

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141362/NMC/2024
Date registered valid: 24 October 2024
Proposal: Non-material amendment to planning permission 132600/FO/2021 to vary wording of condition 29 (Off Site Highway Works).
Address: Plot 9A First Street, Manchester
Ward(s): Deansgate Ward

Applicant: First Street Developments Ltd
Agent (if any): Kelly McCann Deloitte LLP
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk

Recommendation: **Approve**
Date of recommendation: **14/11/24**

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of site and area

This vacant site is bounded by River Street, Medlock Street and future development sites in First Street known as Plot 9B and 10A. The site is 0.48 hectares and comprises of hardstanding with a small amount of vegetation. It was most recently used as a surface car park has been used for a number of years as a site compound for the construction of No.8 First Street. It is surrounded by a construction hoarding and access is taken from River Street.

The Grade II Listed Mackintosh Mill complex is approximately 70 metres to the east on Hulme Street. Other listed buildings close to the site include the Grade II Listed Cambridge Mill on Cambridge Street, Chorlton Mill on Hulme Street and Chatham Mill on Chester Street and the Grade II Listed Altrincham Railway Viaduct.

Historically, the First Street site was used for chemical and gas works, but has now been extensively remediated. There is an underground gas main along the northern and western perimeter of the site which has an easement and exclusion zone.

First Street includes offices, food and drink uses, car parking, hotel accommodation, conference space, high quality architecture and public realm. It also includes HOME, a cultural hub for film, theatre and exhibitions. Events take place within the area throughout the year. It is the subject of a regeneration framework and the site is located within the First Street Central character zone, which is a new office destination targeted at a range of commercial occupiers and competitively priced.

There are offices, apartments, shops, hotels, cafes and bars in the immediate area and Oxford Road Train Station is nearby. The nearest residential properties are at Mackintosh Mill and Chorlton Mill on Hulme Street. Parkway Gate student accommodation is on Chester Street.

Description of development

Consent was granted under application ref no 132600/FO/2021 in April 2022 for the erection of a nine-storey building with rooftop plant and basement comprising office accommodation (Use Class E(c)) with ancillary facilities for occupiers including roof top terrace, winter gardens, gym/ yoga studio, basement car parking (26 spaces) and cycle parking (130 spaces) landscaping and other associated works.

The above development is nearing completion and issues have arisen in relation to the timing of delivery of some of the off site highways works secured by condition 29 attached to the above consents. Delays to the applicant's pre-occupation delivery have been caused by the implementation of highways works associated with promoting active travel and wider future plans for wider highways infrastructure in the area are at this time fluid and could create further barriers to defining an exact timing for the delivery of the applicants approved works. Ultimately it has been agreed that the applicants will now pay a commuted sum to Highways through their S278 agreement in lieu of those works.

Consultations & Notification Responses

None

Issues

Following discussions with MCC Highways and TfGM, and due to planned changes to the adjacent highway that have emerged between the granting of the above approval and project completion (which are ultimately affecting the final stages of the build programme and the conditional occupation of the building by the secured whole building tenant) the Applicant has agreed to pay a commuted sum towards the highway works covered by points (b) and (c) of the current Condition 29, rather than carrying out the works themselves. This will be secured via an amendment to the existing s278 agreement with MCC Highways and they will deliver the crossing and works to the highway required by that original condition.

The wording of Condition 29 therefore needs to be updated to reflect the fact that the Applicant will be relinquishing control over the delivery of works

The City Council is satisfied that the proposed changes will have no material impact upon the previously approved scheme and the works will not adversely affect visual or residential amenity within the area or will they have any significant material impact upon the overall quality of the development. The changes are considered to be of a non-material nature and acceptable to the City Council as Local Planning Authority

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:

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) Reason 1: Following an assessment of the details and plans submitted, it is confirmed that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as Local Planning Authority. The City Council is satisfied that the proposed changes will have no material impact upon the previously approved scheme and the works will not adversely affect visual or residential amenity within the area or will they have any significant material impact upon the overall quality of the development

2) Reason 2: The proposed amendments relate to changes to conditions planning condition 29

Following discussions with MCC Highways and TfGM, the Applicant has agreed to pay a commuted sum towards the highway works covered by points (b) and (c) of Condition 29 as currently worded, rather than carrying out the works themselves. This will be secured via an amendment to the existing s278 agreement with MCC Highways.

The wording of Condition 29 therefore needs to be updated to reflect the fact that the applicant will be relinquishing control over the delivery of those works and to ensure the project is not being progressed in contravention of the condition as it is currently written.

29) Prior to the occupation of the development, a scheme of highway works, in order to provide an adequate pedestrian and vehicular environment in the vicinity of the application site, shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt this shall include the following:

- (1)
 - a) The lay-by on River Street;
 - b) Tactile paving and dropped kerbs across the car park access point

The approved scheme shall be implemented and be in place prior to the first occupation of the development hereby approved and thereafter retained and maintained in situ.

(2) Prior to the occupation of the development, the Applicant amend the Section 278 Agreement with MCC Highways [dated 16 April 2024] to include a commuted sum towards the following:

- a) The signalised pedestrian crossing providing access across Medlock Street; and
- b) The works to the adopted highway, including footway improvements.

Reason -To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012)

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 (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: CENTRAL