

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132338/NMC/2021
Date registered valid: 26 November 2021
Proposal: Proposed non-material amendment to Condition 19 (previously 28 (122599)) attached to planning permission reference 122599/FO/2019 as amended by 125280, 126454 and 129248
Address: 1 Adair Street, Manchester, M1 2NQ
Ward(s): Piccadilly Ward

Applicant: Capital and Centric (Resurrection) C/o Agent
Agent (if any): Lauren Neary Avison Young Norfolk House, Norfolk Street, Manchester, M2 1DW
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 25 January 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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

See 122599

Description of area

See 122599

Description of development

See 122599

Consultations & Notification Responses

Highways – Have no objections to the revised timescale

Issues

See below reasons

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

Article 35 Declaration

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 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.

2) Reason 2: The re-wording of condition 19 is required to fit in with the delivery programme in relation to the proposed highway works and has been accepted in principle by Highways subject to the caveats set out in the informative below.

19) (formerly condition 28)

a) Prior to the first use of the hotel hereby approved commencing, a programme for the delivery of a scheme of highway works and footpaths reinstatement shall be submitted to and approved in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include the following:

- i) Provision of 2 x disabled parking bays on Adair Street;
- ii) A coach layby / drop off on Adair Street;
- iii) Proposed service bay / taxi drop off on Norton Street;
- iv) Vehicular crossovers reinstatement/new and resurface footways (in York Stone or another similar high quality material) around the perimeter of the site on Adair Street, Great Ancoats Street and Norton Street);
- v) Narrowing of Heyrod Street road carriageway to 4m, with a one way operation from north east to south west, with footways to either side;
- vi) Resurfacing of Norton Street carriageway;
- vii) New junction between Norton Street and Heyrod Street; and
- viii) New junction layout with pedestrian crossing facilities at the Norton Street / Adair Street Junction.

b) Prior to first use of hotel hereby approved commencing details of the highway works and footpaths reinstatements set out in points i), ii), iii) and iv) above only shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall be implemented and be in place prior to the first occupation of the hotel element within the final phase of the development hereby approved, with the exception of part iv which shall be implemented within 3 months of first occupation.

Reason - To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

Informatives

1) The S278 team have advised that delaying the reinstatement/footway works is acceptable in principle subject to the following:

There are no sections of highway which could be a hazard to the public, the management of outstanding works should be detailed and agreed in writing with the MCC Highways Network Resilience Team (evidence of discussions will be required).

Any delay should be for a defined/agreed period and written assurances are required from the Developer that this work will be undertaken within the agreed timeframe.

Any cash bond will not be returned until all the works are complete in their entirety.

Completion certificates will not be issued until all works are completed.

The 12 month defects period for all works will not start until all outstanding works are complete. If any defects are detected these will need to be addressed regardless of the timeframe between completion on site and issue of the completion certificate as this will not be backdated.

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(c) To C3

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

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)

Area Team Boundary - Name: CITY2