

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137243/NMC/2023

Date registered valid: 9 June 2023

Proposal: Non material amendment to planning permission 131612/JO/2021 (as amended by 133317/NMC/2022 and 134638/NMC/2022) to alter the wording of condition 48 (contract for demolition)

Address: St Michael's , Manchester, M2 5GU

Ward(s): Deansgate Ward

Applicant: Jacksons Row Developments Limited

Agent (if any): Nikki Sills Zerum

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

Recommendation: Approve

Date of recommendation: 13 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

Listed building: Not applicable

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

n/a

Issues

Condition 48 currently states:

The demolition hereby permitted shall not be undertaken before a contract has been made for the carrying out of the building works for each part of the redevelopment of the site (as defined by condition 51) to which such demolition relates. Evidence of that contract for each part of the development shall be supplied to the City Council as local planning authority

The applicant has requested the condition is varied as follows:

"The demolition hereby permitted shall not be undertaken before a contract has been made for the carrying out of the building works for each part of the redevelopment of the site to which such demolition relates, which is the subject of this application (ref 131612/JO/2021)

The amendment would allow various element of demolition which are not associated with a full phase of development to take place subject to a contract. The amendment does not change the spirit of the condition which will retain the provision for contracts to be in place.

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 wording of condition 48 (contract for demolition)
- 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.

48) The demolition hereby permitted shall not be undertaken before a contract has been made for the carrying out of the building works for each part of the redevelopment of the site to which such demolition relates, which is the subject of this application (ref 131612/JO/2021).

Reason - To ensure the satisfactory development of the site, pursuant to policies DM1 and SP1 of the Core Strategy.

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

Conservation Area - Deansgate Conservation Area 1985