

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138925/NMC/2023
Date registered valid: 27 December 2023
Proposal: Non-Material Amendment to planning permission 135988/FO/2023 to amend conditions 2, 10, 12 and 21
Address: 58 Mosley Street, Manchester, M2 3HZ
Ward(s): Deansgate Ward

Applicant: M & G
Agent (if any): Miss Emily Bates NJL Consulting
Case officer: Emily Booth
Tel: 0161 234 4193
Email: emily.booth@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 22 January 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: Upper King Street (Extension) Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area

This application relates to a building at 58 Mosley Street which is a 7-storey building that is currently in use as offices (Use Class E). The building is bounded by Mosley Street, Booth Street, West Mosley Street and Spring Gardens. It is a modern building constructed following the demolition of Eagle Star House in 2005. The building is constructed of stone with large areas of glazing and black Brise Soleil fins and frames. The upper floors overhang the pavement.

The building is not listed but is situated in the Upper King Street Conservation Area and there are Grade I, II* and Grade II listed buildings surrounding it including the Grade I Listed Manchester Art Gallery and the Grade II* 38 Mosley Street. There are also modern buildings within the setting.

Surrounding uses include offices, banks, shops, restaurants, cafes, hotels, the Town Hall Complex, an art gallery and a bus station.

Application referenced 135988/FO/2023 included the refurbishment of existing office building to comprise elevational alterations, a single storey rooftop extension with external roof terrace (Use Class E), installation of photovoltaic panels and works to extend the pavement of Booth Street and install street furniture.

Description of development

A Non-Material Amendment is now sought to amended the wording of the following conditions attached to application referenced of application referenced 135988/FO/2023:

Condition 2 - To include additional plans showing additional photovoltaic panels within the approved drawings condition.

Condition 10 - To correct the number of the Travel Plan condition.

Condition 12 - To remove the requirement to assess rainwater harvesting for the following reasons:

- There is no plant space within the basement to locate a rainwater harvesting tank, filtration system, and pumps.
- The collation of the existing rainwater pipes at the basement due to the restricted head height would not be possible and would impact on current ceiling heights and M&E high level services coordination.
- The current domestic water infrastructure is largely being retained, introducing rainwater harvesting would require a new rainwater pipework distribution system to serve WC's.
- The demand for rainwater harvesting given the building's use as an office is minimal, with only WC's being able to utilise the water.

It has also been requested to remove Condition 21 for the following reasons:

It is technically unfeasible for the approved development and the existing office building this relates to. This is because the existing system is a 16.8 mm single glazed bespoke system, which achieves P2A rating. To achieve a P4A rating on the replacement glazed sections would require an increase to the thickness of the glass due to additional interlayers being required. This is not possible within an existing system, with existing gaskets and glazing beads that have been developed for a 16.8mm glass. The existing system therefore cannot incorporate a thicker glass to achieve P4A as required by the Condition.

Consultations & Notification Responses

N/A

Issues

The above-described changes to Conditions 2, 10 and 12 are non-material. Please see original report for app. 135988/FO/2023 for details of the original scheme. A copy of the report for app. 135988/FO/2023 will be stored on the application file for this application.

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, it is confirmed that the proposed amendment to the wording of Condition 2 (Approved Drawings and Documents) of application referenced 135988/FO/2023 to include additional photovoltaic panels on the rooftop is considered to be of a non-material nature and acceptable to the City Council as Local Planning Authority. The amendments to conditions 10 and 12 are considered to be of a non-material nature as they correct typos within the original wording of these conditions. Condition 21 is not removed but is hereby amended to change the glazing specification and this change is considered to be of a non-material nature given that the appearance of the development would be as included in application referenced 135988/FO/2023 and the security standard would be as previously approved in 2005. The City Council is satisfied that the proposed amendment to the description will have no material impact upon the previously approved scheme, will not adversely affect residential amenity within the area or will it have any significant material impact upon the overall quality of the development and there are no material planning considerations to indicate otherwise.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

The location plan referenced 7002-JMA-ZZ-ZZ-DR-A-900002 S4 Rev P04 received by the City Council as local planning authority on _ 2023

The drawings referenced:

7002-JMA-ZZ-00-DR-A-00-0002-S4 Rev P05
7002-JMA-ZZ-01-DR-A-00-0002-S4 Rev P03
7002-JMA-ZZ-02-DR-A-00-0002-S4 Rev P03
7002-JMA-ZZ-03-DR-A-00-0002-S4 Rev P03
7002-JMA-ZZ-04-DR-A-00-0002-S4 Rev P03
7002-JMA-ZZ-05-DR-A-00-0002-S4 Rev P03
7002-JMA-ZZ-06-DR-A-00-0002-S4 Rev P03
7002-JMA-ZZ-07-DR-A-00-0002-S4 Rev P03

7002-JMA-ZZ-08-DR-A-00-0002-S4 Rev P08

all received by the City Council as local planning authority on 26 September 2023

7002-JMA-ZZ-ZZ-DR-A-90-0002-S4 Rev P04

7002-JMA-ZZ-08-DR-A-00-1002-S4 Rev P04

7002-JMA-ZZ-08-DR-A-00-1004-S4 Rev P03

all received by the City Council as local planning authority on 11 September 2023

7002-JMA-ZZ-00-DR-A-90-0007-S4 Rev P01

received by the City Council as local planning authority on 8 August 2023

7002-JMA-ZZ-00-DR-A-724007-S4 Rev P01_L00

7002-JMA-ZZ-00-DR-A-900004-S4 Rev P01

7002-JMA-ZZ-ZZ-DR-A-90-0001-S4 Rev P01

all received by the City Council as local planning authority on 19 May 2023

7002-JMA-ZZ-09-DR-A-27-1001-S2 Rev P03

received by the City Council as local planning authority on 14 March 2023

7002-JMA-ZZ-RF-DR-A-001002-SK Rev P01

7002-JMA-ZZ-B1-DR-A-000002-S2 Rev P01

received by the City Council as local planning authority on 20 December 2022

7002-JMA-ZZ-09-DR-A-00-0002-S4 Rev P05

7002-JMA-ZZ-09-DR-A-27-1002-S4 Rev P05

7002-JMA-ZZ-ZZ-DR-A-00-2003-S4 Rev P07

7002-JMA-ZZ-ZZ-DR-A-00-2004-S4 Rev P07

received by the City Council as local planning authority on 27 December 2023

The Appendix to the Design and Access Statement in relation to the Canopy received by the City Council as local planning authority on 20 September 2023

The Appendix to the Design and Access Statement in relation to the terrace received by the City Council as local planning authority on 14 March 2023

The Design and Access Statement prepared by JMA Architects received by the City Council as local planning authority on 17 January 2023

The Planning Statement prepared by NJL Consulting

The email from NJL Consulting dated 04 05 23, 01 08 23 (3no. emails) and 20 09 23

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, CC1, CC4, EN1 and DM1 of the Core Strategy, saved policies DC19.1 of the Unitary Development Plan and Sections 6, 7 and 12 of the National Planning Policy Framework.

2) The re-wording of condition 2, 10 and 12 of application referenced 135988/FO/2023 is requested to correct typos and to include additional photovoltaic panels to achieve the required NABERS rating and the removal of condition 21 is requested as the security requirement isn't possible. The wording of Conditions 2, 10 and 12 is therefore amended to include the additional photovoltaic panels and correct the specified typos. Condition 21 is not removed but is amended to include the rating specified in this request. It should be noted that this letter of consent does not supersede the decision notice attached to listed building consent 135988/FO/2023. These documents should be read in conjunction with one another. Therefore, the conditions previously applied to the consent referenced 135988/FO/2023, still apply to this development. However, due to the acceptance of the amendments outlined above, the following amended conditions also apply:

10) (a) Prior to the first use of the development hereby approved, the 52 cycle spaces, as indicated on drawing referenced 7002-JMA-ZZ-B1-DR-A-000002 Rev P01 and described within the email from NJL Consulting dated 4 May 2023 shall be implemented and retained and maintained in situ for as long as the development remains in use.

(b) Within six months of the first use of the extended building subject of this application, the number of cycle spaces shall be reviewed as part of the travel plan requirements of Condition 9. Prior to occupation each new tenant shall agree to the travel plan and review and agree the number of cycle spaces to be provided. The survey shall be completed within 7 days of each review date and the results of the survey shall be submitted to and approved in writing by the City Council within 2 months thereafter. If a tenant occupies any part of the building within 9 months of a previous tenant, there is no requirement to resurvey the cycle spaces. Any additional cycle spaces identified as part of each review process shall be implemented within two months of the approval of the survey results by the City Council as local planning authority.

Reason - To ensure there is sufficient cycles stand provision at the development in order to support modal shift measures and air quality pursuant to policies SP1, T1, T2, EN14 and DM1 of the Manchester Core Strategy (2012).

12) Prior to the commencement of any works to the existing roof, a programme detailing final details of the measures to create potential opportunities to enhance and create new biodiversity within the development shall be submitted to and approved in writing by the City Council as Local Planning Authority. The measures to be assessed within the programme shall include:

a) bat boxes and bricks and bird boxes,

b) appropriate planting.

All above measures (a) & b) shall be incorporated unless there are justified reasons not to include them. The programme shall include full details of the measures to be provided, a full justification for those that won't be provided and an implementation timeframe. The approved scheme shall be implemented not later than 12 months from the date the proposed building is first occupied.

Reason - 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.

21) All new ground floor glazing hereby approved shall include at least one pane of laminated glass rated as P2A under EN 356 or higher specification.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

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

Conservation Area - Upper King Street (Extension) Conservation Area 1985

Area Team Boundary - Name: CENTRAL