

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137946/NMC/2023
Date registered valid: 31 August 2023
Proposal: Non Material amendment to alter the wording of Conditions 3a (Materials and Samples), 3b (Circular Economy Statement), 6 (Landscape Programme) and 14a (Acoustic Insulation Scheme: Residential) attached to Planning Permission 136170/FO/2023
Address: Plot 10B , First Street , Manchester, M15 4RF
Ward(s): Deansgate Ward
Applicant: House of Social 1 Ltd
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: 12-09-23

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 0.3 ha brownfield site within the City Centre neighbourhood known as Plot 10B. The site is bounded by River Street, River Street/ Wilmott Street/vacant land, Hulme Street, and Plot 10a of the First Street SRF masterplan. The site is known as Plot 10B.

Application ref no 136170/FO/2023 was approved by the Planning and Highways Committee in June 2023 for the erection of 14-storey building comprising purpose-built student accommodation (PBSA) (Sui Generis) and ground floor Food Hall (Sui Generis Use), and other associated works including external amenity spaces, public realm, secure cycle parking, access and servicing arrangements (Plot 10B).

Site preparation works are currently underway.

Description of area

The site is close to the Universities and a range of amenities including bars and restaurants, shops and offices. The closest residential properties are at Macintosh Mill, Chorlton Mill and Cambridge Mill and at Great Jackson Street.

The Site is not in a Conservation Area, but Castlefield Conservation Area is 400m to the west and Whitworth Street Conservation Area is 400m to the east. Listed buildings close to the site include Macintosh Mill, Mill chimney stack on west side of junction with Cambridge Street, Chorlton new mill and attached chimney, Chorlton Old Mill, Mill on north east corner of junction with Chester Street, Manchester South Junction and Altrincham Railway Viaduct, Chatham Mill, Rochdale Canal lock number 89 (Tib Lock), on south side of Havelock Mills, Manchester Oxford Road Station (including platform structures). These are all Grade II Listed.

The Site is close to all forms of public transport with Metrolink stops at Deansgate and St Peters Square and train stations at Manchester Oxford Road and Deansgate. Regular bus routes run along Medlock Street and Cambridge Street immediately adjacent to the site as well as the nearby Oxford Road.

The north east part of the Site is located within Flood Zone 2, whilst the remaining areas are located within Flood Zone 1. The site is within a Critical Drainage Area

Description of development

Amendments are sought to the wording of 3 conditions (3,6 and 14) in terms of details required to be submitted prior to above ground works commencing. These would amend the timescale to within 8 weeks of the core construction commencing.

Consultations & Notification Responses

None

Issues

Principle of amendments

It is noted that the re-wording of condition's 3,6 and 14 is required to amend the triggers for submission of details due to the development of the delivery programme and required development completion date to allow for a period where the core construction will need to commence to maintain programme as set out within the HOUSE OF SOCIAL-PRE ABOVE GROUND WORKS programme submitted with this application. This has been discussed in detail with officer and they are satisfied that for an extended 8 week period this would not compromise the ability for those conditions to be discharged to the Local Planning Authority's satisfaction.

The amendments are considered to be non material in nature.

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) 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 to

the condition triggers will have no material impact upon the previously approved scheme and 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 re-wording of condition's 3,6 and 14 is required to amend the triggers for submission of details due to the development of the delivery programme with a period where the core construction will need to commence to maintain programme and a set completion date as set out within the HOUSE OF SOCIAL-PRE ABOVE GROUND WORKS programme submitted with this application. This will require a short period during which construction of the core can commence prior to the details required by those conditions having been finalised. This has been discussed in detail with officer and they are satisfied that for an extended 8 week period this would not compromise the ability for those conditions to be discharged to the Local Planning Authority's satisfaction.

3) a) Notwithstanding the details submitted with the application, within 8 weeks of the core construction commencing the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

- *hand sized samples and specifications of all materials to be used on all external elevations;
- *drawings to illustrate details of full sized sample panels that will be produced in line with an agreed programme; and
- *a programme for the production of the full sized sample panels and strategy for quality control management; and

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)Within 8 weeks of core construction commencing 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 in line with the Monitoring and Mitigation as set out in the Plot 10, First Street Environmental Statement (Chapter 7) February 2023 stamped as received on 01-03-23;

(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.

6) Notwithstanding the documents detailed in condition 2, within 8 weeks of the core construction commencing a programme for submission of final details of the public realm works and highway works as shown in FIRST STREET PLOT 10B, MANCHESTER, DOCUMENT, LANDSCAPE DESIGN & ACCESS STATEMENT dated 28-03-23 by P.ie stamped as received on 27-04-23 and Dwgs PL1471.3-PLA-ZZ-00-DR-L-001 P11, 1471.3-PLA-ZZ-00-DR-L-007 P06, 1471.3-PLA-ZZ-00-DR-L-005 P06, 1471.3-PLA-ZZ-00-DR-L-003 P06 and PL1471.3-PLA-ZZ-00-DR-L-009 P03 shall be submitted and approved in writing by the City Council as Local Planning Authority. The

programme shall include an implementation timeframe and details of when the following details will be submitted.

For the avoidance of doubt the development should be delivered in accordance with the approved programme and should not be occupied unless or until the public realm works are completed.

(a) Details of (a) all hard (to include use of natural stone or other high quality materials) and (b) all soft landscaping works (excluding tree planting) which demonstrably fully consider and promote inclusive access (including older and disabled people);

(b) Details of measures to create potential opportunities to enhance and create new biodiversity within the development to include, the choice of planting species within the public realm, where detailed design allows bat boxes and brick, bird boxes and areas of sensitively designed lighting provide opportunities areas within the site for use by bats and moths to include input from a qualified ecologist and which demonstrates Biodiversity Net gain across the site;

(c) Details of the proposed tree species within the public realm including proposed size, species and planting specification including tree pits and design and details of on going maintenance;

(d) Details of how surface water from the public realm would be managed within the public realm through Suds interventions such as infiltration, swales, soakways, rain gardens and permeable surfaces;

(e) Location and design of all street furniture including seating, lighting, bins, handrails, recycling bins, temporary gates, boundary treatments, planters all to include features which fully consider and promote inclusive access (which includes older and disabled people);

(f) Lighting around and within the site (which includes for consideration of older and disabled people and any biodiversity features installed for bats) and how it has been designed to increase opportunities for roosting bats; and

(g) A management and maintenance strategy for the public realm and who would be responsible for the day to day management and maintenance of these areas including ensuring ongoing maintenance of provision of access for disabled people.

The detailed scheme shall demonstrate that it complies with Accessibility and Age Friendly principles.

and shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above.

All of the above shall be fully implemented prior to occupation of the development

If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place,

Reason - To ensure a satisfactory development delivered in accordance with the above plans and in the interest of pedestrian and highway safety pursuant to Section 170 of the NPPF 2019, to ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, 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.

14) Notwithstanding the details within the First Street Plot 10a Noise Impact Assessment First Street Developments Limited Ref PLOT10A-XX-XX-RP-Y-45001 P03 12 January 2023 by Cundall stamped as received on 17-02-23:

a) Within 8 weeks of core construction commencing a scheme for acoustically insulating the proposed residential accommodation against noise from the nearby road network and any nearby commercial premises shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site.

The potential for overheating shall also be assessed and the noise insulation scheme shall take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria shall be required to be achieved with windows closed:

Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not exceed 45 dB LAmax,F by more than 15 times)

Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq

Gardens and terraces (daytime) 55 dB LAeq

Additionally, where entertainment noise is a factor in the noise climate the sound insulation scheme shall be designed to achieve internal noise levels in the 63Hz and 125Hz octave centre frequency bands so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

The approved noise insulation scheme and vibration mitigation measures shall be completed before any of the dwelling units are occupied.

b) Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, and to reduce the potential for overheating pursuant to policies SP1, H1 and DM1 of the Core Strategy.

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

Flood Zones Type 2 (low to medium risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: CENTRAL