

Planning

Growth & Development

Delegated officer report for planning application

Application no.	132553/NMC/2021
Date registered valid:	20 December 2021
Proposal:	Non material amendment to application ref no 125573/FO/2019 to amend the wording of Conditions 17 (Noise Commercial) and 31 (off site highway works) to amend the triggers for submission of information to discharge those conditions
Address:	Land Bound By Hulme Street To The North, Wilmott Street To The East, The Unite Parkway Gate Development And Mancunian Way To The South And Medlock Street To The West, Manchester
Ward(s):	Deansgate Ward
Applicant:	Downing Living (Manchester) Limited 5 Myrtle Street, Liverpool, L7 7DN
Agent (if any):	Glenn Robinson Simpson Haugh and Partners Riverside 4, Commercial Street, Manchester, M15 4RQ
Case officer:	Angela Leckie Tel: 0161 234 4651 Email: angela.leckie@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	13 January 2022

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

See Committee Report -125573/FO/2019

Description of area

See Committee Report -125573/FO/2019

Description of development

See Committee Report -125573/FO/2019

Consultations & Notification Responses

None

Issues

The purpose of the application is principally to tidy up some drafting errors with these conditions which were not picked up at the time of the original application. re-wording of condition 17 is acceptable as there was drafting error with the condition which refers to residential accommodation so this can be omitted from a revised condition (covered by condition 16). For condition 31 evidence of the stopping up order for Hulme Street has been presented and Highways have agreed on this basis that the requirements can now be pre-occupation

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 17 is acceptable as there was drafting error with the condition which refers to residential accommodation so this can be omitted from a revised condition (covered by condition 16). For condition 31 evidence of the stopping up order for Hulme Street has been presented and Highways have agreed on this basis that the requirements can now be pre-occupation

17) A scheme for acoustically insulating each of the ground floor commercial units (Class A3 (Cafe and Restaurant) use within Block A and D2 (Gym) unit within Block B) to ensure that there is no unacceptable level of noise break out or noise transfer from the ground floor uses to the residential accommodation 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 any of the approved uses commence.

Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in adjacent residential accommodation arising directly from the proposed development shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non compliance shall be suitably mitigated in accordance with an agreed scheme.

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.

31) Notwithstanding the details contained within condition 2 above, a scheme of highway works and details of footpaths reinstatement shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include the following:

- (a) Loading bays on Hulme Street and Wilmott Street;
- (b) Amendments to the existing TROs to accommodate 2 Car Club bays (and potentially additional disabled bays);
- (c) Resurfacing of the footways across the site's perimeter. This should also include appropriate dropped kerbs/ tactile paving where required across access points and adjacent junctions (Wilmott Street- Hulme Street, Wilmott Street- Chester Street);
- (d) Resurfacing of the carriageway on Hulme Street;
- (e) Cycle improvements on Hulme Street to connect to Medlock Street/ Mancunian Way
- (f) Detailed designs in relation to the above to including materials, layout, junction protection, carriageway widths, kerb heights, street lighting, entry treatments, signing, lining and traffic management including installing dropped kerbs with tactile pavers across any vehicle access to the site and at adjacent junction crossing points, reinstatement of any redundant vehicle crossing points, installation of some guard railing to ensure pedestrians cross at the safest and most appropriate locations.

The approved scheme shall be implemented and be in place prior to the 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).

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 (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: CITY1