

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135956/NMC/2023
Date registered valid: 13 January 2023
Proposal: S96 non material amendment of conditions 10 and 23 attached to application ref no 125248/FO/2019 as amended by application ref no 134907/NMC/2022
Address: Mayfield, Baring Street, Manchester
Ward(s): Piccadilly Ward

Applicant: Mayfield Development (General Partner) Ltd
Agent (if any): Mr Michael Percival Deloitte LLP
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 13 January 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: Not applicable

Tree Preservation Order: Not applicable

The application lies within an area of 5.41 ha bounded by the Depot, Hoyle Street, the Mancunian Way and Baring Street. The boundary extends to the London Road junction with Baring Street to include road improvements. The sites are identified within the Mayfield SRF as the Park and the Baring Street Campus.

The site is not within a Conservation Area and has no listed buildings, but the depot is a non-designated heritage asset. The nearest listed buildings are the Star and Garter Public House and Piccadilly Station (both Grade II) and London Road Fire Station (Grade II*).

Description of area

The former railway arches on Temperance Street are occupied by workshops, storage spaces and meanwhile uses. Much of the rest of the area has low rise warehouse and industrial units, open land and car parking. The River Medlock is culverted in parts with is self-seeded, self-established planting in the River, mostly growing out of river walls and some invasive species such as Japanese knotweed.

To the west is the Macdonald Hotel and purpose-built student accommodation and the area forms an important link to the North Campus.

An application associated with this application ref no 124972/FO/2019 (Phased creation of circa 2.4 ha (6 acres) of public park, including hard and soft landscaping and new bridges across the River Medlock; erection of 9 storey office development above basement with mezzanine and plant level (Class B1) with ground floor Class A1 (Shop), A2 (Financial and Professional Services), A3 (Café and Restaurant), A4 (Drinking Establishment) B1 (Office) uses, rooftop amenity spaces and terrace levels, associated public realm and riverside walkway; erection of 11 storey Multi-Storey Car Park to provide 581 car parking spaces with associated landscaping; highways and infrastructure works including the creation of new junction from London Road to provide access to the multi-storey car park (MSCP) (Use Class Sui Generis); works to Baring Street, stopping up of Bond Street and Nether Street (alongside associated Traffic Regulation Orders to manage unrestricted parking to Buxton Street, Berry Street and Travis Street (to be delivered and implemented prior to the MSCP becoming operational)) alongside enabling works comprising phased demolition and site clearance, earthworks including re-profiling and construction of retaining walls for the land bounded by the Mancunian Way to the south, Mayfield Depot to the north, Baring Street to the west and Hoyle Street to the east) has been implemented with the Park delivered in full.

Description of Development

The consent has not been implemented and expires on 14.02.2023 the application is for a Non Material Amendment to amend the wording of conditions to amend trigger point for submission of details for conditions 10 (Suds) and 23 (Surface Water Drainage) attached to application ref no 125248/FO/2019.

Description of development

Issues

The re-wording of conditions 10 and 23 is required to amend the triggers for submission of details due to development of the delivery programme with an initial period of enabling and demolition works prior to the main construction of this and associated developments within the Mayfield SRF area (application ref no 124972/FO/2019).

Condition 10, as per permission ref. 125248/FO/2019, is worded follows:

“10) Notwithstanding the details as set out within condition 2 no development shall take place until surface water drainage works have been implemented in accordance with Non- Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the Local Planning Authority. In order to discharge the above drainage condition the following additional information has to be provided:

- *Maximise use of green SuDS in design including the public realm;
- *Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within Conurbation Core Critical Drainage Area;
- *Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for climate change in any part of a building. Hydraulic calculation needs to be provided;
- *Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site.
- *Construction details of flow control and SuDS attenuation elements.”

Condition 23, as per permission ref. 125248/FO/2019, is worded follows:

“23) Before development commences a scheme for dealing with the discharge of surface water and which demonstrates that the site will be drained on a separate system, with only foul drainage connected into the foul sewer and that it will not impact on adjacent the Metrolink infrastructure and tramway (to be confirmed in consultation with TfGM), shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be implemented in full before use of the residential premises first commences.”

Via s96A of the Town and Country Planning Act, it is proposed that Condition 10 and 23 be amended to read as follows:

“10) Notwithstanding the details as set out within condition 2 no development shall take place other than below ground piling, until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the Local Planning Authority

- *Maximise use of green SuDS in design including the public realm;

*Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within Conurbation Core Critical Drainage Area;

*Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for climate change in any part of a building. Hydraulic calculation needs to be provided;

*Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site.

*Construction details of flow control and SuDS attenuation elements.”

This will ensure that the works to enable the site to come forward can take place and the details of drainage can be submitted at a later date for approval.

“23) Prior to commencement of development, other than below ground piling a scheme for dealing with the discharge of surface water and which demonstrates that the site will be drained on a separate system, with only foul drainage connected into the foul sewer and that it will not impact on adjacent the Metrolink infrastructure and tramway (to be confirmed in consultation with TfGM), shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be implemented in full before use of the residential premises first commences.”

This will ensure that the works to enable the site to come forward can take place and the details of drainage can be submitted at a later date for approval.

Consultations & Notification Responses

None

Issues

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 conditions 10 and 23 is required to amend the triggers for submission of details due to the development of the delivery programme with an initial period of enabling and demolition works prior to the main construction of this and associated developments within the Mayfield SRF area (application ref no 124972/FO/2019)

10) Notwithstanding the details as set out within condition 2 no development shall take place other than below ground piling, until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the Local Planning Authority.

In order to discharge the above drainage condition the following additional information has to be provided:

*Maximise use of green SuDS in design including the public realm;

*Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within Conurbation Core Critical Drainage Area;

*Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for climate change in any part of a building. Hydraulic calculation needs to be provided;

*Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with

appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site.

*Construction details of flow control and SuDS attenuation elements.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of national policies within the NPPF and NPPG and local policies EN08 and EN14.

The development shall be constructed in accordance with the approved details within an agreed timescale.

23) Prior to commencement of development, other than below ground piling, a scheme for dealing with the discharge of surface water and which demonstrates that the site will be drained on a separate system, with only foul drainage connected into the foul sewer and that it will not impact on adjacent the Metrolink infrastructure and tramway (to be confirmed in consultation with TfGM) , shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be implemented in full before use of the residential premises first commences.

Reason - Pursuant to National Planning Policy Framework policies (PPS 1 (22) and PPS 25 (F8)) and DM1

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 - 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

Flood Zones Type 2 (low to medium risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (More) -

Area Team Boundary - Name: CENTRAL