MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141579/NMC/2024
Date registered valid:	25 November 2024
Proposal:	Non material amendment to planning permission 137589/JO/2023 to amend of Condition 2 (approved plans) to replace approved ground floor retail space in tower 2 with a gym for use by residents of Swan House.
Address:	Swan Street House, 70 Swan Street, Manchester, M4 5GS
Ward(s):	Piccadilly Ward
Applicant:	Ridge Manchester s.a.r.l
Agent (if any):	RW Planning
Case officer:	Jennifer Atkinson Tel: 0161 234 4517 Email: jennifer.atkinson@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**5 December 2024**

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 site measures 0.3 hectares and is bounded by Rochdale Road, Swan Street, Cable Street and Mason Street.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The site is in New Cross Neighbourhood Development Framework (NDF) which will become a dense residential area and contribute to the City's economic and population growth. The Framework proposes development at a high to medium density with a taller building at the corner of Rochdale Road and Swan Street. Immediately adjoining the site on Swan Street, are 56-68 Swan Street and the Bank of Baroda. These properties vary in terms of age, style and quality. The NDF envisaged they would form part of a wider development scheme, however, they are not part of this submission. 56-68 Swan Street are considered to be non-designated heritages assets. The Bank of Baroda is a more modern building. The wider area contains residential, commercial and retail activities along Swan Street. A number of sites are being developed nearby that will help to realise the NDF vision. New Cross has a tightly grained street pattern and this is still evident and a number of small warehouse and industrial remain. However, Addington Street and Thompson Street are now part of the City's strategic highway network which has changed their role and function and this has had an impact on the area. The Smithfield Conservation Area is on the opposite side of Swan Street and the following buildings are listed: 29 Swan Street (Grade II), Mackie Mayor (Grade II), Former Midland Bank (Grade II), 8 Cable Street (Grade II), former police and ambulance station (Grade II). The area has

excellent links to public transport and Manchester Victoria train station and all forms of sustainable transport are within a short walk.

Description of development

Non material amendment to planning permission 137589/JO/2023 to amend of Condition 2 (approved plans) to replace approved ground floor retail space in tower 2 with a gym for use by residents of Swan House.

Consultations & Notification Responses

N/A

Issues

The proposal seeks use the commercial space in tower 2 for an ancillary residents gym. This change is considered to be acceptable and non material in nature. The related conditions which refer to the commercial space has been updated (including the need to agree the acoustic scheme for the unit) as well as restricting the gym for residents only.

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 proposal seeks to amend to Condition 2 (approved plans) to replace approved ground floor retail space in tower 2 with a gym for use by residents of Swan House.

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

- 2406-LHA-Z1-00-DR-A-PL-001 and 2406-LHA-Z1-M0-DR-A-PL-002 received by the City Council, as Local Planning Authority, on the 25 November 2024

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.

14) (a) Notwithstanding the noise and vibration report prepared by Hann Tucker stamped as received by the City Council, as Local Planning Authority, on the 27 September 2018, (a) prior to the first use of each commercial unit and residents gym as indicated on drawings 2406-LHA-Z1-00-DR-A-PL-001 and 2406-LHA-Z1-M0-DR-A-PL-002 received by the City Council, as Local Planning Authority, on the 25 November 2024, a scheme of acoustic insulation shall be submitted for approval in writing by the City Council, as Local Planning Authority.

(b) The approved scheme shall then be implemented and a post completion survey (including appropriate mitigation measures and timescales for implementation if necessary) shall be submitted for approval in writing by the City Council, as Local Planning Authority, prior to the first use of each of the commercial units and residents gym. The measures implemented (including any additional measures agreed) shall be retained and maintained for as long as the development remains in use.

Reason - In order to limit the outbreak of noise from the commercial premises pursuant to policies SP1 and DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

17) Prior to the first use of each of commercial units, as indicated on drawing

PL A B5D8 G200 0001 stamped as received by the City Council, as Local Planning Authority, on the 20 December 2018, details of a scheme to extract fumes, vapours and odours from the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall then be implemented prior to the first occupation of each of the commercial units within each phase and thereafter retained and maintained in situ.

Reason - To ensure appropriate fume extraction is provided for the commercial units pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC10 of the Unitary Development Plan for the City of Manchester (1995).

18) Prior to the first use of each of the commercial units and residents gym as indicated on drawings 2406-LHA-Z1-00-DR-A-PL-001 and 2406-LHA-Z1-M0-DR-A-PL-002 received by the City Council, as Local Planning Authority, on the 25 November 2024, details of any roller

shutters to the ground floor of the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt the shutters shall be fitted internally to the premises. The approved details shall be implemented prior to the first occupation of each of the commercial units and residents gym and thereafter retained and maintained in situ.

Reason - To ensure that the roller shutters are appropriate in visual amenity terms pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

22) Prior to the first use of each commercial unit, as indicated on drawings 2406-LHA-Z1-00-DR-A-PL-001 and 2406-LHA-Z1-M0-DR-A-PL-002 received by the City Council, as Local Planning Authority, on the 25 November 2024, details of the opening hours shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved opening hours shall then become the operating hours for each respective unit and shall thereafter be retained and maintained.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

24) The commercial units and residents gym as shown on drawings 2406-LHA-Z1-00-DR-A-PL-001 and 2406-LHA-Z1-M0-DR-A-PL-002 received by the City Council, as Local Planning Authority, on the 25 November 2024, shall remain as separate units and shall not be sub divided or amalgamated without the benefit of planning permission being secured.

Reason- In the interests of residential amenity and to ensure the future viability and vitality of the commercial units pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1, C5 and SP1 of the Manchester Core Strategy.

25) The commercial units, as indicated on drawings 2406-LHA-Z1-00-DR-A-PL-001 and 2406-LHA-Z1-M0-DR-A-PL-002 received by the City Council, as Local Planning Authority, on the 25 November 2024, can be occupied as A1, A2 and A3. The first use of the each commercial unit to be implemented shall thereafter be the permitted use of that unit and any further change of use may be the subject of the requirement of a new application for planning permission or subject to the requirements of the Town and Country Planning (General Permitted Development) Order 2015.

The residents gym is ancillary accommodation to the residential element only and is not a gym open to the general public.

Reason - For the avoidance of doubt and in order to secure a satisfactory form of development due to the particular circumstance of the application site, ensuring the vitality of the units and in the interest of residential amenity, pursuant policy DM1 of the Core Strategy for Manchester.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: CENTRAL