

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136154/NMC/2023

Date registered valid: 3 February 2023

Proposal: Non material amendment to planning permission 125804/FO/2019 to amend the triggers within conditions 6a, 7, 9 and 10.

Address: 325 - 327 Deansgate, Manchester, M3 4LQ

Ward(s): Deansgate Ward

Applicant: Jedi Deansgate Ltd

Agent (if any): Mr Niall Alcock Deloitte

Case officer: Jennifer Atkinson
Tel: 0161 234 4517
Email: jennifer.atkinson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 16 February 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

On 26 June 2020 Planning Permission was granted for 325 – 327 Deansgate, Manchester, M3 4LQ (Reference 125804/FO/2019). The description of development approved under application reference 125804/FO/2019 is as follows:

“Demolition of existing buildings and structures on-site and erection of 22-storey building comprising apart-hotel (Use Class C1) with flexible commercial uses at ground floor and within existing viaduct arches (Use Class A1, A2, A3, A4, D2), access, landscaping and other associated works.”

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

Description of development

Non material amendment to planning permission 125804/FO/2019 to amend the triggers within conditions 6a, 7, 9 and 10.

Consultations & Notification Responses

N/A

Issues

This application would alter conditions 6, 7, 9 and 10.

For conditions 6, 7 and 9 it would alter the trigger within the condition to allow either demolition to take place without agreement of details or prior to any above ground works. The amendment is considered to be acceptable and is non material in nature.

Condition 10 'materials' would also be altered to allow a materials programme to be agreed. It is considered to be acceptable in this instance as this is a high quality scheme and the original architect has been retained. This provides assurance at the scheme would be delivered to the quality it has been approved.

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) The proposed seeks to to amend the triggers within conditions 6a, 7, 9 and 10.

2) Following an assessment of the details submitted, I can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will not result in any significant material alterations to the planning approval.

6) Notwithstanding the detailed flood risk and drainage strategy stamped as received by the City Council, as Local Planning Authority, on the 8 January 2020, (a) above ground works shall not commence until a scheme for the drainage of surface water for the development has been submitted for approval in writing by the City Council as the Local Planning Authority. This shall include:

- Consideration of alternative green SuDS solution (that is either utilising infiltration or attenuation) if practicable;
- 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;
- Runoff volume in the 1 in 100 year, 6 hours rainfall shall be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event, but never to exceed the runoff volume from the development site prior to redevelopment;
- 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.
- Where surface water is connected to the canal agreement in principle from Canal and River Trust is required. An email of acceptance of proposed flows and/or new connection will suffice.
- Hydraulic calculation of the proposed drainage system;
- Construction details of flow control and SuDS elements.

(b) The development shall then be constructed in accordance with the approved details, within an agreed timescale.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

7) Notwithstanding the preliminary risk assessment prepared by Ground Tech stamped as received by the City Council, as Local Planning Authority, on the 8 January 2020, (a) prior to any development works (excluding demolition) commencing, the following information shall be submitted for approval in writing by the City Council, as Local Planning Authority:

- Submission of a site investigation and risk assessment report; and

- Submission of a remediation strategy.

Once approved, the development shall then be carried out in accordance with the approved details.

(b) When the phase of development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority prior to the first occupation of the residential element of the development.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - There is evidence of site contamination at the application site which requires further consideration and examination. In particular, details of outstanding gas monitoring is required to be submitted for consideration and an appropriate remediation strategy prepared. This is pursuant to policy EN18 of the Manchester Core Strategy (2012).

9) Prior to any development works (excluding demolition) commencing, a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments shall be submitted for approval in writing by the City Council, as Local Planning Authority, with regards to safe methods of working adjacent to the Metrolink Hazard Zone. The CMP shall include:

- the retention of 24hr unhindered access to the trackside equipment cabinets and chambers for the low voltage power, signalling and communications cables for Metrolink both during construction and once operational.
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- construction and demolition methods to be used; including the use of cranes (which must not oversail the tramway);
- measures to control the emission of dust and dirt during construction.

The approved CMP shall be adhered to throughout the development.

Reason: To safeguard the amenities of the locality and to ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system pursuant to policy SP1 and DM1 of the Manchester Core Strategy (2012).

10) Prior to any development works (excluding demolition) commencing, a programme of materials to be used on all external elevations and shop fronts for the viaduct arches of the development shall be submitted and approved in writing by the City Council, as Local Planning Authority. The programme shall include dates for the submission of samples (including a panel)

and specifications of all materials to be used on all external elevations of the development along with jointing and fixing details, details of the drips to be used to prevent staining in, ventilation/louvers/air brick and a strategy for quality control management.

The approved materials shall then be implemented as part of the development.

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.

Appendix 1 – List of consultees & neighbours notified

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

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: CENTRAL