

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139290/NMC/2024

Date registered valid: 16 February 2024

Proposal: Non-material amendment to Planning Permission 135123/FO/2022 to change the description of development to remove the reference to the sixth floor extension.

Address: 4 Hardman Square, Manchester, M3 3EB

Ward(s): Deansgate Ward

Applicant: Cubic Works

Agent (if any): Mrs Larna Smith 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 for the following development:

“Development comprising extension to the sixth floor; 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.”

A minor material amendment Section 73 application (Ref: 139146/JO/2024) has been submitted to amend Condition 2 of application reference 135123/FO/2022 to amend the layout of the rooftop terrace, which would involve removing the proposal to create a sixth floor

extension to the building. As a result, the previous description of development needs to be amended to remove this element. The amended description would be as follows:

“Development comprising ~~extension to the sixth floor~~; 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.”

Consultations & Notification Responses

None required.

Issues

The main issue to consider is whether the proposed amendment would have a material impact on planning permission 135123. The proposed amendment to the description would not have a material impact on the development that would be delivered under 135123 but would give more flexibility to allow any material amendments to be considered under the S73 application. It is considered therefore, that the proposed amendments to the description are not material and 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) Following an assessment of the details submitted, I confirm that the proposed amendment 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 would not have a material impact upon the previously approved scheme, would not adversely affect visual or residential amenity within the area, would not have a material impact upon the overall quality of the development, and there are no material planning considerations to indicate otherwise.

2) It should be noted that this letter of consent does not supersede the decision notice attached to planning permission 135123/FO/2022. These documents should be read in conjunction with one another. Therefore, the conditions previously applied to planning permission 135123/FO/2022 still apply to this development. However, due to the acceptance of the amendment outlined above, the following amended description applies:

3) Amended Description

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

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

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: CENTRAL