

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136085/NMC/2023
Date registered valid: 27 January 2023
Proposal: Non-material amendment to Planning Permission reference 134288/FO/2022 to amend Condition 10 (Drainage)
Address: No.3 Circle Square, Land Bounded By Princess Street, Newman Street (Formerly Brancaster Road) And Cloak Street, Manchester, M1 7ED
Ward(s): Deansgate Ward

Applicant: Bruntwood Circle Square 12 Ltd
Agent (if any): Mr John Cooper Deloitte LLP
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 21 February 2023

Application details

Type of application: Non-Material Change Application
Development type: Notifications
Date of site visit: N/A

Standard consultations:

Printed: 1 February 2023 Expired: 22 February 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

Description of development

Consent was granted in July 2022 for the erection of 15 storey building comprising office space (Use Class E(g)(i)) and ancillary flexible commercial uses (Use Class E), rooftop terrace, highway works, landscaping, and other associated works

The application seeks to re-wording of condition 10 to amend the triggers for submission of details due to the development of the delivery programme with an initial period of enabling works and piling works programmed to take place prior to the main construction. The proposed amendment also necessitates an additional condition to allow the Emergency Evacuation element of the condition to be separated out as the information will not be available pre-commencement of the main building contract.

Consultations & Notification Responses

None

Issues

The existing and proposed wording of the relevant conditions and proposed amendments are set out below:

Original

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. This shall include:

*Finalised drainage layout showing all components, levels and connectivity.

*Finished floor levels and flood resistance/resilience measures shall be set in accordance with No 3 Circle Square, Manchester Flood Risk Assessment and Drainage Strategy (Curtins Ref: CS3-CUR-03-XX-RP-D-92000 Revision: V02 Issue Date: 01 July 2022). Evidence shall be presented of retention through to final design.

*A Flood Emergency Plan covering the points recommended in No 3 Circle Square, Manchester Flood Risk Assessment and Drainage Strategy (Curtins Ref: CS3-CUR-03-XX-RP-D-92000 Revision: V02 Issue Date: 01 July 2022).

*Evidence that the drainage system has been designed to the restricted flow rates previously approved, which shall present evidence of previous approvals.

*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;

*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.

*For sites where proposed development would cause pollution risk to surface water, evidence of pollution control measures (preferably through SuDS) is required.

*Where an application is part of a larger site which already has planning permission it is essential that the new proposal does not compromise the drainage scheme already approved.

*Hydraulic calculation of the proposed drainage system;

*Construction details of flow control and SuDS elements.

The approved details shall be implemented as part of the development.

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.

Proposed

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, including an implementation programme, have been agreed and details that have been submitted to and approved in writing by the Local Planning Authority, in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards. This shall include:

Finalised drainage layout showing all components, levels and connectivity.

Finished floor levels and flood resistance/resilience measures shall be set in accordance with No 3 Circle Square, Manchester Flood Risk Assessment and Drainage Strategy (Curtins Ref: CS3-CUR-03-XX-RP-D- 92000 Revision: V02 Issue Date: 01 July 2022). Evidence shall be presented of retention through to final design.

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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.

For sites where proposed development would cause pollution risk to surface water, evidence of pollution control measures (preferably through SuDS) is required.

Where an application is part of a larger site which already has planning permission it is essential that the new proposal does not compromise the drainage scheme already approved.

Hydraulic calculation of the proposed drainage system;

Construction details of flow control and SuDS elements.

The approved details shall be implemented prior to occupation as part of the development.

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.

Additional Condition

43) Prior to the occupation of the development A Flood Emergency Plan covering the points recommended in No 3 Circle Square, Manchester Flood Risk Assessment and Drainage Strategy (Curtins Ref: CS3-CUR-03- XX-RP-D-92000 Revision: V02 Issue Date: 01 July 2022) shall be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of public safety, pursuant to policies DM1 and EN14 of the Core Strategy.

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 10 is required to amend the triggers for submission of details due to the development of the delivery programme with an initial period of enabling works and piling works programmed to take place prior to the main construction. The proposed amendment also necessitates an additional condition to allow the Emergency Evacuation element of the condition to be separated out as the information will not be available pre-commencement of the main building contract.

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Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

Appendix 2 – Planning constraints

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) -

Area Team Boundary - Name: CENTRAL