

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139850/NMC/2024

Date registered valid: 22 April 2024

Proposal: A non-material amendment to planning permission 135272/JO/2022 to amend timescales within Condition 1.

Address: Land Between Cameron Street And Albion Street, Whitworth Street West, Manchester,

Ward(s): Deansgate Ward

Applicant: - Vision Manchester Limited

Agent (if any): Mr John Cooper Deloitte LLP

Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 30 April 2024

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 approved residential development at 10-12 Whitworth Street West initially received planning permission on 11 April 2016 (111003/FO/2016/C1) with a standard condition requiring commencement within 3 years of that date. The permission was implemented prior to this date but the main works contract was never undertaken beyond demolition and initial groundworks.

The Local Planning Authority subsequently applied a condition to the planning permission via a s.96a mechanism, agreed with the applicant, to require the submission of a building contract to ensure the permission did not remain indefinitely extant. Subsequent s.96a applications have sought to amend the specified timescales for submission of the contract in line with the tender process and development programme.

Following detailed design development, the Applicant was granted approval for Variation of Condition (135272/JO/2022) attached to the original permission (111003/FO/2016/C1 as amended). The application sought design changes including internal reconfiguration including repositioned lift core, ground floor entrance and roof pavilion with associated elevational alterations. The application was granted permission on 4 January 2023 but this was subject to the following amended condition 1:

No above ground works shall be carried out pursuant to this permission if the contract for the construction and completion of the building hereby permitted has not been let by 30 April 2024 (and evidence provided to the reasonable satisfaction of the LPA) and any development activities on the site shall cease and no further development permitted by this planning permission shall be carried out. In this event, no later than 31 May 2024 a scheme shall be submitted to the LPA setting out how the site shall be restored, landscaped and maintained and thereafter the site shall be restored, landscaped and managed in accordance with the scheme that has been approved by the City Council, as Local Planning Authority

Description of Development

This application is submitted to allow planning condition 1 attached to 135272/JO/2022 (as amended), relating to the date by which the contract would need to be signed for the construction of the project, to be updated in accordance with revised construction timescales for the project.

Consultations & Notification Responses

None

Issues

The Applicant has now entered a pre-contract to deliver piling works on site and a further extension for the submission of the contract is required from April 2024 through to October 2024, representing an additional 6 months the amendment to condition 1 is necessary to allow further time for full implementation of the full contract of works in accordance with a revised programme.

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.

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) No above ground works shall be carried out pursuant to this permission if the contract for the construction and completion of the building hereby permitted has not been let by 31 October 2024 (and evidence provided to the reasonable satisfaction of the LPA) and any development activities on the site shall cease and no further development permitted by this planning permission shall be carried out. In this event, no later than 30 November 2024 a scheme shall

be submitted to the LPA setting out how the site shall be restored, landscaped and maintained and thereafter the site shall be restored, landscaped and managed in accordance with the scheme that has been approved by the City Council, as Local Planning Authority.

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 Applicant has now entered a pre-contract to deliver piling works on site and a further extension for the submission of the contract is required from April 2024 through to October 2024, representing an additional 6 months the amendment to condition 1 is necessary to allow further time for full implementation of the full contract of works in accordance with a revised programme.

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

Area Team Boundary - Name: CENTRAL