

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138258/NMC/2023

Date registered valid: 6 October 2023

Proposal: Non-material amendment to planning permission 131992/FO/2021 comprising of elevational alterations.

Address: MCR Home Arches , Arches Below Viaduct Between Whitworth Street West & Tony Wilson Way, Manchester, M15 4FN

Ward(s): Deansgate Ward

Applicant: Mr Steve Atherton Robertson Construction Ltd

Agent (if any): Mr Colin Williams, The Planning Studio

Case officer: Emily Booth
Tel: 0161 234 4193
Email: emily.booth@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 1 May 2025

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: 24 July 2024

Standard consultations:

Printed: 12 October 2023 Expired: 2 November 2023

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: Grade II Listed

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This application comprises 3no. railway arches that run alongside Whitworth Street West. They are within the Grade II Listed section of a 224-arch multi-span brick railway viaduct that carries the South Junction Railway Line from Manchester Piccadilly Train Station to Deansgate Train Station.

The viaduct roughly follows the route of the River Medlock branching into two at Castlefield basin with the northern branch terminating at the River Irwell and the southern branch terminating at Dawson Street. It is mainly constructed in brick with a series of predominantly arched cast iron bridges and incorporates arches varying in height some of which have been in filled and converted into premises.

The Grade II Listed Rochdale Canal Lock 60 is the closest listed structure, and the Grade II Listed Ritz Dance Hall is nearby. The site subject of this application is not within a Conservation Area.

The site is also within the arches at the front of the First Street area and is to the rear of Manchester Home. First Street is one of Manchester's most vibrant neighbourhoods with a well-established blend of culture, leisure, retail and office space with quality workspaces and apartments. It has started to be constructed on the site of Gaythorn Gas Works and new sites are still coming forward in this evolving neighbourhood.

Other uses in the immediate area include hotels, office buildings, residential buildings, shops, bars and restaurants.

Applications referenced 131992/FO/2021 and 131993/LO/2021 allowed the use of the railway arches as a flexible use (Sui Generis) including arts, events and performances with associated internal and external alterations to the listed building.

Description of development

A non-material amendment has now been submitted to vary condition 2 (Approved Drawings and Documents) of application referenced 131992/FO/2021 to allow the following changes:

- Moving the external steel to achieve 350mm clear from the arch.
- Increasing the shadow gap (external spandrel panel) between glazing head and arch externally.
- The reduction of the front and back of the pods by 2 bricks in width externally to ensure full access but remain centrally located.
- Narrowing the external doors to Arch 1 to maximise the space inside the room.

An application for the variation of Condition 2 of application referenced 131993/LO/2021 has also been submitted for the internal and external changes. This is referenced 138263/JO/2023.

Consultations & Notification Responses

Network Rail - Advised that the applicant should complete an asset protection from prior to commencing works.

Publicity - Not applicable.

Issues

The above-described changes to Condition 2 are non-material. The changes are minor and not material. Please see original report for app. 131992/FO/2021 for details of the original scheme.

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

1) Following an assessment of the details submitted, it is confirmed that the proposed amendments to the wording of Conditions 2 (Plans and Documents) of application referenced 132801/FO/2022 to make the following minor changes to the elevations are considered to be of a non-material nature and are acceptable to the City Council as Local Planning Authority:

- Moving the external steel to achieve 350mm clear from the arch.
- Increasing the shadow gap (external spandrel panel) between glazing head and arch externally.
- The reduction of the front and back of the pods by 2 bricks in width externally to ensure full access but remain centrally located.
- Narrowing the external doors to Arch 1 to maximise the space inside the room.

The City Council is satisfied that the proposed amendments to the wording of Condition 2 will have no material impact upon the previously approved scheme, will not adversely affect residential amenity within the area or will it have any significant material impact upon the overall quality of the development and there are no material planning considerations to indicate otherwise.

2) The re-wording of condition 2 of application referenced 132801/FO/2022 is requested to allow the above-described changes. These changes are requested due to requirements for access by the owner, the correction of survey inaccuracies and a reduction in the proposed works meaning the removal of glazed bricks from the rear pod elevations of the development. The wording of Condition 2 is therefore amended to replace the approved drawings with the amended drawings. It should be noted that this letter of consent does not supersede the decision notice attached to planning permission referenced 131992/FO/2021. These documents should be read in conjunction with one another. Therefore, the conditions previously applied to the permission referenced 131992/FO/2021, still apply to this development. However, due to the acceptance of the amendments outlined above, the following amended condition also applies:

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

The location plan referenced B1_00_1001 received by the City Council as local planning authority on 4 November 2021

The following drawings referenced:

042201 Rev P01 Received 04/11/21

Received by the City Council as local planning authority on 4 November 2021

HAP-JMA-A1-XX-DR-A-05-4201 Rev C2

HAP-JMA-A1-XX-DR-A-05-4221 Rev C2
HAP-JMA-A2-XX-DR-A-05-4202 Rev C2
HAP-JMA-A2-XX-DR-A-05-4222 Rev C2
HAP-JMA-A3-XX-DR-A-05-4203 Rev C2
HAP-JMA-A3-XX-DR-A-05-4223 Rev C2

Received by the City Council as local planning authority on 6 October 2023

HAP-JMA-A1-00-DR-A-02-4201 Rev C4
HAP-JMA-A1-XX-DR-A-10-4201 Rev C3
HAP-JMA-A1-XX-DR-A-10-4204 Rev C3
HAP-JMA-A2-00-DR-A-02-4202 Rev C4
HAP-JMA-A2-XX-DR-A-10-4202 Rev C3
HAP-JMA-A2-XX-DR-A-10-4205 Rev C3
HAP-JMA-A3-00-DR-A-02-4203 Rev C3
HAP-JMA-A3-XX-DR-A-10-4203 Rev C3
HAP-JMA-A3-XX-DR-A-10-4206 Rev C3
HAP-JMA-B01-00-DR-A-02-2200 Rev C2
HAP-JMA-B01-XX-DR-A-04-2200 Rev C4
HAP-JMA-B01-XX-DR-A-04-2201 Rev C4
HAP-JMA-B01-XX-DR-A-05-2200 Rev C3
HAP-JMA-B01-XX-DR-A-05-2201 Rev C3
HAP-JMA-XX-XX-DR-A-08-4282 Rev C3
HAP-JMA-XX-XX-DR-A-08-4283 Rev C2
HAP-JMA-XX-XX-DR-A-08-4284 Rev C2
HMA-JMA-A1-XX-S-A-052202 Rev P01
HMA-JMA-A2-XX-S-A-052203 Rev P01
HMA-JMA-A3-XX-S-A-052204 Rev P01
HMA-JMA-XX-00-P-A-022200 Rev P01
HMA-JMA-XX-AA-S-A-052200 Rev P01
HMA-JMA-XX-BB-S-A-052201 Rev P01
HMA-JMA-XX-N-E-A-042200 Rev P01
HMA-JMA-XX-RF-P-A-022201 Rev P01
HMA-JMA-XX-S-E-A-042201 Rev P01

Received by the City Council as local planning authority on 23 February 2024

The following documents:

- The Sample Tracker Home Arches prepared by Jon Matthews Architects Rev A
- The photos with reference numbers ARM-111, ARM-311, BRK-251, DRS-251, DRS-255, DRS-261, PPS-111, EWS-111 and EWS-117, EWS-231, SGN-201, Anodised Sample, MASS Concrete,
- The drawings referenced HAP-JMA-B01-XX- DR-A-04-2201 Rev C3 and HAP-JMA-B01-XX- DR-A-04-2200 Rev C3
- The photo showing Light Weather Brick construction.
- The photo showing a louvre

Received by the City Council as local planning authority on 1 February 2024

Reason - To ensure that the development is carried out in accordance with the approved plans.
Pursuant to Core Strategy Policies SP1, DM1 and EN3 and saved UDP policy DC19.1

Appendix 1 – List of consultees & neighbours notified

Network Rail

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

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: CENTRAL