

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136804/NMC/2023

Date registered valid: 24 April 2023

Proposal: Non material amendment to planning permission 121099/FO/2018 as amended by 133730/NMC/2022 to amend condition 8 (Electro Magnetic Compatibility impacts) to remove pre commencement element of the condition

Address: Rammon House , 1 Portugal Street East, Manchester, Manchester, M1 2WX

Ward(s): Piccadilly Ward

Applicant: Portugal Street East Limited

Agent (if any): Mr Matthew Grindey Day Architectural Ltd

Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 19-05-22

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

Printed: 26 April 2023 Expired: 17 May 2023

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/area

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a 0.88 hectares site bounded by Adair Street, Portugal Street East, the Piccadilly – Ashton-under-Lyne Metrolink line / Fair Street, Longacre Street and warehousing situated between Longacre Street and Heyrod Street. It is close to Piccadilly Station.

Prior approval for the demolition of Rammon House which previously stood on the site (application ref no 120090/DEM/2018) was granted in 2018 and has now been implemented. The current application also seeks consent to demolish Rammon House and other buildings within the submitted demolition plan not covered by the Prior Approval.

The site lies directly adjacent to Metrolink Infrastructure.

Description of development

Consent was granted under application ref no 121099/FO/2018 for the Construction of two residential buildings (Use Class C3) comprising Block 1 (29 storeys) (224 apartments (4 x 1 bed 1 person, 52 x 1 bed 2 person, 64 x 2 bed 3 person and 104 x 2 bed 4 person) 25% 1 bed and 75 % 2 bed) Block 2 (23 storeys) (264 apartments 44 x1 bed 1 person, 44 x 1 bed 2 person, 92 x 2 bed 3 person and 84 x 2 bed 4 person) (33% 1 bed and 67%% 2 bed) with a linked central podium, to deliver 488 units, shared amenity space, 27 car parking spaces, 492 cycle spaces, landscaping (including new public park) , lighting, highways and associated works following demolition of existing buildings and structures.

Following consultation with TFGM (Metrolink) on the above, a series of conditions were recommended which were intended to safeguard their infrastructure and the safe and uninterrupted operation of the service. This included the carrying out of investigations into the Electro Magnetic Compatibility of a substation contained within the above development with that operation and safety.

Due to programming issues and because the detailed design of the relevant equipment within the development has not yet been completed the applicants have requested that the trigger for submission of the information is amended to allow them to commence on site and complete that work at a later date.

Consultations & Notification Responses

Metrolink – No objections subject to the investigations being carried out and mitigated prior to the substation being commissioned

Issues

Given that Metrolink have no objection the amendment to the pre-commencement condition is acceptable and the trigger for submission and carrying out any mitigation work is now pre-

commissioning of the substation and occupation of the development to protect residents and ensure that they are occupying a functional building.

Original condition 8

No development shall take place until the developer has submitted details to confirm any impacts on Electro Magnetic Compatibility from the proposed development. Where there are any impacts identified details of any necessary Electro Magnetic Compatibility protection measures that are found to be required as a result of the introduction of the substation shall be submitted to and approved in writing by the City Council as Local Planning Authority before development commences.

Reason: In the interests of safeguarding Metrolink infrastructure pursuant to Core Strategy policy DM1.

Revised condition 8

Prior to operation of the substation as shown on dwg no 20-0102 REV E commencing details to confirm any impacts on Electro Magnetic Compatibility from the proposed development and any mitigation necessary to ensure the continued safe operation of Metrolink shall be submitted to and approved in writing by the City Council as Local Planning Authority. Where there are any impacts identified, details of any necessary Electro Magnetic Compatibility protection measures that are found to be required as a result of the introduction of the substation shall be fully implemented prior to the operation of the substation commencing and to occupation of the development.

Reason: In the interests of safeguarding Metrolink infrastructure pursuant to Core Strategy policy DM1.

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

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 8 is required to amend the triggers for submission of details. Due to programming issues and because the detailed design of the relevant equipment within the development has not yet been completed the applicants have requested that the trigger for submission of the information is amended to allow them to commence on site and complete that work at a later date. The crucial issue for Metrolink is that the operation of the substation does not interfere with their operation and they have confirmed that are happy that the condition is amended to the requirements being met prior to it becoming operational

8) Prior to operation of the substation as shown on dwg no 20-0102 REV E commencing details to confirm any impacts on Electro Magnetic Compatibility from the proposed development and any mitigation necessary to ensure the continued safe operation of Metrolink shall be submitted to and approved in writing by the City Council as Local Planning Authority. Where there are any impacts identified, details of any necessary Electro Magnetic Compatibility protection measures that are found to be required as a result of the introduction of the substation shall be fully implemented prior to the operation of the substation commencing and to occupation of the development.

Reason: In the interests of safeguarding Metrolink infrastructure pursuant to Core Strategy policy DM1.

Appendix 1 – List of consultees & neighbours notified

Transport For Greater Manchester
Metrolink

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL