

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136439/NMC/2023

Date registered valid: 8 March 2023

Proposal: Non-Material Amendment to Planning Permission 128667/JO/2020 for changes to the wording of condition 5 (public art and stone coping) to remove reference to public artwork and to add a new condition requiring the installation of an interpretation board.

Address: New Victoria , Land At Corporation Street, Manchester, M3 1NX

Ward(s): Deansgate Ward

Applicant: Muse Development Ltd

Agent (if any): Mr. John Cooper Deloitte LLP

Case officer: Tony Mitchell
Tel: 0161 234 4776
Email: anthony.mitchell@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 5 April 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:

Tree Preservation Order:

Description of area

The Site - The New Victoria site is located on the northern edge of Manchester city centre. It lies next to Manchester Victoria Station and the NOMA project, one of the City Council's key regeneration areas. The application site is 1.14 hectares and includes part of Corporation Street and Long Millgate. The majority of the site is used, or has been used, as surface level car parking.

To the east is Corporation Street and the Grade II listed former Co-op buildings which are being renovated. South of the site are four Metrolink tramlines and City Buildings, beyond this are the National Football Museum and the Arndale Centre. To the west is Manchester Victoria Station, one of the three main railway stations in Manchester. Cheetham Hill Road bridge is to the north, along with the former Parker's Hotel.

The site is heavily constrained by the River Irk culvert, which flows under the site from northeast to southwest, the proximity of the Victoria Station roof and train tracks with associated 'no build zones' and a restrictive height covenant.

New Victoria lies next to the Cathedral and the Shudehill Conservation Areas. There are no listed buildings within the red line boundary, but there are several around the application site. These include Parker's Hotel, 109 Corporation Street (Grade II), New Century House (Grade II), the Old Bank Building (Grade II), Hanover Building (Grade II) City Buildings, 67 Corporation Street (Grade II) and Manchester Victoria Station (Grade II).

Description of development

Planning permission was granted in September 2016 for two residential buildings containing 520 apartments and one office building comprising 11,647sq.m office accommodation, as well as ground floor commercial space, landscaping, car parking and other associated works (Ref: 111777/FO/2016/C1). The original permission was subsequently superseded by application ref: 128667/JO/2020, approved on 19 March 2021, allowing amendments to the approved plans to introduce a new link bridge between the two residential buildings. The description of development for planning permission (ref: 128667/JO/2020) (the 'Permission') is as follows:

"Variation of condition 2 (specified plans) attached to previously approved planning application 111777/FO/2016/C1 to allow for changes to the approved plans to include formation of a new enclosed amenity use bridge link between the two approved residential buildings at upper ground floor level only, together with roof top amenity space/terrace on top of new bridge link."

Planning permission 128667/JO/2020 has been subject to two more recent non-material amendment applications:

131321/NMC/2021 - for the installation of a concrete relieving slab underground and immediately above the River Irk culvert (approved on 13 August 2021).

132551/NMC/2021 - for alterations to the external appearance of the lower ground floor and ground floor elevations of residential towers 1 and 2, alterations to typical floor plans of towers 1 and 2 relating to purge panels and AOV windows to allow for smoke extract system (approved 25 January 2022).

Proposed Non-Material Amendment

Amendments are proposed to the wording of one condition on the Permission for new Victoria (Residential) to ensure they can be complied with Update to Public Artwork and Parapet Wall.

Condition 5 on the Permission requires an installation of public art on the proposed blue Parapet Wall prior to the commencement of any landscaping work. Instead, a historic interpretation (information board) is to be provided on Site is proposed. Therefore, the wording of the condition 5 is proposed to be amended to remove reference to the public artwork and replaced with an amended worded condition 5 to agree the implementation of the historic interpretation (information board). The following condition wording (condition 5) is proposed:

5)

a) Notwithstanding the details submitted with the application, prior to the commencement of any landscaping works, details the blue brick wall parapet and stone coping, as referred to in the Landscape Masterplan - Ground Floor and the Design and Access Statement, shall be submitted to and approved in writing by the City Council as local planning authority. All works approved in discharge of this condition shall be fully completed before the first phase of development (Residential Blocks 1 and 2) hereby approved is first occupied.

b) "Prior to the commencement of any landscaping works, details of the proposed historic interpretation (information board) shall be submitted to and approved in writing by the City Council as local planning authority. All works approved in discharge of this condition shall be fully completed before the first phase of development (Residential Blocks 1 and 2) hereby approved is first occupied."

Consultations & Notification Responses

Non needed

Issues

The proposed wording of condition 5 essentially allow for the omission of public artwork, approval of the blue brick wall and parapet coping and requires the installation of an interpretation board.

Following an assessment of the details and plans submitted, it is confirmed that the proposed amendments are of a scale and materiality to the overall proposed scheme that they are non-material in nature and thus acceptable to the City Council as Local Planning Authority. The City Council is satisfied that the proposed changes will have no material impact upon the previously approved scheme and the works 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.

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) Amendments are proposed to the wording of condition 5 to remove reference to the public artwork and a new condition added to agree the implementation of the historic interpretation (information board).

2) Following an assessment of the details and plans submitted, it is confirmed that the proposed amendments are of a scale and materiality to the overall proposed scheme that they are non-material in nature and thus acceptable to the City Council as Local Planning Authority. The City Council is satisfied that the proposed changes will have no material impact upon the previously approved scheme and the works 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.

5) Condition number 5 attached to planning permission reference 128667/JO/2020 to read:

5) Notwithstanding the details submitted with the application, prior to the commencement of any landscaping works, details of the proposed public artwork and blue brick wall parapet and stone coping, as referred to in the Landscape Masterplan - Ground Floor and the Design and Access Statement, shall be submitted to and approved in writing by the City Council as local planning authority. All works approved in discharge of this condition shall be fully completed before the first phase of development (Residential Blocks 1 and 2) hereby approved is first occupied.

Reason - In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes, pursuant to the Guide to Development and policy 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(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

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: CENTRAL