

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142725/NMC/2025

Date registered valid: 15 April 2025

Proposal: Non-material amendment to revise the wording of conditions 3 (Materials), 4 (Local Labour), 5 (CMP), 6 (Ground contamination), 7 (Landscaping), 9 (Archaeology), 10 (SuDs) and 16a (Delap) of planning permission 131859/FO/2021 to amend trigger points to discharge conditions.

Address: 50 Fountain Street, Manchester, M2 2AS

Ward(s): Deansgate Ward

Applicant: Prudential Nominee UK Limited

Agent (if any): Mr Michael Percival Deloitte LLP

Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 08/05/2025

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

The application relates to 50 Fountain Street which is comprised of the Grade II listed façade that fronts out onto Spring Gardens, Concert Lane and Fountain Street, as well as the more contemporary four storey modernist office block situated to its rear. The application is subject to a live planning permission and listed building consent for the demolition of the contemporary 1970s office building to the rear of the site, the erection of a replacement seven storey building, and retention of listed façade (All approved under permissions 131859/FO/2021 and 131860/LO/2021).

Listed building: Not applicable

Conservation area: Upper King Street Conservation Area 1970

Tree Preservation Order: Not applicable

Description of area

The neighbouring area lies within the heart of the City Centre and the Upper King Street Conservation Area. Neighbouring development consists of a high number of listed buildings including the Grade II* listed Former Reform Club and former Midland Bank, as well as the Grade II listed no47, and no60 and no62 Spring Gardens. Neighbouring uses comprise of a high number of commercial properties in restaurant (Class E(b)), and office uses (Class E(g)(i)).

Description of development

The application seeks a non-material amendment to planning permission 131859/FO/2021 that would see the revision of the wording of conditions 3 (Materials), 4 (Local Labour Agreement), 5

(Construction Management Plan), 6 (Ground contamination), 7 (Landscaping), 9 (Archaeology), 10 (SuDs) and 16a (Dilapidation Survey) so that works to the entrance door of the listed façade may commence prior to the discharging of said conditions.

Planning History

CDN/25/0378 - Partial Discharge of Condition 5 (CMP) and Condition 16a (Delap) attached to Planning Permission 131859/FO/2021 – Application under consideration.

142655/JO/2025 - Variation of condition application to vary condition 3 (Materials) attached to listed building consent 131860/LO/2021 – Application under consideration.

131860/LO/2021 - LISTED BUILDING CONSENT for the demolition of modern extension to Grade II Listed building, retention and refurbishment of original Victorian facade, erection of commercial building (Use Class E), re-instatement of the original entrance on 49 Spring Gardens, new structural bracing, abutment works to the adjacent Grade II* Listed Estate Exchange, and other associated works – Approved July 2022.

131859/FO/2021 - Full Planning Permission for the demolition of modern extension to Grade II Listed building, retention and refurbishment original Victorian facade, erection of commercial building (Use Class E) with landscaping, and other associated works – Approved June 2022.

F06409 - Reserved Matters Details of a new office building on the site of 46b, 48 and 52 Fountain Street and internal alterations to 49 Spring Gardens arising out of the outline planning permission (Ref. F02414) granted on 21st May 1975 – Approved March 1977.

F02182/LB - Listed Building Consent Internal alterations, a plant room at roof level and a 4-storey extension at rear of existing offices to provide toilet accommodation – Approved February 1975.

F02414 - Erection of new office building with connecting bridge over Concert Lane to existing bank premises after demolition of 46B and 48 Fountain Street – Approved February 1975.

Consultations & Notification Responses

Not applicable.

Issues

The introduction of a phasing plan would not alter the development approved under permission 131859/FO/2021 but merely relates to the phasing of its implementation, it is considered the decision to phase this element of the development to be non-material.

The rewording of conditions 3, 4, 5, 6, 7, 9, 10 and 16a is required in order to allow for works to commence on site in a timely manner prior to the permission lapsing. All conditions shall be required to be discharged prior to all works bar those referenced within the submitted information for this application, which comprises some minor works to the property's entrance door located at 49 Spring Gardens, principally the removal of a set of external steps.

The rewording of the proposed conditions shall allow for works to commence on site in a timely manner and allow for more wide-ranging information/details to be submitted at a later date for approval. As the information required to discharge the conditions will be left unaltered it is

considered that such changes are also to be non-material. It is considered necessary to introduce two planning conditions that would require the submission of a let contract for the remaining works outside of the step removal works, any such conditions will be worded so that if no contract is provided by July 2026 then no further works authorised by the permission may proceed. Such conditions will ensure that the permission is implemented in a timely manner.

In light of the above it is considered that the above changes would not have a material impact on the previously approved scheme and is thus acceptable.

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 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 seeks to alter the trigger point for conditions 3 (Materials), 4 (Local Labour Agreement), 5 (Construction Management Plan), 6 (Ground contamination), 7 (Landscaping), 9 (Archaeology), 10 (SuDs) and 16a (Dilapidation Survey) so that works to the entrance door of the listed façade may commence prior to the discharging of said conditions.

2) Following an assessment of the details submitted, I can confirm that the proposed amendment is 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.

3) (a) Notwithstanding the details submitted with the application, prior to the commencement of development, excluding works to the entrance door located at 49 Spring Gardens identified on 142-JMA-B1-SW-E-A-042101 Revision A, 142-JMA-B1-SW-E-A-042201 Revision C and 142-JMA-B1-XX-X-A-042299, the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

A programme for the issue of samples and specifications of all materials to be used on all external elevations of the development, including the roof terraces, and drawings to illustrate details of the full-sized sample panels that will be produced. The programme shall include timings for the submission of samples and specifications of all materials to be used on all

external elevations of the development to include jointing and fixing details, details of the drips to be used to prevent staining, details of the glazing and a strategy for quality control management.

(b) All samples and specifications shall then be submitted to and approved in writing by the City Council as local planning authority in accordance with the programme as agreed for part a) of this condition.

(c) Prior to installation of any new materials on the entrance to 49 Spring Gardens, details set out on Plan Reference 142-JMA-B1-XX-X-A-042299 shall be submitted to and approved in writing by the Local Planning Authority."

The development shall then be carried out in accordance with the approved materials.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) (a) Prior to the commencement of the development, excluding works to the entrance door located at 49 Spring Gardens identified on 142-JMA-B1-SW-E-A-042101 Revision A, 142-JMA-B1-SW-E-A-042201 Revision C and 142-JMA-B1-XX-X-A-042299, details of a local labour agreement in order to demonstrate commitment to recruit local labour for the construction element of the development shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved document shall be implemented as part of the construction phase of the development.

(b) Within six months of reaching practical completion of the development, details of the results of the scheme approved in part a) of this condition shall be submitted to the Local Planning Authority for consideration."

Reason - To safeguard local employment opportunities, pursuant to policy EC1 of the Core Strategy for Manchester.

5) Excluding works to the entrance door located at 49 Spring Gardens identified on 142-JMA-B1-SW-E-A-042101 Revision A, 142-JMA-B1-SW-E-A-042201 Revision C and 142-JMA-B1-XX-X-A-042299, no development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for;

- o A construction programme including phasing of works;
- o 24 hour emergency contact number;
- o Phasing and quantification/classification of vehicular activity, to include expected number and type of vehicles accessing the site for: Deliveries; Waste removal; Cranes; Equipment, Plant; Works; and Visitors;
- o Size of construction vehicles;
- o The use of a consolidation operation or scheme for the delivery of materials and goods;
- o Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction), such as programming, construction methodology, shared deliveries, car sharing, travel planning, parking facilities for staff and visitors, on-site facilities to encourage the use of public transport and cycling;
- o Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;

- o Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- o Locations for storage of plant/waste/construction materials;
- o Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- o Any necessary temporary traffic management measures;
- o Measures to protect vulnerable road users (cyclists and pedestrians);
- o Arrangements for temporary facilities for any bus stops or routes;
- o Method of preventing mud being carried onto the highway (wheel washing);
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses and Community consultation strategy, including details of stakeholder and neighbour consultation prior to and during the development along with the complaints procedure
- o Dust suppression measures, including a section on air quality and the mitigation measures proposed to control fugitive dust emissions during the enabling and build phases;
- o Compound locations where relevant;
- o Details regarding location, removal and recycling of waste (site waste management plan);
- o Sheeting over of construction vehicles;
- o A commentary/consideration of ongoing construction works in the locality;
- o Construction and demolition methods to be used, including the use of cranes (and their location);
- o The erection and maintenance of security hoardings;
- o Details on the timing of construction of scaffolding.

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

The development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Core Strategy.

6) a) Excluding works to the entrance door located at 49 Spring Gardens identified on 142-JMA-B1-SW-E-A-042101 Revision A, 142-JMA-B1-SW-E-A-042201 Revision C and 142-JMA-B1-XX-X-A-042299, before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

7) a) Prior to the commencement of development, excluding works to the entrance door located at 49 Spring Gardens identified on 142-JMA-B1-SW-E-A-042101 Revision A, 142-JMA-B1-SW-E-A-042201 Revision C and 142-JMA-B1-XX-X-A-042299, a programme for the submission of final details of the landscaping, lighting, public realm works shall be submitted to and approved in writing by the City Council as Local Planning Authority. The programme shall include submission and implementation timeframes for the following details:

I. The proposed hard landscape materials, including the materials to be used for the footpaths surrounding the site and for the areas between the pavement and the line of the proposed building, and within the public realm works area;

II. Any external lighting;

III. The ecological enhancements to be installed at the buildings to enhance and create new biodiversity within the development;

IV. The landscaping proposed for the roof terraces;

b) The above details shall then be submitted to and approved in writing by the City Council as local planning authority in accordance with the programme as agreed for part a) of this condition.

The development shall be carried out in accordance with the approved details.

Reason - To ensure that a satisfactory landscaping scheme and ecological enhancements for the development are carried out, in accordance with saved policies R1.1, I3.1, T3.1, S1.1, E2.5, E3.7 and RC4 of the Unitary Development Plan for the City of Manchester and policies SP1, DM1, EN1, EN9 EN14 and EN15 of the Core Strategy.

9) Excluding works to the entrance door located at 49 Spring Gardens identified on 142-JMA-B1-SW-E-A-042101 Revision A, 142-JMA-B1-SW-E-A-042201 Revision C and 142-JMA-B1-XX-

X-A-042299, no development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Manchester Planning Authority. The WSI shall cover the following:

- a) A phased programme and methodology of investigation and recording to include:
 - an evaluation through trial trenching
 - dependent on the above, more detailed excavation (subject to a separate WSI)
- b). A programme for post investigation assessment to include:
 - production of a final report on the investigation results.
- c) Deposition of the final report with the Greater Manchester Historic Environment Record.
- d) Dissemination of the results of the archaeological investigations commensurate with their significance.
- e) Provision for archive deposition of the report and records of the site investigation.
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason - To record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publicly accessible pursuant to policy EN3 of the Manchester Core Strategy (2012) and saved policy DC20 of the Unitary Development Plan for the City of Manchester (1995).

10) Excluding works to the entrance door located at 49 Spring Gardens identified on 142-JMA-B1-SW-E-A-042101 Revision A, 142-JMA-B1-SW-E-A-042201 Revision C and 142-JMA-B1-XX-X-A-042299, no development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, the hierarchy of drainage options in the National Planning Practice Guidance, and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the City Council as Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed."

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to policies EN8 and EN14 of the Manchester Core Strategy.

16) a) Prior to works to the entrance door located at 49 Spring Gardens identified on 142-JMA-B1-SW-E-A-042101 Revision A, 142-JMA-B1-SW-E-A-042201 Revision C and 142-JMA-B1-XX-X-A-042299, a condition survey of the carriageways/footways on construction vehicle routes surrounding the site shall be undertaken and submitted to the City Council as Local Planning Authority.

b) When works identified in part a) are complete, the same carriageways/footways shall be re-surveyed and the results submitted to the City Council as Local Planning Authority for assessment. Should any damage have occurred to the carriageways/footways, they shall be repaired and reinstated in accordance with a scheme that shall first be submitted to and

approved in writing by the City Council as Local Planning Authority. The necessary costs for this repair and/or reinstatement shall be met by the applicant

c) Before development commences beyond the works identified in part a) of this condition, a full condition survey of the carriageways/footways on construction vehicle routes surrounding the site shall be undertaken and submitted to the City Council as Local Planning Authority.

d) When all construction/fit-out works are complete, the same carriageways/footways shall be re-surveyed and the results submitted to the City Council as Local Planning Authority for assessment. Should any damage have occurred to the carriageways/footways, they shall be repaired and reinstated in accordance with a scheme that shall first be submitted to and approved in writing by the City Council as Local Planning Authority. The necessary costs for this repair and/or reinstatement shall be met by the applicant.

Reason - To ensure an acceptable development, pursuant to policy DM1 of the Core Strategy.

26) No development, other than the step removal works to the entrance door located at 49 Spring Gardens identified on 142-JMA-B1-SW-E-A-042101 Revision A, 142-JMA-B1-SW-E-A-042201 Revision C and 142-JMA-B1-XX-X-A-042299, shall commence until a contract for the construction and completion of the remaining development has been let and appropriate evidence has been submitted for approval in writing by the City Council, as Local Planning Authority. The contract for construction and completion of the remaining development outside of the aforementioned step removal works must be let no later than the 05 July 2026.

Reason - To allow sufficient time to let the contract for the remainder of the development pursuant to policy SP1 of the Manchester Core Strategy (2012).

27) Should the contract for construction and completion of the development not be let by 05 July 2026, then all development activities on the site, outside of the step removal works to the entrance door located at 49 Spring Gardens identified on 142-JMA-B1-SW-E-A-042101 Revision A, 142-JMA-B1-SW-E-A-042201 Revision C and 142-JMA-B1-XX-X-A-042299, shall cease and no further development shall be permitted by this planning permission.

Reason - To require the development activities to cease should the contract for the remainder of the development not be let pursuant to policy SP1 of the Manchester Core Strategy (2012).

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 Conservation Area 1970

Area Team Boundary - Name: CENTRAL