

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139742/NMC/2024
Date registered valid: 10 April 2024
Proposal: Non Material Amendment to application ref no 125535/FO/2019 to vary condition 4 (materials)
Address: Bracken House, 44 - 58 Charles Street, Manchester, M1 7BD
Ward(s): Deansgate Ward

Applicant: Grey GR Limited Partnership
Agent (if any): Four Architects
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 23-04-24

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: 02-04-24

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

The application site is a building known as Bracken House which has elevations to Charles Street, Makin Street and York Street. It is close to the Oxford Road corridor and is surrounded by a buildings of various ages and character. The site is not within a Conservation Area nor does it direct affect any listed buildings. The area is a predominantly residential apartments with some commercial uses. It is east of Oxford Road and to the north of the main university campus area in Manchester.

The current site is a vacant residential apartment building with a Nursery at ground floor level.

Consent was granted under application ref no 125535/FO/2019 in October 2020 for external alterations to the building comprising recladding and replacement of external windows, erection of a bin store and increasing the fire escape by one floor to the top floor. Some of the works to facilitate the recladding have been carried out and the consent has been partially implemented.

The current condition discharge application for condition 4 CDN/23/0662 was submitted prior to the consent expiring but has not yet been determined due to ongoing discussions with Officers about the materials.

Description of development

Consent is sought to vary the wording of condition 4 on the original consent to allow some further works to progress without the full sign off of materials which granted consent under application ref no 125535/FO/2019 to allow urgent works to continue to progress on site.

Consultations & Notification Responses

None

Issues

The original condition 4 was as follows:

a) Notwithstanding the submitted plans and documents specified in condition 2, prior to the commencement of development (other than enabling works comprising demolition, piling and construction of the sub structure), the following shall be submitted to and approved in writing by the City Council, as local planning authority:

A programme for the issue of samples and specifications of all materials to be used on all external elevations of the development and drawings to illustrate the details of a full sized sample panel to be produced either on or off site. For the avoidance of doubt the programme and drawings shall include; timings for the submission of samples and specifications of all materials on the external elevations of the development; full and final jointing, fixing details, drip details to prevent staining, including a glazing strategy; and a strategy for quality control management.

b) All samples and specifications shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the approved programme, as agreed above in part (a).

The development shall be implemented thereafter in accordance with the agreed samples, specifications and details, as relevant to part a and b of this condition.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

Whilst the majority of the materials have been signed off as per the original condition 4 there is still a need to finalise the details of the location and type of ventilation panels and sign off the brick slips proposed in the lower sections of the building. In terms of programme there is a need to commence the works to remove the unsafe cladding and the re-wording of condition 4 is required to allow those works to progress. The amended condition will however approve the materials signed off to date. This will allow the erection of the scaffolding and for the removal of the unsafe cladding to progress prior to agreeing to the installation of the ventilation panels and brick slips which are still in discussion with the LA.

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

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 re-wording of condition 4 is required to approve the materials signed off to date and to allow the erection of the scaffolding and the removal of the unsafe cladding prior to agreeing to the installation of the ventilation panels and brick slips which are still in discussion with the LA.

4) Notwithstanding the submitted plans and documents specified in condition 2, the details of the anodised cladding finish (excluding the final details and location of the vent panels and detailing of the brick slips), colour, fixing and arrangement (as per the submitted Materials Schedule by Four Architects, photos and drawings FA-DR-03.03 Rev 09 and FA-DR-03.04 Rev 09) to the main elevations and the anodised mesh panel to the external staircase(as per the submitted Materials Schedule by Four Architects, photo and dwgs FA-DR-03.03 Rev P9 and FA-DR-03.04 Rev P9)are hereby approved. Prior to the installation of the finished cladding panels to the main elevations (other than the external staircase elevations), final details of the ventilation system and brick slips to the external elevations shall be submitted to, inspected on site and approved in writing by the City Council as local planning authority.

For the avoidance of doubt, the erection of scaffolding, removal of existing non-compliant materials being cladding, insulation etc. and installation of insulation and fixings for the new cladding and fixings for the new brick slips to the main elevations and cladding to the staircase elevations can commence without any further approval being required by the City Council as local planning authority

The ventilation system and brick slips shall be implemented thereafter in accordance with the agreed samples, specifications and details, as relevant to the above

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in 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

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Area Team Boundary - Name: CENTRAL