

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139443/NMC/2024
Date registered valid: 5 March 2024
Proposal: Non material amendment to planning permission 121099/FO/2018 to revised wording of planning conditions 12, 13 and 37.
Address: Rammon House, 1 Portugal Street East, Manchester, M1 2WX
Ward(s): Piccadilly Ward

Applicant: Portugal Street East Limited
Agent (if any): Mr Matthew Grindey DAY Architectural Ltd
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 26-03-24

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: N/A

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 relates to a 0.88 hectares site bounded by Adair Street, Portugal Street East, the Piccadilly – Ashton-under-Lyne Metrolink line / Fair Street, Longacre Street and warehousing situated between Longacre Street and Heyrod Street. It is close to Piccadilly Station. Prior approval for the demolition of Rammon House which previously stood on the site (application ref no 120090/DEM/2018) was granted in 2018 and has now been implemented.

The site lies directly adjacent to Metrolink Infrastructure and part of the site is within current HS2 safeguarding land.

Description of development

Consent was granted under application ref no 121099/FO/2018 for the Construction of two residential buildings (Use Class C3) comprising Block 1 (29 storeys) (224 apartments (4 x 1 bed 1 person, 52 x 1 bed 2 person, 64 x 2 bed 3 person and 104 x 2 bed 4 person) 25% 1 bed and 75 % 2 bed) Block 2 (23 storeys) (264 apartments 44 x1 bed 1 person, 44 x 1 bed 2 person, 92 x 2 bed 3 person and 84 x 2 bed 4 person) (33% 1 bed and 67%% 2 bed) with a linked central podium, to deliver 488 units, shared amenity space, 27 car parking spaces, 492 cycle spaces, landscaping (including new public park) , lighting, highways and associated works following demolition of existing buildings and structures.

Parts of the site where public realm is proposed lie within current HS2 Safeguarding land

The application seeks to make changes to conditions 12, 13 and 37 to amend the required timings for submission of information required to support the discharge of those conditions.

Consultations & Notification Responses

None

Issues

During the determination of the original consent HS2 sought to avoid costly, potentially abortive works within safeguarded land, so a temporary landscaping scheme comprising lawned areas and tree planting was approved for implementation pending resolution of the safeguarding area. Delivery of the permanent scheme was to take place if and when the safeguarding land is no longer required by HS2. The HS2 line to Manchester has now been cancelled and this matter was never resolved.

A review of the safeguarding in place in relation to the application site is currently under review with the Department for Transport and as such the applicants want to delay submission of the information until it is potentially resolved. If the land will be removed from safeguarding (in which case details for the permanent scheme will be submitted and this will be delivered) or if not will have to pay the City Council a commuted sum to deliver the permanent park if the safeguarding

is removed at a future date which it is proposed would be done through a S73 application to amend the current S106 agreement attached to the consent. The amendments to conditions 12 and 13 and the 25th March revised submission date will allow 12 months for a resolution to be reached whilst the delivery of the main development can continue in a manner which is not in breach of pre-commencement conditions.

The re-wording of condition 37 is required to reflect the programme as due to the phasing of the construction period, the detailed highway works will not be available prior to the commencement of construction of the development. An amendment is therefore sought to the condition to allow the information required by condition 37 to be submitted prior to these works commencing

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

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 proposed amendments relate to changes to conditions planning conditions 12, 13 and 37

For 12 and 13 this is to amend the timings for submission of information due to unresolved matters relating to HS2 Safeguarding of land which forms part of the approved public realm.

The re-wording of condition 37 is required to reflect the programme as due to the phasing of the construction period, the detailed highway works will not be available prior to the commencement of construction of the development. An amendment is therefore sought to the condition to allow the information required by condition 37 to be submitted prior to these works commencing

Thus the conditions are to be amended to enable them to be dealt with later in the project's delivery to ensure the project is not being progressed in contravention of the conditions as they are currently written.

12) Final details of the programme for the delivery of the public realm including confirmation of the period for which the temporary treatment of the 'Green' (dwg RFM-XX-00-DR-L-0010 REV P02 as amended by RFM-XX-00-DR-L-0013 REV P01 (Temporary Landscaping Plan)) will be in place and timescales for the full delivery of the details as shown in dwg no RFM-XX-00-DR-L-0003-S4-PL06 as amended by RFM-XX-00-DR-L-0014 REV P01 (Permanent Works Phasing) shall be submitted to an approved in writing by the City Council as Local Planning Authority by Monday 31 March 2025

For the avoidance of doubt the development should be delivered in accordance with the approved programme and should not be occupied unless or until any agreed pre-occupation requirements have been delivered in full.

Reason

To ensure delivery of a satisfactory development in line with the approved scheme, safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012) and to ensure that a satisfactory measures to enhance biodiversity are incorporated within the development in accordance with policies R1.1, I3.1, T3.1, S1.1, E2.5, E3.7 and RC4 of the Unitary Development Plan for the City of Manchester and policies SP1, DM1, EN1, EN9 EN14 and EN15 of the Core Strategy.

13) Final details of the public realm works and highway works as shown in dwgs numbered (a) RFM-XX-00-DR-L-0003-S4-PL05 and (b)RFM-XX-00-DR-L-0010 REV P02 shall be submitted and approved in writing by the City Council as Local Planning Authority by Monday 31 March 2025, in relation to item (a) in consultation with HS2. The programme shall include an implementation timeframe and details of when the following details will be submitted:

(a) Final details of the temporary treatment of the 'Green' including any required wind mitigation measures as set out in the Portugal Street East, Manchester: Environmental Statement Volume 1 August 2019 by Deloitte Real Estate; (to be agreed in consultation with HS2);

(b) Details of (a) all hard (to include use of natural stone or other high quality materials) and (b) all soft landscaping works (excluding tree planting) which demonstrably fully consider and promote inclusive access (including older and disabled people);

(c) Details of measures to create potential opportunities to enhance and create new biodiversity within the development to include the choice of planting species within the public realm, bat boxes and brick, bird boxes to include input from a qualified ecologist and which demonstrates Biodiversity Net gain across the site;

- (d) Details of the proposed tree species within the public realm including proposed size, species and planting specification including tree pits and design and details of ongoing maintenance;
- (e) Details of how surface water from the public realm and from Blocks 1, 2 and 3 would be managed within the public realm through Suds interventions such as infiltration, swales, soakways, rain gardens and permeable surfaces;
- (f) Green roof to Block 3;
- (g) Location and design of all street furniture including seating, lighting, bins, handrails, recycling bins, play and exercise equipment, boundary treatments, planters and cycle parking provision: all to include features which fully consider and promote inclusive access (which includes older and disabled people);
- (h) Street lighting around the site (which includes for consideration of older and disabled people);
- (i) Details of a wayfinding strategy to include signage (including for directing cyclists to nearby cycle routes) and any other appropriate methods to ensure the legibility of linkages within the PSE SRF Area with Piccadilly Station, the Metrolink and other adjacent Neighbourhoods (which includes consideration of older and disabled people);
- (j) A management strategy for the external amenity areas associated with Blocks 1 and 2 including hours during which these areas would be open to residents;
- (k) A building cleaning schedule;
- (l) Details of how the design has minimised any potential hazards to the use of the public realm for the safe use of disabled people to include details of: designated routes for pedestrians; cyclists and vehicles; management of cyclists ; kerb edges; crossing and controlled crossing design and location; location of drop kerbs (including level areas between grass and hardstanding); location of rumble strips; location of raised crossings; design and location of any pop up power supplies; location of on site vehicle parking and drop off points; management of mortar cycle parking; provision of clear routes to ensure unrestricted access for all; and
- (m) Details of temporary landscaping and boundaries to adjacent plots in line with the phasing within Dwg RFM-XX-00-DR-L-0014 S1 PL04.

The detailed scheme shall demonstrate adherence to the relevant sections of DFA2 and MCC-recommended guidance in relation to Age Friendly Public Realm including Age-Friendly Seating and Sense of Place and the Alternative Age-Friendly Handbook.

and shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above.

The approved scheme shall be implemented not later than 12 months from the date the proposed building is first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place,

Reason - To ensure a satisfactory development delivered in accordance with the above plans and in the interest of pedestrian and highway safety pursuant to Section 170 of the NPPF 2019, to ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies R1.1, I3.1, T3.1, S1.1, E2.5, E3.7 and RC4 of the Unitary Development Plan for the City of Manchester and policies SP1, DM1, EN1, EN9 EN14 and EN15 of the Core Strategy.

37) Notwithstanding the details contained within condition 2 above, prior to the commencement of highway works, a scheme of highway works and details of footpaths reinstatement shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt this shall include the following:

- (a) Final details of associated highway work (as appropriate to Plot A and adjacent public realm within this application) as detailed within Pages 65 to 69 and 91-97 of the Design and Access Statement by Reform August 2019 Rev PL03; and
- (b) Detailed designs in relation to the above to including materials, layout, junction protection, carriageway widths, kerb heights, street lighting, entry treatments, signing, lining and traffic management

The approved scheme shall be implemented and be in place prior to the first occupation.

Reason - To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
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
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)
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