MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138008/NMC/2023
Date registered valid:	6 September 2023
Proposal:	Variation of Conditions 2 (Approved drawings), 4 (Materials), 37 (Retail Units: Management Strategy), 38 (Doorways) and 42 (Wind Mitigation) attached to Planning Permission 132489/FO/2021 (as amended by 135938/NMC/2023).
Address:	Land Bounded By Great Ancoats Street To The North, Brownsfield Mill And A Surface Car Park To The East, A Surface Car Park To The South And, Port Street To The West
Ward(s):	Piccadilly Ward
Applicant:	- Manchester (Port Street) Limited
Agent (if any):	Mr Cameron Radford Deloitte LLP
Case officer:	Angela Leckie Tel: 0161 234 4651 Email: angela.leckie@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: 18.09.2023

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: Not applicable

Tree Preservation Order: Not applicable

The application relates to a 0.48 ha site bounded by Great Ancoats Street, the Grade II * Listed Brownsfield Mill (Avro Building), a surface car park (approximately 100 spaces) and Port Street. It is used for parking but was formerly timber yards. There are level changes across the site.

The site is close to the Northern Quarter, Ancoats Urban Village and New Islington which contain established residential communities. Port Street provides a link to cultural and commercial activity and to Ancoats through linkages to Redhill Street. Great Ancoats Street is a key traffic route around the city centre.

The site lies within Piccadilly Basin and is covered by two Strategic Regeneration Frameworks (SRFS): The HS2 Piccadilly SRF (2018) and the Piccadilly Basin SRF (2016). A number of SRFs have been endorsed for Piccadilly Basin since the 1990's

Description of development

Consent was granted in 2022 – application ref no 132489/FO/2021 for the erection of a part-33, part-11, part 9 part 7 storey residential building above semi-basement level, with associated residents' amenity space including gym (Use Class C3) (comprising 481 dwellings), commercial space (Use Class E), basement car parking (47 spaces), cycle parking (481 spaces) landscaping, and other associated works

Consent is sought for a variation of conditions 2 (Approved drawings) to agree some non material amendments which have emerged from design development and would improve the layout, design quality and functionality of the development.

Amendment is also sought to amend the scope of the sample panels agreed under application ref no CDN/22/0865.

Amendments to the drawings listed in conditions 37 (Retail Units: Management Strategy), 38 (Doorways) and 42 (Wind Mitigation) are required to reflect the amended drawings submitted for approval under condition 2.

Consultations & Notification Responses

None

Issues

It is noted that some of the amendments are necessary to enable compliance with other regulatory frameworks. The roof screens and tower roof screen would remain as glazed. In terms of the relocation of generator ventilation louvres at ground floor and additional level 09 roof equipment, these provisions will be screened, are not visible from the street, and face only the private courtyard.

The amendments proposed in this application would result in a development that is substantively unchanged from the approved development on-site (ref: 132489/FO/2021). The proposed changes will have no material impact upon the previously approved scheme and the works will not adversely affect visual or residential amenity within the area or will they have any significant material impact upon the overall quality of the development.

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

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

1) Reason 1: Following an assessment of the details and plans submitted, it is confirmed that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as Local Planning Authority. The City Council is satisfied that the proposed changes will have no material impact upon the previously approved scheme and the works will not adversely affect visual or residential amenity within the area or will they have any significant material impact upon the overall quality of the development.

2) Reason 2: The proposed amendments relate to changes resulting from design development which would improve the layout, design quality and functionality of the proposals.

Changes include; Level 07 Terrace: Inclusion of landscape elements and activation of the amenity space; Balconies: Change to bespoke metal balustrades to balconies, where these are part of or abut the façade, to comply with building regulations and safety requirements; Main entrance: Inclusion of revolving door and emergency door adjacent to it, to meet both operational purposes and building regulations; Gym fire exit: Door and adjacent panels reconfiguration to satisfy clear opening requirements; Ventilation: Relocation of generator ventilation louvres at ground floor and additional level 09 roof equipment; o Swimming Pool skylight: Inclusion of a skylight within the private courtyard to provide natural light to the swimming pool below.

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

(a) Site Location Plans 10376-SHP-Z0-A-B5D8-G100-XP-XX-001 and 10376-SHP-Z0-A-B5D8-G100-XP-XX-002 and Site Wide Reference Plan 10376-SHP-Z0-A-B5D8-G100-PL-XX-001 Rev PO2;

(b)10376-SHP-Z0-A-B5D8-G200-PL-B1-001 Rev P04, 10376-SHP-Z0-A-B5D8-G200-PL-00-001 Rev P02, 10376-SHP-Z0-A-B5D8-G200-PL-TY-001 Rev P04, 10376-SHP-Z0-A-B5D8-G200-PL-07-001 RevP04, 10376-SHP-Z0-A-B5D8-G200-PL-08-001 RevP04, 10376-SHP-Z0-A-B5D8-G200-PL-09-001 Rev P04, 10376-SHP-Z0-A-B5D8-G200-PL-10-001 RevP04, 10376-SHP-Z0-A-B5D8-G200-PL-TY-002 Rev P06, 10376-SHP-Z0-A-B5D8-G200-PL-31-001 RevP05, 10376-SHP-Z0-A-B5D8-G200-PL-TY-003 Rev P07, 10376-SHP-Z0-A-B5D8-G200-PL-RF-001 Rev P04, 10376-SHP-Z0-A-B5D8-G200-PL-RF-002 Rev P04, 10376-SHP-Z0-A-B5D8-G200-EL-EE-001 Rev P05, 10376-SHP-Z0-A-B5D8-G200-EL-EN-001 Rev P05, 10376-SHP-Z0-A-B5D8-G200-EL-ES-001 Rev P05, 10376-SHP-Z0-A-B5D8-G200-EL-EW-001 Rev P05, 10376-SHP-Z0-A-B5D8-G200-SE-AA-001 Rev P06, 10376-SHP-Z0-A-B5D8-G200-SE-BB-001 Rev P05, 10376-SHP-Z0-A-B5D8-G200-SE-CC-001 Rev P06, 10376-SHP-Z0-A-B5D8-G200-SE-DD-001 Rev P05, 10376-SHP-Z0-A-B5D8-G200-SE-EE-001 Rev P05, 10376-SHP-Z0-A-B5D8-G251-DE-XX-001 Rev P02, 10376-SHP-Z0-A-B5D8-G251-DE-XX-002 Rev P02, 10376-SHP-Z0-A-B5D8-G251-DE-XX-003 Rev P03, 10376-SHP-Z0-A-B5D8-G251-DE-XX-004 Rev P03, 10376-SHP-Z0-A-B5D8-G251-DE-XX-005 RevP02, 10376-SHP-Z0-A-B5D8-G251-DE-XX-006 Rev P02, 10376-SHP-Z0-A-B5D8-G251-DE-XX-007 RevP02, 10376-SHP-Z0-A-B5D8-G251-DE-XX-008 RevP02, 10376-SHP-Z0-A-B5D8-G251-DE-XX-009 Rev P05, 10376-SHP-Z0-A-B5D8-G251-DE-XX-010 RevP05; and, 10376-SHP-Z0-A-B5D8-G251-DE-XX-011 Rev P03;
(c) Port Street, Manchester Landscape Strategy by Reform stamped as received on 13-12-21 as amended by the Landscape Strategy 0894-RFM-XX-ZZ-RP-L-0001-S2 P04 stamped as received on 10-05-22;

(d) Port Street, Manchester, Waste Management Strategy, by Curtins Ref: 79165-CUR-00-XX-RP-TP-003 Revision: V02, Dated: 12 November 2021 stamped as received on 13-12-21 (on the basis of twice weekly collections subject to condition 3) and Dwg 10376-SHP-Z0-A-G100-SK-B1-002 Rev PO1 (condition 3);

(e) Recommendations in sections, 3, 4, 5, 6 and 7 of the Crime Impact Statement Version B 04/02/2022 stamped as received on 04-02-22;

(f) Accommodation Schedule within Section 6.5 of Design and Access Statement 13-12-2021 by simpsonhaugh stamped as received on 13-12-21 as amended by Deloittes Cover Letter dated 03-05-22 stamped as received on 15-07-22 as amended by Deloitte's letter dated 10-01-23 ;

(g) Section 8 of the Design and Access Statement 13-12-2021 by simpsonhaugh stamped as received on 13-12-21;

(h) Archaeological Desk-Based Assessment Port Street, Ancoats, Manchester Client: Manchester (Port Street) Ltd, Technical Report:
Natalie Poundall Report No: 2021/66 by University of Salford, stamped as received on 13-12-22;

(i) Inclusions of measures and targets set out in Affinity Living, Port Street, Manchester Energy Statement by Futureserv dated November 2021 and AFFINITY LIVING, PORT STREET, Sustainability Statement by WSP dated Deceomebr 2021 and ES Climate Change Chapter (6) all stamped as received on 13-12-21;

(j) Broadband Connectivity Assessment, Port Street, Sept 2021 by Pager Power stamped as received on 13-12-21;

(k) Fire Statement - FS 001.1, Project: Port Street, Ancoats, Subject: Fire Statement Date: 23 November 2021 stamped as received on 13-12-21 as amended by Deloittes MCC Consulations Responses Table 31-03-22 and e-mail Response to HSE dated 11-05-22;

(l) Port Street, Manchester, Manchester (Port Street), Limited, AIR QUALITYASSESSMENT, REVISION 01 - 12 NOVEMBER 2021 by Hoare Lee stamped as received on 13-12-21;

(m) FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY REPORT 84548-PORT-WSP-RP-FRA-001 by WSP November 2021 stamped as received on 13-12-21;

(n) Television Baseline Survey Report, Port Street, Manchester (Port Street) Ltd, November 2021 by Pager Power, stamped as received on 13-12-21;

(o) MANCHESTER (PORT STREET) LTD, PORT STREET, MANCHESTER CITY CENTRE, EXTENDED PHASE 1 HABITAT SURVEYby Penny Anderson Associates May 2021;

(p) Affinity Living, Port Street, Manchester, Ventilation Statement by Futureserve dated November 2021 stamped as received on 13-12-21;

(q) PORT STREET, MANCHESTER Interpretative Ground Investigation Report by WSP REF. NO. 70084785-WSP-GEO-IGR-001
DATE: NOVEMBER 2021 stamped as received on 13-12-21;

(r) Port Street, Manchester, Transport Statement by Curtins Ref: 79165-CUR-00-XX-RP-TP-001, Revision: V01 Issue Date: 12 November 2021 and Port Street, Manchester, Interim Travel Plan, by Curtins Ref: 79165-CUR-00-XX-RP-TP-002, Revision: V02 Issue Date: 12 November 2021 both stamped as received on 13-12-21 and Port Street, Manchester, Stage 1 Road Safety Audit, Response Report, by Curtins Ref: 079165-CUR-XX-XX-RP-TP-005, Revision: P01 Dated: 26 April 2022, Dwg 79165-CUR-00-XX-DR-TP-75001 P09 Access Arrangements and PORT STREET, MANCHESTER Stage 1 Road Safety Audit April 2022 AJ-PF-22-3708-RSA1 all stamped as received on 04-05-22 and Deloitte's e-mail 09-05-22 in relation to the cycle lane;

(s) Heritage Statement Manchester (Port Street) Ltd November 2021 by Stephen Levrant Heritage Architecture Ltd stamped as received on the 13-12-21 and Addendum April 2022 stamped as received on 14-04-22;

(t) Port Street Manchester Environmental Noise Study December 2021 Report Reference: PR0665-REP01A-MPF by Fisher Acoustics , stamped as received on 13-12-21;

(u) ES Volume 1 Main Text:

Chapter 1 Introduction
Chapter 2 Environmental Impact Assessment Methodology
Chapter 3 Alternatives and Design Evolution
Chapter 4 Site, Surroundings and Description of Proposals
Chapter 5 Construction Management and Phasing
Chapter 6 Climate Change
Chapter 7 Daylight, Sunlight and Overshadowing
Chapter 8 Heritage
Chapter 9 Human Health
Chapter 10 Noise and Vibration
Chapter 11 Socio Economic Impact
Chapter 12 Townscape and Visual Impact
Chapter 13 Wind Microclimate
Chapter 14. Summary of Residual Impacts
Chapter 15. Type 1 Cumulative Impacts

(v) ES Volume 2 List of Appendices
Chapter 2: Environmental Impact Assessment Methodology
Appendix 2.1 - ES Scoping Report
Appenidx 2.2 - Committed Developments
Appendix 2.3 - ES Scoping Opinion

Chapter 7: Daylight, Sunlight and Overshadowing
Appendix 7.1 - Drawings of the Baseline and Proposed Scenario;
Appendix 7.2 - Daylight and Sunlight Results for Baseline v Proposed;
Appendix 7.3 - Drawings of the Piccadilly Basin Strategic Regeneration Framework massing; and
Appendix 7.4 - Daylight and Sunlight results for the Piccadilly Basin Strategic Regeneration Framework massing.

Chapter 8: Heritage
Appendix 8.1 - Heritage Statement

Chapter 10: Noise
Appendix 10.1 - Acoustic Report

Chapter 11: Socio-Economic
Appendix 11.1 - Socio-economic baseline assessment
Appendix 11.2 - Socio-economic Recpetor Plan

Chapter 12: Townscape and Visual Impact
Appendix 12.1 - Figures
Appendix 12.2 - TVA Assessment Methodology
Appendix 12.3 - Methodology for producting views and photomontages
Appendix 12.4 - Committed Developments

Appendix 12.5 - Accurate Visual Representations

Chapter 13: Wind Microclimate
Appendix 13.1 - Wind Microclimate Detailed Methodology

(w) ES Volume 3 -Non Technical Summary

all stamped as received on 13-12-21;

(x) ES Addendum

Addendum report, Town and Visual Impact Assessment, prepared by Reform

Addendum report, Heritage, prepared by Stephen Levrant Heritage Architecture

ES Figures

all stamped as received on 14 04 22; and

(y) Points on EV Charging provision set out in Deloittes Response to Consultion comments Document May 2022

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy SP1, CC3, H1, H8, CC5, CC6, CC7, CC9, CC10, T1, T2, EN1, EN2, EN3, EN6, EN8, EN9, EN11, EN14, EN15, EN16, EN17, EN18, EN19, DM1 and PA1 saved Unitary Development Plan polices DC19.1, DC20 and DC26.1.

4) a) Notwithstanding the details submitted with the application, the following details shall be submitted for approval in writing by the City Council, as Local Planning Authority in-line with the Hand Sized Samples Programme dated 23 November 2022 and the Full Sized Samples Programme dated 23 August 2022 (submitted with this NMA application)

The sample panel will be constructed in-line with drawing reference Z2-SHP-G251-3D-XX-001 REV P04, dated December 2022 and Z2-SHP-G251-3D-XX-0001 REV P03, dated December 2022

The panels to be produced shall include jointing and fixing details between all component materials and any component panels , details of external ventilation requirements, details of the drips to be used to prevent staining and details of the glazing and frames

and

(b) Prior to above ground development submission of a Construction Environmental Management Plan (CEMP)- Circular Economy Statement (Materials) to include details of the strategy for securing more efficient use of non-renewable material resources and to reducing the lifecycle impact of materials used in construction and how this would be achieved through the selection of materials with low environmental impact throughout their lifecycle;

(c) The sample panels and quality control management strategy shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme and dwgs as agreed above.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

37) In the event that any of the commercial units, as indicated on drawing 10376-SHP-Z0-A-B5D8-G200-PL-00-001 P05 are occupied as an restaurant (Class E) or Drinking Establishment (Sui Generis) use, prior to their first use the following details must be submitted and agreed in writing by the City Council, as Local Planning Authority.

A Management Strategy for patrons and control of any external areas. For the avoidance of doubt this shall include:

*An Operating Schedule for the premises (prevention of crime and disorder, prevention of public nuisance, Management of smokers)

*Details of a Dispersal Procedure

* Mechanism for ensuring windows and doors remain closed after 9pm

The approved scheme shall be implemented upon first use of the premises and thereafter retained and maintained.

Reason - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to policies SP1, DM1 and C10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

38) No doors (other than those designated as fire exits and ground floor bin store shown on plan 10376-SHP-Z0-A-B5D8-G200-PL-00-001 PO5 shall open outwards onto adjacent public highway.

Reason - In the interest of pedestrian safety pursuant to policy DM1 of the Manchester Core Strategy (2012).

42) No above ground works shall commence until final details of the wind mitigation to the level 7 terraces and public realm shown in dwgs 10376-SHP-Z0-A-B5D8-G200-PL-07-001 Rev PO4 and Landscape Strategy 0894-RFM-XX-ZZ-RP-L-0001-S2 P04 and confirmation from a suitably qualified Wind Consultant that this would be adequate shall be submitted to and approved in writing. The approved scheme shall be implemented prior to any use of the terrace and public realm commencing and thereafter retained and maintained in situ.

Reason - In the interest of creating a suitable and safe environment for residents and in the interests of visual amenity 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(c) To C3
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) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL