Eyre CBRE UK
Case officer:	Lea Joseph Tel: 0161 227 3644 Email: lea.joseph@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**18 July 2025**

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: Upper King Street (Extension) Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area
The proposal relates to an office building which is bound to the north by Marble Street and Primark, West Mosley Street and Piccadilly Gardens to the east, the Royal Sun Alliance building and York Street to the south, and Fountain Street to the west. The site is occupied by an early 2000's seven-storey office building that is currently undergoing development works.

The site is in the Upper King Street Conservation Area and lies within 250m of 2 Grade II* Listed buildings and 8 Grade II Listed buildings. The site is in the commercial core of the City Centre, which is predominantly characterised by office uses with ground floor shops and food and drink uses.

Description of development
Permission is sought for a non-material amendment to planning permission referenced 140389/JO/2024, to amend condition 2 (Specified Plans) in order to allow for internal and external alterations. These include changes to layouts of the basement and ground floor, changes to the rooftop and brickwork modifications.

Consultations & Notification Responses

N/A

Planning History

100670/FO/2012/C1 | Elevational alterations and use of ground floor for office (B1), retail (A1) and cycle storage and associated facilities. (Approved December 2012)

136013/FO/2023 | Elevation alterations and erection of two storey rooftop extension including rooftop terrace. (Approved October 2023)

CDN/24/0485 | Discharge of Conditions 19 (CMP) attached to Planning Permission 136013/FO/2023. (Approved August 2024)

140252/NMC/2024 | Non-material amendment to amend wording of condition 7 (Materials and CEMP) and condition 22 (Surface Water Drainage Works) attached to 136013/FO/2023 to allow for enabling works.

140389/JO/2024 | Variation of conditions 2 (approved plans), 8 (cycle store/ basement layout) and 12 (waste management strategy) attached to planning permission 136013/FO/2023 to make elevational alterations, increase in height of lift over run, reconfiguration of the basement layout to increase the plant area and move the location of the cycle parking together with additional landscaped area to the rear of the building, including raised planters. (Approved September 2024)

CDN/24/1054 | Discharge of condition 7 (Materials and CEMP) attached to planning permission 140389/JO/2024.

Issues

A summary of the proposed changes are as follows:

- Further sub-division of sprinkler tank area of basement, change of position of storage areas, solar battery location, and door placements; (Basement)
- Space for generator and additional staff area added; (Basement)
- Expansion of office space and lobby layout changes; (Ground floor)
- Removal of rooftop terraced canopy
- Modifications to concrete window details
- Change in material from Flemish to stretcher bond brickwork above windows only

The proposed changes are required to comply with the newly adopted British Standards (BS 9991:2024). Fire safety in the design, management and use of residential buildings (Code of Practice) which was published 27 November 2024.

Following an assessment of the amendments proposed it is considered that these are minor as such the changes are not considered to materially alter or undermine the appearance of the approved building either on their own or cumulatively.

The changes are considered to be non-material in nature.

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: Approve

Article 35 Declaration

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

1) The proposed seeks to amend condition 2 (Specified Plans) to allow for internal and external alterations including changes to ground floor and basement layout, changes to brickwork, window details and removal of a rooftop canopy.
2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- 2308-BAA-20-B01-DP-A-0 P05: Proposed basement floor plan (Dated 2 July 2025)
- 2308-BAA-20-EE-DP-A-0 P07: Proposed east elevation (Dated 2 July 2025)
- 2308-BAA-20-EE1-DP-A-0 P06: Proposed east elevation context (Dated 2 July 2025)
- 2308-BAA-20-EN-DP-A-0 P07: Proposed north elevation (Dated 2 July 2025)
- 2308-BAA-20-EN1-DP-A-0 P06: Proposed north elevation context (Dated 2 July 2025)
- 2308-BAA-20-ES-DP-A-0 P07: Proposed south elevation (Dated 2 July 2025)
- 2308-BAA-20-ES1-DP-A-0 P05: Proposed south elevation context (Dated 2 July 2025)
- 2308-BAA-20-EW-DP-A-0 P07: Proposed west elevation (Dated 26/09/2024)
- 2308-BAA-20-EW1-DP-A-0 P05: Proposed west elevation context (Dated 2 July 2025)
- 2308-BAA-20-L00-DP-A-0 P06: Proposed ground floor plan (Dated 2 July 2025)
- 2308-BAA-20-L09-DP-A-0 P05: Proposed 09 floor plan (Dated 2 July 2025)
- 2308-BAA-20-R01-DP-A-0 P05: Proposed roof plan (Dated 2 July 2025)
- 2308-BAA-20-SN1-DP-A-0 P04: Proposed section 01 (Dated 2 July 2025)
- 2308-BAA-20-SN2-DP-A-0 P04: Proposed roof sections (Dated 2 July 2025)
- 2308-BAA-20-SN2-DP-A-0 P04: Proposed section 02 (Dated 2 July 2025)
- 2308-BAA-21-B01-DP-A-0 P04: Proposed façade bay study 1 (Dated 2 July 2025)
- 2308-BAA-21-B02-DP-A-0 P06: Proposed façade bay study 2 (Dated 2 July 2025)
- 2308-BAA-21-B03-DP-A-0 P05: Proposed façade bay study 3 (Dated 2 July 2025)
- 2308-BAA-21-B04-DP-A-0 P06: Proposed façade bay study 4 (Dated 2 July 2025)
- 2308-BAA-21-B05-DP-A-0 P04: Proposed façade bay study 5 (Dated 2 July 2025)

Reason – To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

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.

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Upper King Street (Extension) Conservation Area 1985
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) -
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 (More) -
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Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: CENTRAL