

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134907/NMC/2022

Date registered valid: 9 September 2022

Proposal: S96 Non material amendment application to amend the wording to conditions 3a (Schedule of Building Materials), 13 (Circular Economy Statement), 14 (Local Benefit Strategy), 17 (Acoustic Insulation), and 30 (Landscaping Material Schedule), 34 (Noise External Areas) and 36 (Management of A3/4) attached to application ref no 125248/FO/2019

Address: Mayfield, Baring Street, Manchester

Ward(s): Piccadilly Ward

Applicant: Mayfield Development (General Partner) Ltd 11 Baring Street , Gatehouse, Manchester, M1 2PY

Agent (if any): Mr Michael Percival Deloitte LLP Hanover Building, Floor 2, Corporation Street, Manchester, M4 3AN

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

Recommendation: Approve

Date of recommendation: 29-09-22

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: N/A

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 23.01.2023 the application is for a Non Material Amendment to amend the wording of conditions to amend trigger point for submission of details for conditions 3a (Schedule of Building Materials), 13 (Circular Economy Statement), 14 (Local Benefit Strategy), 17 (Acoustic Insulation), and 30 (Landscaping Material Schedule), 34 (Noise External Areas) and 36 (Management of A3/4) attached to application ref no 125248/FO/2019.

Consultations & Notification Responses

None

Issues

The re-wording of conditions 25 and 78 is required to amend the triggers for submission of details and there were some typos on conditions 34 and 36 which need to be updated.

Condition 3 (a) is currently worded as follows:

a) Notwithstanding the details submitted with the application, prior to the commencement of development the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

Samples and specifications of all materials to be used on all external elevations and drawings to illustrate details of full sized sample panels that will be produced. The panel to be produced shall include jointing and fixing details between all component materials and any component panels , details of the drips to be used to prevent staining and details of the glazing and frames, a programme for the production of the full sized sample panels and a strategy for quality control management; and

(b) The sample panels and quality control management strategy shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme and dwgs as agreed above.

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.

Condition 13 (Circular Economy Statement)) is currently worded as follows:

Prior to commencement of development a Strategy for the how the circularity in all features of material sourcing, design, construction and stewardship will be secured and monitored shall be submitted to an approved in writing by the City Council as Local Planning Authority, with reference to the in line with the Principle of Ambition set out on Page 20 of the Phase 1 Sustainability Statement (Application 1) 27 September 2019.

the performance of the Strategy, lessons learnt, constraints and any proposed mitigating measures for improving performance on futures phases and overcoming constraints shall be submitted to the City Council.

Reason - In order to minimise the environmental impact of the development, pursuant to policies SP1, DM1, EN4 and EN8 of Manchester's Core Strategy, and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

Condition 14 (Local Benefit Strategy)) is currently worded as follows:

Prior to commencement of development a Local Economic and Social Benefit Strategy for Mayfield (Construction Phase) shall be submitted and agreed in writing by Manchester City Council. This will include a requirement to report back to the City quarterly during the construction phase on outputs and outcomes.

Reason - The applicant has demonstrated a commitment to recruiting local labour pursuant to policies SP1, EC1 and DM1 of the Manchester Core Strategy (2012).

Condition 17 (Acoustic Insulation)) is currently worded as follows:

Before the development commences a scheme for acoustically insulating any

B1 (Office)

A3 (Café and Restaurant);

A4 (Drinking Establishment);

D1 (Art Gallery, Museum and Conference & Training Centre)/D2 (Cinema)/ Theatre (Sui Generis))

- tailor to Office 1 and Office 2 uses

against noise from adjacent roads and any noise transfer from the A3 / A4 uses to the offices above, shall be submitted to and approved in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively

The approved noise insulation scheme shall be completed before each of the approved uses commence. Prior to occupation a verification report shall be submitted to and approved in writing by the City Council as Local Planning Authority. This is required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the above noise criteria has been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26.

Condition 30 (Landscaping Material Schedule)) is currently worded as follows:

Prior to the commencement of development a programmes for submission of final details of the public realm works and highway works as shown in dwg numbered 0368-SEW-ZZ-00-DR-L-001100 Rev P01 shall be submitted and approved in writing by the City Council as Local Planning Authority. The programme shall include an implementation timeframe and details of when the following details will be submitted:

(a) Final details of the any required wind mitigation measures as set out in the Mayfield Phase 1: EIA Volume 1 dated September 2019 by Deloitte Real Estate;

(b) Details of (a) all hard (to include use of natural stone or other high quality materials) landscaping;

(c) Details of all soft landscaping works, (excluding tree planting) with species choice to be agreed in consultation with Greater Manchester Ecology Unit;

(d) Details of the proposed tree species within the public realm including proposed size, species and planting specification including tree pits and design and details of on going maintenance; The proposed choice of planting shall be informed through input from a qualified ecologist and arboriculturalist to ensure that the planting is suitable for its proposed microclimate (including the impact of the massing, height and materials on adjacent buildings) and ground conditions and evidence that species choice will create seasonal interest and be adaptable to disease and future climate change scenarios;

(e) Details of measures to create potential opportunities to enhance and create new biodiversity within the development to include, the choice of planting species within the public realm, bat boxes and bricks and bird boxes;

(f) Location and design of all street furniture including seating, bins, bollards, handrails, recycling bins, play and exercise equipment, boundary treatments, planters and cycle parking provision: all to include features which fully consider and promote inclusive access (which includes older and disabled people);

(g) Lighting around the site;

(h)Details of temporary landscaping and boundaries to adjacent plots in line with the phasing within Temporary Treatment Plans within section 6.12 of the Masterplan Design and Access Statement by Studio Egret West; and

(i) Details of how the design has minimised any potential hazards to the use of the public realm for the safe use of disabled people to include details of: designated routes for pedestrians; cyclists and vehicles; management of cyclists ; kerb edges; crossing and controlled crossing design and location; location of drop kerbs (including level areas between grass and hardstanding); location of rumble strips; location of raised crossings; design and location of any pop up power supplies; location of on site vehicle parking and drop off points; management of mortar cycle parking; provision of clear routes to ensure unrestricted access for all;

and shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above.

The approved scheme shall be implemented not later than 12 months from the date the proposed building is first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place,

Reason - To ensure a satisfactory development delivered in accordance with the above plans and in the interest of pedestrian and highway safety pursuant to pursuant to Section 170 of the NPPF 2019, to ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies R1.1, I3.1, T3.1, S1.1, E2.5, E3.7 and RC4 of the Unitary Development Plan for the City of Manchester and policies SP1, DM1, EN1, EN9 EN14 and EN15 of the Core Strategy.

Condition 34 (Noise External Areas)) is currently worded as follows:

No amplified sound or any music shall be produced or played in any part of the site outside of the building other than in accordance with a scheme detailing the levels at which any music shall be played and the hours during which it shall be played which has been submitted to and approved in writing by the City Council as local planning authority.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

The development hereby approved shall include for full disabled access to be provided to all areas of public realm and via the main entrances and to the floors above.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions Core Strategy policy DM1

Condition 36 (Management of A3/4)) is currently worded as follows:

In the event that any of the commercial units, as indicated on drawing A283-MCO-XX-00-DR-A-01101 REV P01 are occupied as an A3/A4 , prior to their first use the following details must be submitted and agreed in writing by the City Council, as Local Planning Authority.
These details are as follows:

Management of patrons and control of external areas. For the avoidance of doubt this shall include:

*An Operating Schedule for the premises (prevention of crime and disorder, prevention of public nuisance, Management of smokers)

*Details of a Dispersal Procedure

* Mechanism for ensuring windows and doors remain closed after 9pm

The approved scheme shall be implemented upon first use of the premises and thereafter retained and maintained.

Reason - To safeguard the amenities of nearby residential and hotel occupiers as, pursuant to policies SP1, DM1 and C10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

Prior to implementation of any proposed lighting scheme details of any proposed lighting scheme including a report to demonstrate that the proposed lighting levels would not have any adverse impact on the amenity of residents within this and adjacent developments shall be submitted to and agreed in writing by the City Council as local planning authority.

Reason - In the interests of visual and residential amenity pursuant to Core Strategy policies SP1, CC9, EN3 and DM1 of the Core Strategy

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: The re-wording of conditions 3a, 13, 14 , 17 and 30 is required to amend the triggers for submission of details and there were some typos on conditions 34 and 36 which need to be updated

2) Reason 2: 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.

3) (a) Notwithstanding the details submitted with the application, prior to the commencement of above ground works the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

Samples and specifications of all materials to be used on all external elevations and drawings to illustrate details of full sized sample panels that will be produced. The panel to be produced shall include jointing and fixing details between all component materials and any component panels , details of the drips to be used to prevent staining and details of the glazing and frames, a programme for the production of the full sized sample panels and a strategy for quality control management; and

(b) The sample panels and quality control management strategy shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme and dwgs as agreed above.

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.

13) Prior to the commencement of above ground works a Strategy for the how the circularity in all features of material sourcing, design, construction and stewardship will be secured and monitored shall be submitted to an approved in writing by the City Council as Local Planning Authority, with reference to the in line with the Principle of Ambition set out on Page 20 of the Phase 1 Sustainability Statement (Application 1) 27 September 2019.

The performance of the Strategy, lessons learnt, constraints and any proposed mitigating measures for improving performance on future phases and overcoming constraints shall be submitted to the City Council.

Reason - In order to minimise the environmental impact of the development, pursuant to policies SP1, DM1, EN4 and EN8 of Manchester's Core Strategy, and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

14) Condition 14 (Local Benefit Strategy)-Prior to commencement of above ground works development a Local Economic and Social Benefit Strategy for Mayfield (Construction Phase) shall be submitted and agreed in writing by Manchester City Council. This will include a requirement to report back to the City quarterly during the construction phase on outputs and outcomes.

Reason - The applicant has demonstrated a commitment to recruiting local labour pursuant to policies SP1, EC1 and DM1 of the Manchester Core Strategy (2012).

17) Before above ground works commence the development commences a scheme for acoustically insulating any

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Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26.

30) Prior to the commencement of above ground works a programme for submission of final details of the public realm works and highway works as shown in dwg numbered 0368-SEW-ZZ-00-DR-L-001100 Rev P01 shall be submitted and approved in writing by the City Council as Local

Planning Authority. The programme shall include an implementation timeframe and details of when the following details will be submitted:

(a) Final details of the any required wind mitigation measures as set out in the Mayfield Phase 1: EIA Volume 1 dated September 2019 by Deloitte Real Estate;

(b) Details of (a) all hard (to include use of natural stone or other high quality materials) landscaping;

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(e) Details of measures to create potential opportunities to enhance and create new biodiversity within the development to include, the choice of planting species within the public realm, bat boxes and bricks and bird boxes;

(f) Location and design of all street furniture including seating, bins, bollards, handrails, recycling bins, play and exercise equipment, boundary treatments, planters and cycle parking provision: all to include features which fully consider and promote inclusive access (which includes older and disabled people);

(g) Lighting around the site;

(h) Details of temporary landscaping and boundaries to adjacent plots in line with the phasing within Temporary Treatment Plans within section 6.12 of the Masterplan Design and Access Statement by Studio Egret West; and

(i) Details of how the design has minimised any potential hazards to the use of the public realm for the safe use of disabled people to include details of: designated routes for pedestrians; cyclists and vehicles; management of cyclists ; kerb edges; crossing and controlled crossing design and location; location of drop kerbs (including level areas between grass and hardstanding); location of rumble strips; location of raised crossings; design and location of any pop up power supplies; location of on site vehicle parking and drop off points; management of mortar cycle parking; provision of clear routes to ensure unrestricted access for all;

and shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above.

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Reason - To ensure a satisfactory development delivered in accordance with the above plans and in the interest of pedestrian and highway safety pursuant to Section 170 of the NPPF 2019, to ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies R1.1, I3.1, T3.1, S1.1, E2.5, E3.7 and RC4 of the Unitary Development Plan for the City of Manchester and policies SP1, DM1, EN1, EN9 EN14 and EN15 of the Core Strategy.

34) Condition 34 (Noise External Areas)- No amplified sound or any music shall be produced or played in any part of the site outside of the building other than in accordance with a scheme detailing the levels at which any music shall be played and the hours during which it shall be played which has been submitted to and approved in writing by the City Council as local planning authority.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

36) In the event that any of the commercial units, as indicated on drawing A283-MCO-XX-00-DR-A-01101 REV P01 are occupied as an A3/A4 , prior to their first use the following details must be submitted and agreed in writing by the City Council, as Local Planning Authority.
These details are as follows:

Management of patrons and control of external areas. For the avoidance of doubt this shall include:

- *An Operating Schedule for the premises (prevention of crime and disorder, prevention of public nuisance, Management of smokers)

- *Details of a Dispersal Procedure

- * Mechanism for ensuring windows and doors remain closed after 9pm

The approved scheme shall be implemented upon first use of the premises and thereafter retained and maintained.

Reason - To safeguard the amenities of nearby residential and hotel occupiers as, pursuant to policies SP1, DM1 and C10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

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