

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 134741/NMC/2022

**Date registered valid:** 19 August 2022

**Proposal:** Non material amendment to planning permission 132416/FO/2021 to amend the trigger for submitting information in relation to condition 13

**Address:** Land bounded by the Travelodge and surface level carparking to the north, further surface level carparking to the east, Manchester College to the south, and Bury New Road to the west in Manchester.

**Ward(s):** Cheetham Ward

**Applicant:** Latimer Developments Ltd

**Agent (if any):** Ms Frances Hampson Deloitte LLP The Hanover Building, Corporation Street, Manchester, M4 4AH

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

**Recommendation:** Approve

**Date of recommendation:** 22 August 2022

## **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**

This 0.5 hectare site is used for temporary parking and is bounded by a Travelodge, surface parking, Manchester College (which is nearing completion) and Bury New Road. It was the site of Boddingtons Brewery. It is in the Boddingtons Strategic Regeneration Framework and Great Ducie Street Strategic Regeneration Framework (SRF) areas which support high density development as the city centre expands.

**Listed building:** Not applicable

**Conservation area:**

**Tree Preservation Order:**

## **Description of area**

The area is generally characterised by warehouse buildings and HMP Manchester is located appropriately 250 metres to the north on Southhall Street. The commercial core of the city centre and the AO Arena is to the south and the boundary with Salford City Council, and Greengate is to the west where significant housing schemes have been developed.

Planning permission was granted in 2018 for 556 apartments and 3,490 sqm of commercial at 'Old Brewery Gardens' on the eastern portion of the Brewery site, in buildings ranging from 26 to 12 storeys. The area is highly sustainable. Victoria Train and Tram station is nearby with bus services and cycle routes on Great Ducie Street.

The site is in the Air Quality Management Area (AQMA) and is located in flood zone 2, where there is a risk from flooding due to the proximity to the River Irwell. The site is also in a critical drainage area.

The site is not located in a Conservation Area and there are no listed buildings at the site. The Cathedral conservation area is 180 metre to the south. There are listed buildings nearby including: Former Synagogue (Grade II), Gatehouse of HMP Manchester (Grade II), main prison block of HMP Manchester (Grade II), Manchester parcel post office (Grade II), North Bridge (Grade II), Middle Bridge (Grade II), Victoria Station including concourse to rear with restaurant and booking hall (Grade II) and Stephenson Bridge (Grade II).

### **Description of development**

Non material amendment to planning permission 132416/FO/2021 to amend the trigger for submitting information in relation to condition 13

### **Consultations & Notification Responses**

N/A

### **Issues**

Condition 13 'Materials' currently states:

*Prior to the commencement of the development, all material to be used on all external elevations of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include 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, window reveals and soffits, details of the drips to be used to prevent staining in, ventilation/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.*

The applicant has sought to amend the wording of the condition as follows:

*Prior to any above ground works, all material to be used on all external elevations of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include the submission of samples (including a panel in accordance with drawing Ref. A3564-ASA-XX-XX-SK-A-900) stamped as received by the City Council, as Local Planning Authority, dated 19 August 2022, and specifications of all materials to be used on all external elevations of the development along with jointing and fixing details, window reveals and soffits, details of the drips to be used to prevent staining in, ventilation/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.*

The change would result in the material panel not having to be agreed prior to the commencement of the development but prior to any above ground works. There is also now a drawing showing what the material sample will show for approval.

The change would not affect the ability of the scheme to be delivered to the architectural quality as granted. The comfort is provided by the material panel drawing. The change is considered to be no material in nature.

## **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 amend the trigger for submitting information in relation to condition 12

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.

13) Prior to any above ground works, all material to be used on all external elevations of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include the submission of samples (including a panel in accordance with drawing Ref. A3564-ASA-XX-XX-SK-A-900) stamped as received by the City Council, as Local Planning Authority, dated 19 August 2022, and specifications of all materials to be used on all external elevations of the development along with jointing and fixing details, window reveals and soffits, details of the drips to be used to prevent staining in, ventilation/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 - 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) -

Area Team Boundary - Name: CENTRAL