

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136261/NMC/2023

Date registered valid: 15 February 2023

Proposal: Non material amendment to planning permission 128850/JO/2020 to amend condition 23 (Secured by Design) to update the Crime Impact Statement

Address: Land Bound By Old Mill Street And Great Ancoats Street, Manchester, M4 6EE

Ward(s): Ancoats & Beswick Ward

Applicant: Ms Emma Payne Waterside Places C/o Muse Developments

Agent (if any): Mr Simon Fraser Ryder Architecture

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 09.03.2023

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: None required for this type of application

Standard consultations:

Printed: 16 February 2023 Expired: 9 March 2023

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

Description of area

The application site is located to the north-east of Manchester City Centre, and is a broadly rectangular piece of land measuring approximately 0.18ha in size. The site currently comprises brownfield land which has been in most recent use as a construction compound for nearby developments. The application site fronts onto Great Ancoats Street and Old Mill Street whilst the part 21/ part 9 storey Phase 1 Islington Wharf development is located immediately to the south-east. The former Central Retail Park is located on the opposite side of Old Mill Street to the north and west of the site. The site forms part of a wider site that has over a period of 12 years been developed to provide residential led development over three distinct phases. These phases have successfully changed the character of this part of Great Ancoats Street forming distinctive design approaches such as the 21 storey phase 1 development adjacent the site.

Description of development

Planning permission was granted in August 2020 for development comprising the erection of a Part 16/ Part 11 storey building to form 106 no. apartments (C3 Use Class) together with ground floor commercial uses (Use Class A1, A2 A3 and/or B1), with associated ancillary space, surface car parking, landscaping and associated works.

A variation to the planning approval to allow for minor material amendments to the approved scheme following further design work by the applicant was approved under permission reference 128850/JO/2020.

Materiality

Section 96A of the 1990 Act (as inserted on 1st October 2009 by sec.190 of the Planning Act 2008) allows a local planning authority in England to make a change to any planning permission relating to land in its area if it is satisfied that the change is not material this includes alterations to conditions of an approval. In deciding whether a change is material, the authority must have regard to the effect of the change, together with any previous non-material changes, on the planning permission as originally granted.

The current application seeks a non-material amendment to the permission to allow for an amended Crime Impact Statement to be referenced in the specified plans conditions and Secured by Design conditions (condition numbers 2 and 23 respectively).

The amended CIS has removed reference within the Executive Summary of the report to elements of the proposals that were never included in the development, this being reference to a school. The general principles and recommendations of the Crime Impact Statement that require to be adhered to remain unchanged.

Following assessment, it is considered that the proposed amendment is non-material in nature and can be approved. Respective alterations are required to conditions 2 and 23 to reflect the amended CIS document version.

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

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed amendments relate to update to the reference within Conditions 2 and 23 to reflect the revised Crime Impact Statement version D.

2) Following an assessment of the details submitted, the City Council 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 are minor in nature and would not have any impact on the residential amenity of nearby properties or on the visual amenity of the wider local area.

Amended Conditions

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawings:

RYD 00 01 DR A 3001 REV P07 - LEVEL 01 - GA PLAN
RYD 00 ZZ DR A 3002 REV P06 - LEVEL 02-06 GA PLANS
RYD 00 02 DR A 3007 REV P07 - LEVEL 07-08 GA PLANS
RYD 00 ZZ DR A 3009 REV P03 - LEVEL 09-10 GA PLANS
RYD 00 ZZ DR A 3012 REV P03 - LEVEL 12-15 GA PLAN
RYD 00 00 DR A 3500 REV P01 - SITE ACCESS
RYD 00 XX DR A 3900 REV P1 - BAY STUDY - REFERENCE SHEET
RYD 00 XX DR A 3901 REV P03 - BAY STUDY 01
RYD 00 XX DR A 3902 REV P2 - BAY STUDY 02
RYD 00 XX DR A 3904 REV P2 - BAY STUDY 04

All received by the City Council as local planning authority on the 6th April 2020

RYD 00 XX DR A 3800 REV P02 - GA SECTIONS
RYD 00 XX DR A 3903 REV P04 - BAY STUDY 03

All received by the City Council as local planning authority on the 26th June 2020

Documents:

Air Quality Assessment prepared by Hydrock ISW-HYD-XX-XX-Y-RP-2001-P02
Broadband Connectivity Assessment prepared by GTech
Planning and Consultation Statement prepared by Savills
Television and Radio Reception impact Assessment prepared by GTech
Noise Assessment prepared by AEC
Ecological Assessment version 3 prepared by TEP
Daylight and Sunlight report prepared by GIA Chartered Surveyors FIA No:0696
Flood Risk Assessment prepared by Hydrock ref: 10042-HYD-XX-XX-RP-FR-0001
Refuse Collection Strategy RYD 00 00 DR A 3511 Rev P01
Framework Travel Plan prepared by Hydrock ref 10042-HYD-XX-XX-RP-TP-6001-P04
All received by the City Council as local planning authority on the 6th April 2020
Ground Investigation Report prepared by Hydrock ref:10042-HYD-XX-XX-RP-GE-0002 received by the City Council as local planning authority on the 6th May 2020
Ground Condition Desk Study prepared by Hydrock ref IW4-YD-XX-XX-RP-GE-0001_Desk_Study received by the City Council as local planning authority on the 21st May 2020

Archaeological Desk Based Assessment prepared by University of Salford SA/2020/37 received by the City Council as local planning authority on the 8th June 2020

Design and Access Statement prepared by Ryder received by the City Council as local planning authority on the 26th June 2020

Drainage drawings and documents submitted to discharge condition 4 under application reference CDN/20/0842

Contaminated land reports submitted to discharge condition 7 part a under application reference CDN/20/0842

Local Labour documents submitted to discharge condition 5 part a under application reference CDN/20/0842

IW4-RYD-00-00-DR-A-3000-D2-P19-Level 00 GA Plan

IW4-RYD-00-11-DR-A-3011-D2-P14-Level 11 GA Plan

IW4-RYD-00-R1-DR-A-3016-D2-P07-Roof Level GA Plan

IW4-RYD-00-XX-DR-L-2101-D2-P08-Landscape GA Plan

IW4-RYD-00-00-DR-A-3511-D2-P03-Refuse Collection Strategy

Hydrock Technical Note reference 10042-HYD-XX-XX-RP-TP-1002-P01

As received by the City Council as local planning authority on the 10th December 2020

Environmental Standards Statement prepared by Hannan Associates 3676-HAN-ZZ-XX-RP-MEP-004 Issue 04

Energy Statement prepared by Hannan Associates 3676-HAN-ZZ-XX-RP-MEP-003

Issue 04 both as received by the City Council as local planning authority on the 20th January 2021

IW4-RYD-00-XX-DR-A-3605-D2-P10-GA Elevations 01 of 02

IW4-RYD-00-XX-DR-A-3606-D2-P12-GA Elevations 02 of 02

As received by the City Council as local planning authority on the 26th March 2021

Crime Impact Statement prepared by GMP Design for Security 2018/0767/CIS/02 Version D as received by the City Council as local planning authority on the 15th February 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

23) The development hereby approved shall be carried out in accordance with the Crime Impact Statement prepared by GMP Design for Security 2018/0767/CIS/02 Version D as received by the City Council as local planning authority on the 15th February 2023. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Greater Manchester Police

Appendix 2 – Planning constraints

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

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: CENTRAL