

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 140252/NMC/2024

**Date registered valid:** 11 June 2024

**Proposal:** Non-material amendment to amend wording of condition 7 (Materials and CEMP) and condition 22 (Surface Water Drainage Works) attached to 136013/FO/2023 to allow for enabling works.

**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:** Emily Booth  
Tel: 0161 234 4193  
Email: [emily.booth@manchester.gov.uk](mailto:emily.booth@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 28 June 2024

## Application details

**Type of application:** Non-Material Change Application

**Development type:** Notifications

**Date of site visit:** Not applicable

### 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 proposal relates to a building occupying a site which is bound to the north by Marble Street and Primark, West Mosley Street and Piccadilly Gardens to the east, the Royal Sun Alliance building and York Street to the south, and Fountain Street to the west. The site is occupied by an early 2000's office building that is a basement plus seven-storey building.

The site is in the Upper King Street Conservation Area and lies within 250m of 2 Grade II\* Listed buildings and 8 Grade II Listed buildings.

The site is in the commercial core of the City Centre, which is predominantly characterised by office uses with ground floor shops and food and drink uses.

Planning permission referenced 136013/FO/2023 was granted permission in October 2023 for elevation alterations and the erection of two storey rooftop extension including rooftop terrace.

## Description of development

A Non-Material Amendment is now sought to amend the wording of conditions 7 and 22 attached to application referenced of application referenced 136013/FO/2023.

This change to the wording is sought on the basis, that the extension to the date of the required submissions would allow for 4 months from the date of the decision on this Non-Material Amendment for the details to be submitted and the conditions discharged.

It is sought as the main contractor for the development is yet to be appointed, with the construction process to be split into two phases comprising the enabling works (internal soft strip and existing façade removal) and then the refurbishment of the building. Therefore, the main contractor will be responsible for satisfying the requirements of conditions 7 and 22 to provide the necessary flexibility so that the enabling works can commence and the applicant is seeking to resolve this via this application.

## **Consultations & Notification Responses**

Not applicable.

## **Issues**

The above-described changes to Conditions 7 and 22 are non-material. Please see original report for app. 136013/FO/2023 for details of the original scheme. A copy of the report for app. 136013/FO/2023 will be stored in the application file for this application.

## **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** – Not applicable

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

1) Following an assessment of the details submitted, it is confirmed that the proposed amendment to the wording of Conditions 7 (Materials and CEMP) and 22 (Surface Water Drainage Works) of application referenced 136013/FO/2023 to allow the required information to be submitted for approval in writing by the City Council as local planning authority prior to the commencement of enabling works comprising facade removal rather than prior to the commencement of development is 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 amendment to the wording of these conditions will have no material impact upon the previously approved scheme, will not adversely affect residential amenity within the area or will it have any significant material impact upon the overall quality of the development and there are no material planning considerations to indicate otherwise.

2) The re-wording of condition 7 and 22 of application referenced 136013/FO/2023 is requested to allow for the existing façade to be removed (the façade removal allows for the design process to investigate the condition of the existing structure) as the main contractor for the development is yet to be appointed, with the construction process to be split into two phases comprising the enabling works (internal soft strip and existing façade removal) and then the refurbishment of the building. Therefore, the main contractor will be responsible for satisfying the requirements of conditions 7 and 22 to provide the necessary flexibility so that the enabling works can commence and the applicant is seeking to resolve this via this application. The wording of Conditions 7 and 22 is therefore amended to change the timescales for submission of the information required by the conditions as applied for. It should be noted that this letter of consent does not supersede the decision notice attached to listed building consent 136013/FO/2023. These documents should be read in conjunction with one another. Therefore, the conditions previously applied to the consent referenced 136013/FO/2023, still apply to this development. However, due to the acceptance of the amendments outlined above, the following amended conditions also apply:

7) Notwithstanding the details submitted with the application, prior to the commencement of development (other than enabling works comprising façade removal) the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

(a) Samples and specifications of all material to be used on all external elevations and rooves of the development, drawings to illustrate details of full-sized sample panels and mock-ups that will be produced (The panel to be produced shall include jointing and fixing details between all component materials and any component panels), details of the drips to be used to prevent staining and details of the glazing and frames, a programme for the production of the full sized sample panels and a strategy for quality control management.

(b) Submission of a Construction Environmental Management Plan (CEMP) (Materials) to include details of the strategy for securing more efficient use of non-renewable material resources and to reducing the lifecycle impact of materials used in construction and how this would be achieved through the selection of materials with low environmental impact throughout their lifecycle.

(c) The sample panels and quality control management strategy.

The approved materials shall be used in the construction of the development.

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.

22) No development (other than enabling works comprising façade removal) shall take place until surface water drainage works in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards have been submitted to and approved in writing by the Local Planning Authority.

This shall include

:

- o A finalised drainage layout showing all components, outfalls, levels and connectivity.
- o Maximised integration of green SuDS components (utilising attenuation) if practicable.
- o Construction details of flow control and SuDS elements.
- o Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The approved details shall be in place prior to first use of the building.

Reason - Pursuant to policies SP1, and DM1 of the Manchester Core Strategy.

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## **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