

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139697/NMC/2024

Date registered valid: 3 April 2024

Proposal: Non-material amendment to change the wording of conditions 11 (Landscaping), 32 (Cycle), 33 (Car Parking), 34 (Off Site Highways), and 39 (Electric Car) attached to Planning Permission 121380/FO/2018 as amended by 135137/NMC/2022 and 139076/NMC/2024.

Address: Swan House , Swan Street, Manchester, M4 5DF

Ward(s): Piccadilly Ward

Applicant: Ridge Manchester s.a.r.l

Agent (if any): Mr Sean Rawling Quod Ltd

Case officer: Jennifer Atkinson
Tel: 0161 234 4517
Email: jennifer.atkinson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 22 April 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 site measures 0.3 hectares and is bounded by Rochdale Road, Swan Street, Cable Street and Mason Street.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The site is in New Cross Neighbourhood Development Framework (NDF) which will become a dense residential area and contribute to the City's economic and population growth. The Framework proposes development at a high to medium density with a taller building at the corner of Rochdale Road and Swan Street.

Immediately adjoining the site on Swan Street, are 56-68 Swan Street and the Bank of Baroda. These properties vary in terms of age, style and quality. The NDF envisaged they would form part of a wider development scheme, however, they are not part of this submission. 56-68 Swan Street are considered to be non-designated heritages assets. The Bank of Baroda is a more modern building.

The wider area contains residential, commercial and retail activities along Swan Street. A number of sites are being developed nearby that will help to realise the NDF vision.

New Cross has a tightly grained street pattern and this is still evident and a number of small warehouse and industrial remain. However, Addington Street and Thompson Street are now

part of the City's strategic highway network which has changed their role and function and this has had an impact on the area.

The Smithfield Conservation Area is on the opposite side of Swan Street and the following buildings are listed: 29 Swan Street (Grade II), Mackie Mayor (Grade II), Former Midland Bank (Grade II), 8 Cable Street (Grade II), former police and ambulance station (Grade II).

The area has excellent links to public transport and Manchester Victoria train station and all forms of sustainable transport are within a short walk.

Description of development

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Consultations & Notification Responses

N/A

Issues

The proposal seeks to amend the wording conditions 11 (Landscaping), 32 (Cycle), 33 (Car Parking), 34 (Off Site Highways), and 39 (Electric Car).

The residential element of Tower 2 (the 13 storey tower) is programmed to be completed by 19th April 2024 and it is proposed for this block to be made available to incoming tenants from this date. The proposed partial occupation of the building, will support the overall redevelopment of the Site by offering up to 103 units for rent.

The amendments to the above conditions will allow these elements of the building to be occupied without compliance with the conditions.

This would be for a limited time only – 4 weeks from this occupation. The applicant has put in measures to support residents with parking and cycle needs, particularly those with accessibility needs.

The changes is considered to be acceptable and non material in nature and would ensure full compliance in four weeks.

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) This application seeks to change the wording of conditions 11 (Landscaping), 32 (Cycle), 33 (Car Parking), 34 (Off Site Highways), and 39 (Electric Car) attached to Planning Permission 121380/FO/2018 as amended by 135137/NMC/2022 and 139076/NMC/2024.

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.

11) (a) Notwithstanding landscaping strategy as indicated on drawings M80123_101 Rev D and M80123_102 Rev A stamped as received by the City Council, as Local Planning Authority, on the 27 November 2018 prior to the first occupation of the residential element of this development, details of hard and soft landscaping treatments (including tree planting, street tree planting, boundary treatments and appropriate samples of materials) shall be submitted to and approved in writing by the City Council as local planning authority.

(b) The approved scheme shall be implemented within four working weeks of the first occupation of the residential element of the development. 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 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 SP1, EN9 and DM1 of the Core Strategy.

32) The provision of 374 cycle spaces, as indicated on drawing 10133-Z1-M0-PL-A-B5D8-G200-0001 Rev 01 stamped as received by the City

Council, as Local Planning Authority, on the 27 September 2018 shall be implemented within four working weeks of the first occupation of the residential element of the development hereby approved and retained and maintained in situ for as long as the development remains in use.

Reason - To ensure there is sufficient cycles stand provision at the development and the residents in order to support modal shift measures pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).

33) Within four working weeks of the first occupation of the residential element of the development hereby approved, the car parking layout, as indicated on drawing PL A B5D8 G200 0001 stamped as received by the City Council, as Local Planning Authority, on the 20 December 2018 shall be laid out, demarcated and made available. The car parking layout shall be retained and maintained for as long as the development remains in use.

Reason - To ensure car parking is available for the development pursuant to policies SP1, T1, and DM1 of the Manchester Core Strategy (2012).

34) Prior to the first use of the residential element within the development hereby approved, a scheme of highway works and details of footpaths reinstatement/public realm in relation to 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:

- o Amendments/new TROs on Swan Street, Cable Street and Mason Street (including the provision of the loading bays to Cable Street and Mason Street);
- o New vehicular access/egress on Cable Street; and
- o Footway improvement and reinstatement works around the perimeter of the application site including provision of street trees as indicated in drawings M80123_101 Rev D and M80123_102 Rev A stamped as received by the City Council, as Local Planning Authority, on the 27 November 2018.
- o Removal/replacement of directional signage

The approved scheme shall be implemented and be in place within four working weeks first occupation of the residential element of the development hereby approved and thereafter retained and maintained in situ.

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) and in accordance with the New Cross Public Realm Strategy.

39) Within four working weeks of the first occupation of the residential element hereby approved the 3 electric car charging points as indicated in the transport statement and planning statement stamped as received by the City Council, as Local Planning Authority, on the 27 September 2018 shall be implemented, made available and thereafter retained for as long as the development is in place.

Reason - In the interest of promoting alternatives and minimising the impact of the development on air quality pursuant to policies EN16 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

Area Team Boundary - Name: CENTRAL