

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140643/NMC/2024
Date registered valid: 29 July 2024
Proposal: Non-material amendment to planning permission 139146/JO/2024 comprising of amendment to condition 6 (External Management Plan)
Address: 4 Hardman Square, Manchester, M3 3EB
Ward(s): Deansgate Ward

Applicant: - Cubic Works
Agent (if any): Miss Kate Wilson Avison Young
Case officer: Lucy Harrison
Tel: 0161 234 5795
Email: lucy.harrison@manchester.gov.uk
Recommendation: Approve
Date of recommendation:

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:

Tree Preservation Order:

Description of area

The application relates to a six storey office building on the north side of Hardman Square in Spinningfields. The building is adjacent to the southern end of Manchester Crown Court. Other buildings within the vicinity are used for offices, shops and food and drink uses. The building consists of a steel frame predominantly clad in glazed curtain walling.

Description of development

Planning permission was granted under application 135123/FO/2022 on 24 January 2023 and amended by 139290/NMC/2024 and 139146/JO/2024 for the following development:

“Development comprising creation a new rooftop terrace; internal refurbishment to the existing ground floor, mezzanine, first, second, third, fourth and fifth floor to facilitate new amenities; creation of plant area; enhancements to features on the external building; replacement of louvres; erection of PV systems and associated works.”

Condition 6 of the permission relates to the submission of a management plan for the external areas, which comprise the roof top terrace, before the development is occupied. However, the applicant is refurbishing the building and wishes to occupy the building prior to the roof top terrace being commenced. They are therefore seeking to the amend the timing for the submission of the management plan for the roof top terrace so that Condition 6 would read:

“6) The external areas within the application site shall only be used in accordance with a Management Plan that shall be submitted to and approved in writing by the City Council as local planning authority before the [rooftop terrace of the](#) development is first occupied and shall include:

- a schedule of days and hours of operation;
- number of occupiers (capacity); and
- statement of intended use. No amplified sound or any music shall be produced or played in any part of the site outside the building.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.”

Consultations & Notification Responses

None required.

Issues

The main issue to consider is whether the proposed change would have a material impact on the approved proposal.

The condition relates to the use of the roof top terrace, that being the only external area approved under the planning permission. It is reasonable therefore that the information be submitted prior to occupation of the roof terrace rather than the rest of the development, so as not to hold up occupation of the building. It is considered that the alteration to the timing of the submission of the information would not have a material impact on the development and it should be approved.

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) The proposal seeks an amendment to the wording of Condition 6 to alter the timing trigger for the submission of information.

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.

6) The external areas within the application site shall only be used in accordance with a Management Plan that shall be submitted to and approved in writing by the City Council as local planning authority before the roof top terrace of the development is first occupied and shall include:

- a schedule of days and hours of operation;
- number of occupiers (capacity); and
- statement of intended use.

No amplified sound or any music shall be produced or played in any part of the site outside the building.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to 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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: CENTRAL