MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140739/NMC/2024
Date registered valid:	9 August 2024
Proposal:	Non-material amendment to the wording of condition 49 (Off site highways) attached to Planning Permission 128911/FO/2020 as amended by 133218/NMC/2022, 136217/NMC/2023, 137464/NMC/2023, and 138242/NMC/2023.
Address:	32 - 34 Laystall Street, Manchester, M1 2JZ
Ward(s):	Piccadilly Ward
Applicant:	Taylor Great Places
Agent (if any):	Mr Nick Berry OMI Architects
Case officer:	Angela Leckie Tel: 0161 234 4651 Email: angela.leckie@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: 03/09/2024

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 proposed development site comprises a 0.12ha site bounded by Laystall Street, Pigeon Street, Brock Street and a surface level car park (junction of Ducie Street and Pigeon Street and rear ginnel to the rear of 51-53 Ducie Street. The site comprises 2 parts: a) the original 3 storey (above basement) Grade II listed building fronting Laystall Street; and b) the surface level carpark facing onto Pigeon Street. An outrigger to the rear; 1950s extension to the outrigger and the 1990s outbuildings to the rear of the outrigger have recently been demolished following the implementation of the approvals under application ref no's 128911/FO/2020 and 128904/LO/2020 as detailed below:

Erection of 9 storey residential building (Use Class C3) comprising 89 residential units (28 x 1 bed and 61 x 2 bed) and conversion of and 3 storey extension to 32-34 Laystall Street for use as offices (Class E) with associated external works following demolition of outrigger and associated structures along with other associated works including access, servicing, landscaping and secure cycle parking.

Internal and external alterations to 32-34 Laystall Street including: refurbishment of windows; refurbishment of interior; installation of a new access gate; installation of new plant, new roof; and, a three storey corner extension, following demolition of the outrigger and associated structures.

Description of area

The site is part of a much larger area measuring 5.9 ha based around the Rochdale Canal Basin known as Piccadilly Basin. Piccadilly Basin has been a regeneration priority for the past 20 years. Laystall Street connects from the adjacent Ducie Street into Great Ancoats Street.

The site is close to Piccadilly Station, the Northern Quarter, Ancoats Urban Village and New Islington. It falls within both the HS2 Strategic Regeneration (2018) East Village Area which is designated as a mixed used neighbourhood with a residential focus around canal basins and adjacent to the Piccadilly Basin Strategic Regeneration Framework Area (2016). In terms of the latter this aims to deliver new housing and employment space within a mixed-use neighbourhood, based around a waterway in the heart of the City Centre.

Description of development

The application seeks to amend a condition 49 due to programme issues in relation to the delivery of a car club bay as required by the consent.

Consultations & Notification Responses

NONE

Issues

Principle of the changes as a non material amendment

The re-wording of condition 49 is required to reflect the programme as due to the phasing of the construction period. As part of the condition wording a car club bay is required to be provided and space for the bay on Laystall Street has been agreed with MCC Highways. However, the agreed bay is currently subject to a temporary stopping up order (TTRO) and is not due to be released prior to occupation. An alternative location close enough to site cannot be identified. This means that while the highways works agreed through the S278 process generally can be complete prior to occupation, the car club bay cannot be in place until around 12 months after completion when the TTRO has been lifted.

Thus, the condition is to be amended to enable it to be fully discharged later in the project's delivery to ensure the project is not being progressed in contravention of the conditions as they are currently written.

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

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 polices 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:

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 planning condition 49

The re-wording of condition 49 is required to reflect the programme due to the phasing of the construction period. As part of the condition wording a car club bay is required to be provided and space for the bay on Laystall Street has been agreed with MCC Highways. However the agreed bay is currently subject to a temporary stopping up order (TTRO) and is not due to be released prior to occupation. An alternative location close enough to site cannot be identified.This means that while the highways works agreed through the S278 process generally can be complete prior to occupation, the car club bay cannot be in place until around 12 months after completion when the TTRO has been lifted.

Thus the condition is to be amended to enable it to be fully discharged later in the project's delivery to ensure the project is not being progressed in contravention of the conditions as they are currently written.

49) NEW BUILD - Notwithstanding the details contained within condition 2 above , prior to the occupation of the residential element (Phase 1) of the development 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:

Footway reinstatement/resurfacing/widening/materials/dropped kerbs and tactiles, relocation of any parking bays (at the applicants expense) or payment of commuted sums and the provision of an accessible car club bay

The approved scheme shall be implemented and be in place prior to the first occupation, with the exception of the accessible car club bay which is to be installed within 12 months of occupation.

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