Planning

Growth & Development

Delegated officer report for planning application

Application no.	139088/NMC/2024
Date registered valid:	25 January 2024
Proposal:	Non-Material Amendment to planning permission 128002/FO/2020 to amend the wording of Condition 4 to alter triggers associated with submission of details.
Address:	1 City Road East, Manchester, M15 4PN
Ward(s):	Deansgate Ward
Applicant:	Mrs Miranda Bell Commercial Development Projects Ltd
Agent (if any):	
Case officer:	Lucy Harrison Tel: 0161 234 5795 Email: lucy.harrison@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**25.01.2024**

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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description

The site is approximately 0.56 ha and bounded by City Road East, Medlock Street, River Street and Shortcroft Street. The Mancunian Way is 180 metres to the south. The site is occupied by a two to four storey, 1990s office building, on the Medlock Street frontage, with surface car parking and boundary trees and planting to the rear. City South, a five to eight storey apartment block, fronts Shortcroft Street to the south west; and the residential buildings of The Nile (up to eight storeys), Medlock Place (up to eight storeys) and Luminaire (up to 10 storeys) front City Road East to the north west and west of the site. To the south is a Premier Inn, with a 32-storey student tower adjacent. To the east across Medlock Street is a seven storey office building (Number 8 First Street) and planning permission was granted for a 17 storey office and hotel in December 2018, and for an 11 storey office in April 2020 for No 9 First Street.

The site is in the First Street Development Framework (FSDF) area which has been transformed into a mixed-use location involving large scale office, cultural and leisure developments, as well as high quality public realm. The Great Jackson Street SRF area is to the west beyond City Road East and includes Deansgate Square at Owen Street, which has four residential towers of between 37 and 64 storeys.

Planning permission was granted subject to conditions on 26 January 2021 for demolition of existing structures on site, erection of one 11-storey plus basement office building (Use Class

E) and one 14-storey plus basement office building with ground floor commercial unit (Use Class E), landscaping, highways works, and associated works.

Description of Development

The proposal is to change the wording of condition 4 (ground contamination) to amend the condition trigger in part b) to enable demolition to take place in advance of that part of the condition being formally discharged.

Consultations & Notification Responses

None required.

Issues

The main issue to consider is whether the proposed changes would constitute a material amendment to the planning permission.

The applicant has applied to discharge part b) of condition 4 but there is further information awaited regarding details of a gas membrane. In the meantime, demolition works have commenced on site and the deadline for development to commence lawfully is 26 January 2024. The amendment to the condition trigger would enable the demolition site clearance works to be lawful. The details required to discharge condition 4b relate to gas protection measures, including foundation and membrane details, which the demolition works would not have an impact on. It would be acceptable, therefore, for demolition to take place before the final details of condition 4b have been approved, without having a material impact on the development. Given this, it is considered that the proposed changes to the wording are non-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 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

Article 35 Declaration

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

1) The proposal seeks to amend the wording of condition 4 (Ground Contamination) to alter triggers associated with the submission of details to allow demolition works to take place in advance of part b) the condition being formally discharged.

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.

4) Condition 4

a) Prior to the commencement of development, a scheme for the investigation of the site for all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas (the Site Investigation Proposal) shall be submitted to and approved in writing by the Local Planning Authority.

b) The measures for investigating the site identified in the approved Site Investigation Proposal shall be carried out before development (other than demolition and site clearance) commences and a report prepared outlining what measures, if any, are required to remediate the land (the Remediation Strategy), which shall be submitted to and approved in writing by the Local Planning Authority.

c) The development (other than demolition and site clearance) shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the Local Planning Authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development phase is occupied, then development shall cease and/or the development phase shall not be occupied until a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL