

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138299/NMC/2023

Date registered valid: 11 October 2023

Proposal: Non material to planning permission 123261/FO/2019 (as amended) to alter the triggers in conditions 2, 43, 44, 45, and 46

Address: Land Bounded By Arundel Street, Ellesmere Street, The A57 (M) Inner Ring Road (Mancunian Way) And Worsley Street, Manchester

Ward(s):

Applicant: . Logik Developments (Arundel Street) Limited

Agent (if any): Mr Cameron Radford Deloitte LLP

Case officer: Jennifer
Tel: 0161 234 Atkinson
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Recommendation: Approve

Date of recommendation: 27 October 2023

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 0.5 hectares and is bounded by Arundel Street, Ellesmere Street, Worsley Street and the Inner Ring Road (IRR). It includes the 4 storey DOT building fronting Ellesmere Street and a single storey gym on Arundel Street. It is divided into two plots by Balmforth Street, an un-adopted highway. An area of green space at the top of Balmforth Street contains trees and the land rises, providing a buffer to the IRR.

The site is within the St George's area of the Hulme Ward and has a prominent position on the IRR. It is the city centre for planning and regeneration policy purpose within the core strategy. The area is part of a ribbon of land that links different parts of the regional centre including Salford quays and Trafford.

The regeneration and renewal has been a priority here for over 20 years. Its character is very different to more traditional areas of Hulme which is dominated by lower rise housing with some tower blocks. This area contains much larger city blocks defined by the larger buildings that once occupied the area but most recently has been defined by post-industrial blight.

Listed building: Not applicable

Conservation area: Castlefield Conservation Area 1979

Tree Preservation Order:

Description of area

The immediate context is largely residential with ancillary commercial and leisure uses. Box Works, 6 storey, is to the north with Moho, 7 storey, and Base, 8 storey, to the west fronting Ellesmere Street and Arundel Street. Buildings within St George's Island on the opposite side of

the Bridgewater Canal are between 9 and 15 storeys. St George's Church, a grade II* listed building to the south, has been converted into apartments. The church is surrounded by a substantial former graveyard area and its gates and gate post are grade II listed.

The site is within the Castlefield Conservation Area and the following listed buildings are nearby: Church of St George (Grade II*); Churchyard walls, gate, piers and gates at Church of St George (Grade II); Former Canal Flour Mills (Grade II); Hulme Lock Branch Canal (Grade II); Castlefield railway Viaduct Manchester Central to Dawson Street (Grade II); Rochdale Canal lock number 92 and Castle Street Bridge (Grade II); Merchants warehouse (Grade II); Middle Warehouse at former Castlefield goods yard (Grade II); Bridgewater canal offices (Grade II); 215-219 Chester Road (Grade II); Former Campfield Market Hall (Grade II); Former LNWR goods transfer shed (Grade II); and Former Liverpool Road station goods warehouse (Grade II).

The area has excellent links to public transport and pedestrian and cycle links to a wide range of shops, amenities and leisure facilities. The Bridgewater Canal towpath is immediately to the north and Deansgate/Castlefield transport interchange and the Cornbrook tram stop are within walking distance.

Description of development

Non-material amendment 134385/NMC/2022 to planning permission 123261/FO/2019 was granted on 2019 to reconfigure the internal layout of the development, including omitting residential from the DOT building and creating commercial floorspace with associated elevational alterations, together with alterations to the internal layout of the new build element and introduction of an initial phase of development with associated new planning conditions and alteration to the trigger in condition 6 (Ground Conditions) to allow demolition of existing buildings

This application seeks a further Non material to planning permission 123261/FO/2019 (as amended) to alter the triggers in conditions 2, 43, 44, 45, and 46.

The change is considered to be acceptable and enables the project milestones to be aligned to mobilize a contractor.

Consultations & Notification Responses

N/A

Issues

The Applicant is seeking to agree an extension of the planning date deadline from 31st October 2023 to 31st December 2024. Conditions 2, 43, 44, 45 and 46 need to be amended to reflect the revised start date for Phase 2. An updated Phasing Plan would also be required and submitted to ensure the dates align to reflect the Phase 2 works.

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:

Article 35 Declaration

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

- 1) The proposed seeks to alter the triggers in conditions 2, 43, 44, 45, and 46.
- 2) The development hereby approved shall be carried out in accordance with the following additional drawings:

Arundel Street - Phasing Plan dated October 2023, prepared by Sisk received by the City Council, as Local Planning Authority, on the 11 October 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

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.

43) The phasing of the development shall be carried out in accordance with the Arundel Street - Phasing Plan dated October 2023, prepared by Sisk received by the City Council, as Local Planning Authority, on the 11 October 2023 and shall be herein have the following meanings:

- Phase 1 - Enabling and permanent drainage and hardstanding works (August 2022); and
- Phase 2 - Remaining works to completion of the development (January 2025 to December 2027)

Reason - The development is to be carried out on a phased basis and details must therefore be agreed in this regard to ensure that a comprehensive development provided at this site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

44) No development associated with Phase 2 shall commence until a contract for the construction and completion of the development has been let and appropriate evidence has been submitted for approval in writing by the City Council, as Local Planning Authority. The contract for construction and completion of the development "Phase 2" must be let no later than the 31 December 2024.

Reason - To allow sufficient time to let the contract for the phase 2 of the development pursuant to policy SP1 of the Manchester Core Strategy (2012).

45) Should the contract for construction and completion of the development not be let by 31 December 2024, then all development activities on the site, associated with phase 1, shall cease and no further development shall be permitted by this planning permission.

Reason - To require the development activities to cease should the contract for phase 2 not be let pursuant to policy SP1 of the Manchester Core Strategy (2012).

46) In the event that phase 2 development does not commence in line with condition 44, and development activity is required to cease in line with condition 45, prior to the 31 December 2024, a scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority, for the restoration, landscaping and maintenance of the land. The scheme shall be implemented within three month of approval and thereafter retained and maintained in accordance with this scheme.

Reason - To ensure that the land is reinstated to an appropriate standard in the interest of visual amenity of the site pursuant to policies SP1 and DM1 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(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

Conservation Area - Castlefield Conservation Area 1979

Area Team Boundary - Name: CENTRAL