MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141258/NMC/2024
Date registered valid:	16 October 2024
Proposal:	Non-material amendment to Condition 25 (BREEAM) of planning permission 139622/JO/2024 to allow for an extension of timing to obtain BREEAM certification
Address:	Land Bounded By John Dalton Street, Ridgefield, Bow Street And South King Street, Manchester
Ward(s):	
Applicant:	The Island Site (General Partner) Limited
Agent (if any):	Mrs Larna Smith Avison Young
Case officer:	Michael Pearson Tel: 0161 219 2735 Email: michael.pearson@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: 29/10/2024

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 application relates to the ten storey building under construction at land bound by John Dalton Street, Ridgefield, Bow Street and South King Street. The property features a glazed ground and first floor, with its upper floors being completed in red brick with decorative metal cladding and brickwork. The approved uses on site consists of 2no commercial Class E units at ground floor and commercial office space in its upper floors. A roof terrace is to feature that would be used in association with the office space below.

Listed building: Not applicable

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

Description of area

The application site lies within the heart of Manchester City Centre along the northern side of John Dalton Street, a key road that provides access from Deansgate to Albert Square. The site also lies along the southern boundary of the St Anns Conservation Area, with the Albert Square Conservation Area lying to the south across John Dalton Street. Neighbouring uses are generally comprised of properties in commercial retail use at ground floor, with office space above. Some residential development is present within the upper floors of the Grade II listed no105-113 Deansgate to the west of the application site across Ridgefield.

Description of development

The application seeks a non-material amendment to planning permission 139622/JO/2024 that would alter the trigger point of condition 25 (BREEAM). The trigger point would be altered so that a post construction review certificate need not be submitted prior to the occupation of the development but instead within six months of the development's first occupation.

Planning History

139622/JO/2024 - Variation of application 130553/FO/2021 to vary condition 2 (Approved Plans) consisting of the introduction of a pergola, external lighting, and associated works to the rooftop terrace – Approved June 2024.

139548/NMC/2024 - Non-material amendment to planning permission 130553/FO/2021, and non-material amendments 133829/NMC/2022 & 138854/NMC/2023, to vary the wording of conditions 7 (Acoustic Insulation) & Condition 9 (Plant Noise) to split trigger of commercial and office space – Approved April 2024.

138854/NMC/2023 - Non-material amendment to Condition 3 of planning consent ref: 130553/FO/2021, to allow for minor design changes to the elevation plans to reduce heights and widths of doors, to include a revolving door night shield and to include dry-riser inlets – Approved January 2024.

133829/NMC/2022 - Non-material amendment to Condition 3 of Planning consent ref: 130553/FO/2021, including changes to the roof level cladding, silicone joint to first floor curved glass, vent widths increase by approx. 100m, door increase to suit sub-station requirements, double door changed to inward opening single door, windows flipped, external signage, door heights reduced and gas metre room door omitted – Approved July 2022.

130553/FO/2021 - Demolition of the existing buildings and structures and the erection of a 10-storey plus basement office building (Use Class E(g)), with flexible ground floor and basement uses (Use Class E) and rooftop amenity space, works to facilitate the pedestrianisation of the southern part of Ridgefield and other associated works – Approved September 2021.

Consultations & Notification Responses

Not applicable.

Issues

The rewording of the condition 25 shall allow for the occupation of the development in a timely manner and shall allow time for any delays in a BREEAM post construction review certificate being published. As the information required to discharge the condition will be left unaltered it is considered that such a change is non-material and is thus acceptable.

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: Approved

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

1) The proposed seeks to alter the trigger point of condition 25 (BREEAM) to allow for the occupation of the development prior to the submission of a post construction review certificate. Such a certificate will still be required to be submitted but within six months of the first occupation of the development.

2) Following an assessment of the details submitted, I can confirm that the proposed amendment is 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.

25) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'excellent'. A post construction review certificate shall be submitted to and approved in writing by the City Council as Local Planning Authority within 6 months of the first occupation of the development.

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
Conservation Area - St Anns Square Conservation Area 1970
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