

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141309/NMC/2024
Date registered valid: 21 October 2024
Proposal: Variation of Conditions 33 (Landscape and Highways) and 34 (Noise Hotel Use) attached to Planning Permission 135662/FO/2022 (as amended by 140984/NMC/2024) to alter the time trigger
Address: Laystall Street / Great Ancoats St Reet, Manchester, M4 6DE
Ward(s): Piccadilly Ward

Applicant: Ancoats Manchester Ltd
Agent (if any): Mr Cameron Radford Deloitte LLP
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 14/11/24

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 relates to a Site is 0.032 hectares and bounded Laystall Street, Great Ancoats Street, vacant land at Lomax Street and an apart-hotel. It is part of a larger site which includes another vacant plot at the junction of Great Ancoats Street and Ducie Street.

Description of area

The character of the wider area is changing from its original mainly low rise light industrial character to a modern residential led mixed use part of the city centre with significant change, regeneration and environmental improvement.

Description of Development

Consent was granted in 2020 for a 4/11 storey residential building next to Oxygen on Store Street (126608/FO/2020) and in 2018 consent was granted for a 7 to 8 storey residential building close to the site on Ducie Street (120149/FO/2018) which is under construction. Consent was granted for a part-33, part-11, part 9, part 7 storey residential building (132489/FO/2021) at the junction of Port Street and Great Ancoats Street and for a 9 storey residential building and conversion of and 3 storey extension to 32-34 Laystall Street for offices (128911/FO/2020 and 128904/LO/2020) which is under construction.

Subsequently application ref no 140984/NMC/2024 granted consent for a Variation of Condition 2 attached to Planning Permission 135662/FO/2022 to enable non-material amendments to internal layouts, minor increase in floor to ceiling heights as well as rationalisation of building structure.

The construction programme and design development continue to evolve and as a consequence the applicant is seeking to amendment the wording of conditions 33 and 34 such that the details required by these conditions can be submitted prior to above ground works commencing.

Consultations & Notification Responses

None

Issues

It noted that the detailed design of the hotel scheme is not yet advanced enough in order for the noise assessment (determining the appropriate / required noise insulation) to be prepared and submitted alongside the other pre-commencement information to be discharged. Consequently in order to allow sufficient time for this design to be developed, and in order to ensure the other pre-commencement conditions to be satisfied it is proposed to amend the condition wording so that the time trigger is 'prior to above ground works', allowing for alignment with the current construction programme.

In addition at this stage, the landscape consultant is still being determined through the tendering process which is due to take place this year. As such, again it is sought that this condition be changed to 'prior to above ground' to allow for the landscape consultant to be appointed for them to prepare the information requested by the condition.

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. The changes are considered to be of a non-material nature and acceptable to the City Council as Local Planning Authority

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: Approve

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 proposed amendments relate to changes to conditions planning conditions 33 and 34

The re-wording of conditions is required to reflect the build programme and programme of finalising design details relating to certain elements of the development.

Thus the conditions are to be amended to enable them to be dealt with later in the project's delivery to ensure the project is not being progressed in contravention of the conditions as they are currently written.

33) Notwithstanding the documents detailed in condition 2, prior to above ground works commencing a programme for submission of final details of the following 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) Details of the materials, including natural stone or other high quality materials to be used for the footpaths and for the areas between the back of pavement and the line of the proposed building on all site boundaries; and

(b) Details of measures to create potential opportunities to enhance and create new biodiversity within the site to include bat boxes and bird boxes; and

(c) Walking and cycling signage.

The detailed scheme shall demonstrate that it complies with Accessibility and Age Friendly principles.

The details shall then be submitted and / or carried out in accordance with the approved programme and approved details.

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) (a) Notwithstanding the details submitted as set out in the Noise Impact Assessment (Ref: 9840/PR/BL) by Acoustic Consultant Ltd Rev C dated 23-11-22 prior to above ground works commencing, a final scheme for acoustically insulating the development hereby permitted against any actual or potential sources of noise from:

(a) any commercial/industrial premises in the vicinity of the development

(b) the local traffic network;

(c) any mechanical ventilation system installed as part of the development; and

(d) noise transfer from the bar / restaurant area to rooms;

shall be submitted to the City Council as local planning authority in writing for its written approval

The mitigation for hotel rooms shall be in accordance with Section 6.7 of the above report in relation to items (a) and (b)

The approved noise insulation scheme shall be completed before each of the approved uses commence.

(b) 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.

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 - City Centre PD Restriction - Class B1(a) To C3

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: CENTRAL