

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141492/NMC/2024

Date registered valid: 12 November 2024

Proposal: Non-Material Amendment to amend condition 2 (Approved plans) and 9 (Materials) of planning permission 074883/FO/2005/N1 to replace the timber and metal cladding materials approved with non-combustible alternatives.

Address: Barton Place, 3 Hornbeam Way, Manchester, M4 4AT

Ward(s): Cheetham Ward

Applicant: Lend Lease

Agent (if any): Four Architects

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

Recommendation: Refuse

Date of recommendation: 15 November 2024

Application Details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: 12 September 2024

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 development in question was granted planning permission (application 074883/FO/2005/N1) in May 2005.

The development is 11 storeys tall and consists of 327 residential apartments.

It is located within the Green Quarter, a residential area on the edge of Manchester City Centre, sitting between the City Centre, Cheetham Hill and Strangeways.

Description of Development

A Non-Material Amendment is now sought to amend condition 2 (Approved plans) and 9 (Materials) of planning permission 074883/FO/2005/N1 to replace the approved timber and metal cladding materials approved with non-combustible alternatives.

The proposed alternative materials include a Caramel Oak RockPanel Wood to replace the timber cladding and aluminium PPC in RAL 9006 to replace the metal cladding.

Consultations & Notification Responses

Not applicable

Issues

The above-described changes to Condition 2 and 9 are material. There are clear difference from the approved material as the proposed material differs significantly in materiality and in appearance. Please see the original report and drawings for application 074883/FO/2005/N1 for further details.

In addition, the scheme approved under 074883/FO/2005/N1 has been fully implemented and therefore cannot be amended at this stage. Planning Permission is required to be sought in order to make any external alterations.

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: Refuse

Reasons for recommendation to refuse

- 1) The proposed amendments relate to a change to the approved cladding material from the approved materials to non-combustible cladding.
- 2) Following an assessment of the physical sample and details submitted, it is confirmed that the proposed amendments are considered to be a material change to the planning approval.

The City Council is not satisfied that the proposed changes would not have an impact upon the amenity and visual appearance of the building and surrounding area.

As such the proposal cannot be determined as non-material under section 96A of the Town and Country Planning Act 1990.

Appendix 1 – List of consultees & neighbours notified

None applicable.

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

Flood Zones Type 2 (low to medium risk) -

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 (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (More) -

Area Team Boundary - Name: CENTRAL