

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137132/NMC/2023

Date registered valid: 31 May 2023

Proposal: Non Material Amendment to application ref no 128772/FO/2020 to amend condition 2 (specified plans) to amend materials label on the approved drawings

Address: Advent One , 1-2 Isaac Way, Manchester

Ward(s): Ancoats & Beswick Ward

Applicant: Mr Tim Lyons Thomasons

Agent (if any): Mr Brendan O'Donovan

Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 7 June 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 application site is bound by Harrison Street, Snell Street and Isaac Way. The application relates to the part four part six storey apartment block, Advent One, at no1-2 Isaac Way. The application property itself is a residential apartment block completed in cream render, zinc cladding and cedar wood cladding. The site is subject to a live planning permission for the installation of replacement cladding and the application of new render (Approved under planning application 128772/FO/2020).

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The neighbouring area lies on the periphery of the City Centre and is comprised of high-rise residential development (Class C3) to the north, south and west of the application site, all of which are completed in various forms of render and cladding. To the east of the site lies low-rise residential development along Mayes Gardens.

Planning History

A high number of applications are on record for the application site, the most relevant of which are shown below:

CDN/23/0278 – Discharge of condition 5a (Noise) attached to planning permission 128772/FO/2020 – Approved June 2023.

128772/FO/2020 - Installation of replacement cladding - Approved March 2021.

070119/MO/2003/N2 - Reserved matters application for the erection of part four and part six storey building to form 130 apartments with undercroft parking for 91 cars with access from Snell Street and associated landscaping (previously approved under outline application 067584) - Approved January 2001.

067584/OO/NORTH2/03 - Outline application for the means of access for a mixed use development comprising a total of 16,000 sq metres of commercial/ office space, 600 residential units and 850 sq metres of retail space, with maximum building heights of 8 storeys (23m) and underground car parking - Approved August 2003.

Description of development

The application seeks consent for a non-material amendment pursuant to planning permission 128772/FO/2020 to amend condition 2 (Specified Plans) in order to correct an inaccuracy on the approved plans. The error concerns a four storey high strip of render located on the property's south facing internal courtyard elevation that was incorrectly depicted as zinc cladding on the aforementioned permission.

Plans to be superseded:

- 12050-AEW-XX-ZZ-DR-A-0510 Rev P01 S2: Existing A-A & B-B Sectional Elevations Sheet 1 of 2
- 12050-AEW-XX-ZZ-DR-A-0514 Rev P01 S2: Proposed Section A-A and B-B Sectional Elevations Sheet 1 of 2

New Plans:

- 12050-AEW-XX-ZZ-DR-A-3002 Rev P04 S2: Existing A-A & B-B Sectional Elevations Sheet 1 of 2
- 12050-AEW-XX-ZZ-DR-A-3102 Rev P05 S2: Proposed A-A & B-B Sectional Elevations Sheet 1 of 2

Consultations & Notification Responses

Not applicable.

Issues

The main issue is to consider whether the proposed change is non-material. The proposed change seeks to correct an inaccuracy on the existing and proposed plans that depicted part of the application site being completed in cladding rather than render on the existing plans and subsequently then on the proposed plans also depicted it being finished in replacement cladding, rather than replacement render. The proposed plans correct this inaccuracy, depicting the area in render on both the existing and proposed plans. As the change relates to an internal courtyard elevation that is obscured from the wider street scene and how the proposal merely seeks to correct an inaccuracy, it is considered the proposed change would not have a material impact on the previously approved scheme and is thus acceptable.

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) The proposed seeks to alter to amend condition 2 (Specified Plans) in order to alter the materials shown on the approved plans.

2) New Plans:

- o 12050-AEW-XX-ZZ-DR-A-3002 Rev P04 S2: Existing A-A & B-B Sectional Elevations Sheet 1 of 2
- o 12050-AEW-XX-ZZ-DR-A-3102 Rev P05 S2: Proposed A-A & B-B Sectional Elevations Sheet 1 of 2

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 are 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.

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

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: CENTRAL