

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142352/NMC/2025

Date registered valid: 7 March 2025

Proposal: Non-material amendment to 125573/FO/2019 to amend condition 29 (clear glazing) to enable the internal application of vinyl on 2no. glazing panels to commercial unit 03.

Address: Asda Express, Commercial Unit 03, Plot 11, Manchester Square Gardens, Chester Street, Manchester, M15 6JX

Ward(s): Deansgate Ward

Applicant: ASDA Stores Limited

Agent (if any):

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 12 March 2025

Application Details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: 12 March 2025

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/Area

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The original permission sought the construction of four buildings of heights varying from 10 storeys to 45 storeys together comprising Co-living bedspaces (use class sui generis) and associated amenity facilities, with ground floor commercial units (Use classes A3 (Café / Restaurant and D2 (Gym)), private amenity space and public realm comprising hard and soft landscaping, car parking and cycle facilities and other associated works.

The building has now almost completed construction.

Consultations & Notification Responses

No consultees were required to be notified as a part of this application.

Issues

The original intentions of the condition was to provide clear glazing facing the central public realm and private landscaped areas.

Clear glazing is an integral and important element in design of the ground level elevations and are important in maintaining a visually interesting street-scene consistent with the use of such areas by members of the public.

The occupier of the commercial unit (ASDA) has stated that a full-height gold vinyl panel is required to screen the back-of-house area and associated ducting infrastructure, and the black vinyl with the ASDA logo is required to screen the manned check-out counters, where cigarettes and other goods are stored, for security purposes.

Overall, the vast majority of the ground floor will remain clear glazing and so the City Council has taken the view in this particular case that the proposed minor amendment to the condition will not impact the overall intention of the original condition and can therefore be considered to be a non-material amendment.

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

1) The proposal seeks to amend condition 29 (clear glazing) to enable internal application of vinyl on 2no. glazing panels to commercial unit 03. The full-height gold vinyl panel is required to screen the back-of-house area and associated ducting infrastructure, and the black vinyl with the ASDA logo is required to screen the manned check out counters, where cigarettes and other goods are stored, for security purposes.

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 proposed relocation is within the site edged red boundaries of the original application. The City Council is satisfied that the proposed changes will not result in any significant material alterations to the planning approval.

29) The windows within the podium and at ground floor facing the central public realm and private landscaped areas, other than the vinyl(s) as shown in the document 31934PL01_04, shall be retained as a clear glazed window opening at all times and views into the premises shall not be screened or obscured in any way unless they relate to service areas.

Reason - The clear glazed window(s) is an integral and important element in design of the ground level elevations and are important in maintaining a visually interesting street-scene consistent with the use of such areas by members of the public, and so as to be consistent with saved policy DC14 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: CENTRAL