MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139548/NMC/2024
Date registered valid:	15 March 2024
Proposal:	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.
Address:	Land Bounded By John Dalton Street, Ridgefield, Bow Street And South King Street, Manchester
Ward(s):	Deansgate Ward
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: 08/04/2024

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 currently under construction at land bound by John Dalton Street, Ridgefield, South King Street and Bow Street, approved under planning permission 130553/FO/2021 and subsequently amended under permissions 133829/NMC/2022 and 138854/NMC/2023. The property is completed in red brick, with decorative recessed soffits and decorative metal panels. The approved uses on site consist of Class E commercial at ground floor and office uses above (Class E(g)(i)). Conditions relating to acoustics and plant noise are required to be discharged prior to the occupation of the development.

Listed building: Not applicable

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

Description of area

The neighbouring area lies within the heart of Manchester City Centre, being located within less than 150m of both Deansgate and Albert Square. Neighbouring built development comprises of a variety of building types of varying design and scale. Properties to the north of the site located deeper within the St Anns Square Conservation Area are typically of a smaller scale, varying from three to four storey. To the south, east and west properties are of a larger and more varied scale, also ranging dating from between the Victorian period to the late 20th century. Neighbouring uses are largely are comprised of offices and commercial retail, with some residential properties being located within the upper floors of some buildings.

Description of development

The application seeks consent for the non-material amendments of planning permission 130553/FO/2021, as amended by permissions 133829/NMC/2022 and 138854/NMC/2023. The proposed amendments comprise of the following:

- Amend the wording of conditions 7 (Acoustic Insulation) and 9 (Plant Noise) so that they may be discharged separately in relation to the office portion of the development and the ground floor commercial uses.

Planning History

A high number of applications are on record for the application site, the most relevant of which are shown below:

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 – Application pending consideration.

CDN/23/0493 - Discharge of conditions 7a (Acoustic Insulation) and 9a (Plant Noise) of application referenced 130553/FO/2021 – Withdrawn February 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 effective sub-division of conditions 7 and 9 would not alter the development approved under permissions 130553/FO/2021, 133829/NMC/2022 and 138854/NMC/2023 but merely relates to the carrying out of the discharging of the conditions, with the amendments splitting conditions 7 and 9 so that the office and ground floor commercial units may be discharged separately. Taking this into account and how the trigger points of the conditions and the information required to discharge them would be left unaltered, it is considered the proposed amendment to be non-material. The application is therefore recommended for approval.

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: Approve

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

1) The proposed seeks to separate conditions 7 (Acoustic Insulation) and 9 (Plant Noise) in order to allow the approved office and ground floor commercial uses to be discharged separately.

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

7) a) Prior to the first occupation of the premises, the property shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment including particulars of the acoustic glazing and acoustically treated ventilation to be installed as part of (i) the office development and (ii) the ground floor commercial uses within the building that has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall then be implemented in full before the use commences.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB below the LA90 (without entertainment noise) in each octave band at the facade of the

nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63HZ and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively.

b) Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development in relation to (i) the office development and (ii) the ground floor commercial uses conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria."

Reason - In the interests of the amenities of occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

9) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the (i) office use and (ii) the ground floor commercial uses hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site.

b) Prior to occupation of the (i) office use and (ii) the ground floor commercial uses, a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

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
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