

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141527/NMC/2024

Date registered valid: 18 November 2024

Proposal: Non Material Amendment to planning permission
140389/JO/2024 to amend condition 2 (approved dwgs)
removal and relocation of columns and changes to lift core
design

Address: 35 Fountain Street, Manchester, M2 2AN

Ward(s): Deansgate Ward

Applicant: 35 Fountain Street Limited

Agent (if any): Miss Laura Pennington CBRE Limited

Case officer: Danielle Cooper
Tel: 0161 234 1658
Email: danielle.cooper@manchester.gov.uk

Recommendation: Approve

Date of recommendation: **21/11/2024**

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: 21/11/2024

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/building

Listed building: Not applicable

Conservation area: Upper King Street (Extension) Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area

The site lies within the Upper King Street Conservation area. This part of the conservation area is characterised by a mixture of robust Victorian buildings with more modern infill buildings. Following the destruction of large areas of the city during the Second World War, the City of Manchester Plan of 1945 proposed a virtual rebuilding of the City, with Fountain Street proposed to be widened. This resulted in new buildings on Fountain Street being set back from pavement to accommodate the widening. However, that scheme was abandoned, resulting in a somewhat jiggered building frontage. Within the conservation area, new development proposal should generally be aligned to the back of the pavement in order to preserve the historic linear character of the streets.

Many different building materials have been used in the Upper King Street conservation area. These include variously coloured brick, stone (predominantly yellow sandstone),

exposed aggregate pre-cast concrete, bronze-coloured glass in metal frames, clear glass in concrete frames, and various modern high-tech materials. Ground floors are often in granite, giving a distinctive appearance, and the top floor is often treated differently too. Entrances are clearly emphasised and are often located on the corner of buildings, which are frequently chamfered for this purpose. Windows are mostly vertically proportioned and nearly always grouped in twos or threes. Unless the fenestration is composed of projecting bay or oriel windows, it is always set well back from the façade of the building, creating an interesting three-dimensional modelling. Within the conservation area, any new building will be required to meet a high standard of design.

Description of development

The non-material amendment seeks to amend planning permission 140389/JO/2024 to vary condition 2 (Approved Drawings) for the removal and relocation of columns and changes to lift core design.

These works constitute the following:

Columns – Marble Street:

One column at ground floor along Marble Street is to be removed and five pre-cast stone panels are to be introduced within the glazed element of the ground floor elevation.

Columns – Fountain Street:

The columns at the ground floor level of Fountain Street are to be relocated southwards of the building to better define the main entrance of the building.

Lift core:

The concrete stringcourse to the lift core in order to correspond to each level of the building is to be realigned to replaced with solider course of brickwork.

Planning history

140389/JO/2024 - Variation of conditions 2 (approved plans), 8 (cycle store/ basement layout) and 12 (waste management strategy) attached to planning permission 136013/FO/2023 to make elevational alterations, increase in height of lift over run, reconfiguration of the basement layout to increase the plant area and move the location of the cycle parking together with additional landscaped area to the rear of the building, including raised planters – Approved 26.09.2024

136013/FO/2023 - Elevation alterations and erection of two storey rooftop extension including rooftop terrace – Approved 16.10.2023

Consultations & Notification Responses

Not applicable

Issues

Following an assessment of the details submitted, the city council confirms 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 removal and relocation of columns, and changes to the lift core design is considered to be visually acceptable and the city council is satisfied that the proposed changes will not result in any significant material alterations to the planning approval.

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 planning permission 140389/JO/2024 to vary condition 2 (Approved Drawings) for the removal and relocation of columns and changes to lift core design.

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

- Proposed east elevation, ref: 2308-BAA-20-EE-DP-A-0 P06
- Proposed east elevation (context), ref: 2308-BAA-20-EE1-DP-A-0 P05
- Proposed north elevation, ref: 2308-BAA-20-EN-DP-A-0 P06
- Proposed north elevation (context), ref: 2308-BAA-20-EN1-DP-A-0 P05
- Proposed south elevation, ref: 2308-BAA-20-ES-DP-A-0 P06
- Proposed south elevation (context), ref: 2308-BAA-20-ES1-DP-A-0 P04
- Proposed west elevation, ref: 2308-BAA-20-EW-DP-A-0 P06
- Proposed west elevation (context), ref: 2308-BAA-20-EW1-DP-A-0 P04
- Proposed ground floor plan, ref: 2308-BAA-20-L00-DP-A-0 P05
- Proposed level 01 floor plan, ref: 2308-BAA-20-L01-DP-A-0 P05
- Proposed façade bay study 6, ref: 2308-BAA-21-B06-DP-A-0 P01

Received by the City Council, as Local Planning Authority, on the 18 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.

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 (Extension) Conservation Area 1985

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: CENTRAL