

Planning

Growth & Development

Delegated officer report for planning application

Application no.	135633/FO/2022		
Date registered valid:	1 December 2022		
Proposal:	Extension of 5th floor plant room enclosure, gas pipe and lift overrun.		
Address:	40 Laystall Street, Manchester, M1 2JP		
Ward(s):	Piccadilly		Ward
Applicant:	Ms Vedrana Bilanovic Riley Ciel Laystall Ltd		
Agent (if any):	Mr Neil Swift DLG Architects LLP		
Case officer:	Emily		Booth
	Tel: 0161	234	4193
	Email: emily.booth@manchester.gov.uk		
Recommendation:	Approve		
Date of recommendation:	10 February 2023		

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 22 December 2022

Standard consultations:

Printed: 14 December 2022 Expired: 4 January 2023

Neighbour notifications

Printed: 14 December 2022 Expired: 4 January 2023

Site notice

Posted: 22 December 2022 Expired: 12 January 2023

Press advert

Published: 20 December 2022 Expired: 10 January 2023

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

40 Laystall Street is bounded by Laystall Street, Brock Street, Lomax Street and Great Ancoats Street. The site was previously occupied by a Grade II Listed building that was destroyed by fire in 2000. It is not within a Conservation Area but is within the setting of the Grade II Listed 32-34 Laystall Street. Other uses in the immediate area include industrial uses, shops, residential properties, hotels, bars, car parking, a church a gym and offices.

The building is not in a conservation area, but is within the setting of Grade II Listed buildings.

The building has been operated as an 84 room apart hotel since 1 June 2010 and it is understood was never used as apartments. Planning permission was sought to regularise and retain the existing use as an aparthotel (C1) with the existing six commercial units (A1, A2 or B1).

The building contains 84 hotel apartment suites and is 13 storeys high (including ground floor) and has two basement levels.

Relevant planning history -

Outline planning permission (referenced 068295/OO/2003/C3) was granted on 23 October 2003 for the development of 84 residential apartments (Use Class C3) with shop (Use Class A1), financial and professional services (Use Class A2) or offices (Use Class B1) at ground floor level

and basement car parking. An application for reserved matters for external appearance and landscaping (referenced 078448/MO/2006/C3) was granted on 28 April 2006.

Planning permission (119801/FU/2018) was granted at Planning and Highways Committee on 26 July 2018 to allow the retention of existing use of former residential building (Use Class C3) as an 84 suite apart hotel (Use Class C1), to comprise 81 suites on the first to twelfth floors and 3 suites, ancillary services and 6no. commercial units for use as shops (Use Class A1) or Financial and Professional Services (Use Class A2) or Offices (Use Class B1) on the ground floor.

Planning Permission (121344/JO/2018) was approved on 12 December 2018 and allowed the variation of conditions 1 (Specified Drawings), 2 (Cycle Parking), 3 (Amended Details - Doors), 5 (Travel Plan), 7 (Noise), 9 (Waste Management) and 10 (Disabled Access) imposed upon planning approval reference 119801/FU/2018 under section 73 of the Town And Country Planning Act 1990 to allow an increase in the number of hotel rooms from 84 rooms to 172 rooms, an amended internal layout, an increase in the number of cycle parking spaces from 8 to 24, external doors to open outwards and to recognise to approval of the initial travel plan, to address the requirement for a revised noise insulation scheme, to increase the waste storage provision and update the disabled access measures due to the amended internal layout.

Planning Permission (121345/FO/2018) was approved on 18 December 2018 and allowed the use of 1no. ground floor commercial unit (Unit 1) as Use Class A1 (shop) or A2 (financial and professional services) or A3 (Restaurants and Cafes) or B1 (Offices) or C1 (hotels), together with installation of rooftop plant and equipment and associated works.

Planning permission (124125/FO/2019) was approved on 24 January 2020 and allowed the use of ground floor unit 6 as a drinking establishment (A4) and the installation of a shop front.

Planning Permission (125369/JO/2019) was approved in January 2020 and allowed the variation of conditions 2 (Specified Drawings), 3 (Cycle Parking), 9 (Waste Management) and 10 (Disabled Access) of application reference: 121344/JO/2018 to amend the approved scheme to reduce the number of hotel rooms from 172 hotel bedrooms to 155 with an amended internal layout.

Description of development

Planning permission is proposed for the following works:

- The extension of the approved louvred rooftop plant enclosure.
- The addition of a gas flue to the West elevation of the tower fronting Brock Street.
- The addition of a lift overrun that would be clad in brickwork to match the existing elevations.

Consultations & Notification Responses

Publicity - The application was advertised in the local press as being of public interest and a site notice was displayed on site and letters were sent to surrounding occupiers. No responses were received.

Environmental Health - Recommended a condition to agree an acoustic scheme for the plant within the proposed plant enclosure.

Issues

Issues and Policy

The Adopted Core Strategy for the City of Manchester

Policy EN1 (Design Principles and Strategic Character Areas) advises that developer's will be expected to consider the City's heritage, including its listed buildings, conservation areas, archaeological remains and historic street pattern.

Policy EN3 (Heritage) advises that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment.

Policy CC9 (Design and Heritage) advises that development in Manchester should preserve or enhance the heritage assets affected.

Policy SP1 (Spatial Principles) advises that development in all parts of the City should protect and enhance the built environment.

Policy DM1 (Development Management) advises that all development should be appropriately sited, scaled, formed, massed and detailed with appropriate layout and materials and should have regard to the character of the surrounding area and effects on built heritage and that effects on amenity, including privacy, light, noise, vibration, air quality should be acceptable.

EN16 (Air Quality) advises that when assessing the appropriateness of locations for new development the Council will consider the impacts on air quality, alongside other plan objectives. This includes cumulative impacts, particularly in Air Quality Management Areas.

The Unitary Development Plan for the City of Manchester

Saved Policy DC18.1 (Conservation Areas) states that the Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering issues including the effect of signs and advertisements.

Saved Policy DC19.1 (Listed Buildings) advises that in determining applications for listed building consent the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. The City Council will:

- Not permit any external or internal alteration or addition to a listed building where in its opinion, there would be an adverse effect on its architectural or historic character.

National Policy

Sections 16, 66 and 74 of the Listed Buildings and Conservation Areas Act 1990 requires that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas. Development decisions should, therefore, accord with the requirements of the NPPF and to section 16 (Conserving and Enhancing the Historic Environment).

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of "sustainable development". In order to meet this key planning objective, in this instance, the development should sustain and contribute to the stimulation of a thriving historic environment.

Paragraph 197 states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 194 advises that local planning authorities should require an applicant to submit sufficient information to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 200 advises that any harm to or loss of a designated heritage asset should require clear and convincing justification. Substantial harm or loss should be exceptional and substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II* listed buildings should be wholly exceptional.

Paragraph 201 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Section 12 (Achieving Well Designed Places) advises that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Visual Amenity -

Under these criteria the effect of the proposal on the affected heritage assets and on the surrounding environment has been considered:

The plant enclosure would be much bigger than approved. It would however be seen in limited views, would be coloured mid/light grey to minimise its visibility and would not affect the setting of the listed buildings.

The gas flue pipe would also be seen in limited views, but it should have been located within the building if possible and its visibility would need to be minimised as far as possible. There are no details of the proposed finishes of the pipe so a condition will be applied to agree this.

The materials of the lift overrun would match the existing materials of the elevations.

It is considered that the works are required to allow the continued operation of the building as a hotel and do not cause harm to the setting of the listed buildings and are consistent with paragraphs 196 and 197 of the NPPF and address sections 66 and 72 of the Planning Act in relation to preservation and enhancement.

The proposed works would also be seen in limited views and have been/would be treated to minimise their appearance.

Given the above, the works are considered to be consistent with the above identified policies.

Residential Amenity

This is a critical issue, as amongst other things, it examines the impact that the scheme would have on nearby and adjoining occupiers. It includes the consideration of issues such as impact on noise and disturbance. The closest residential accommodation is significantly distanced from the site across Great Ancoats Street, however there are noise sensitive uses in the immediate vicinity of the site including hotel accommodation within the building.

All conditions specified by the City Council's Environmental Health service will be applied to the application. These conditions would ensure that noise generated by the equipment within the plant enclosure is contained within the premises and that no noise disturbance is caused to nearby occupiers by this.

Given the above the proposals are considered to be in accordance with Policies SP1, EN16 and DM1 of the Adopted Core Strategy for the City of Manchester.

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

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included ongoing advice about the information required to be submitted to support the application and agreement of amendments to the proposals. All remaining issues can be dealt with by condition.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

The location plan referenced 4328 PL 280 Rev - received by the City Council as local planning authority on 1 December 2022.

The following drawings:

4328 P(00) 111 Rev E
4328 P(00) 112 Rev D
4328 P(00) 105 Rev G
4328 P(90) 300 Rev D

received by the City Council as local planning authority on 3 February 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies CC9, EN1, EN3, EN16 and DM1 of the Core Strategy, saved policy DC19.1 and DC26 of the Unitary Development Plan.

3) Notwithstanding the details shown in the approved documents and detailed in condition 2 of this decision, full details of the materials and finishes of the gas flue pipe shall be submitted to and approved in writing prior to the installation of this pipe. The works shall then be carried out in accordance with the approved details.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies EN1, EN3, CC9, SP1 and DM1 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan.

4) a) The externally mounted equipment hereby approved shall be acoustically treated in accordance with a scheme designed so as to achieve a rating level of 10dB (LAeq) above the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use of the approved equipment the scheme shall be submitted to and approved in writing by the City Council as local planning authority prior to the installation of the plant in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use of the approved equipment commences.

b) A verification report shall be submitted to and approved in writing by the City Council as local planning authority within 1 months of the first operation of the equipment hereby approved to validate that the work undertaken in this development conforms to the recommendations and requirements in the approved acoustic report (a). The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria. Any non-conformity with the recommendations in the

report shall be fully resolved within 3 months of the first operation of the generator hereby approved.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

5) The colour of the louvred plant enclosure hereby approved shall be RAL 7035 (Light Grey) as confirmed on drawing referenced P(00)111 Rev E.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies EN1, EN3, CC9, SP1 and DM1 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan.

6) For the avoidance of doubt this application does not grant or imply grant of planning permission for items 1-4 (inclusive) as listed on the drawings referenced 4328 P(00) 111 Rev E and 4328 P(00) 112 Rev D, which shall form part of other applications for planning permission.

Reason - For the avoidance of doubt and to ensure that the works comply with relevant legislation and guidance, pursuant to policies EN3, CC9, SP1 and DM1 of the Manchester Core Strategy, saved policy DC19.1 of the Unitary Development Plan.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

132 - 134 Great Ancoats Street, Manchester, M4 6DE
51 - 53 Ducie Street, Manchester, M1 2JQ
32 - 34 Laystall Street, Manchester, M1 2JZ
Falcon Outdoor, Laystall Street, Manchester, M1 2JY
Ground Floor Rear, 32 - 34 Laystall Street, Manchester, M1 2JZ
Ground Floor To Second Floor, 32 - 34 Laystall Street, Manchester, M1 2JZ
65 - 67 Ducie Street, Manchester, M1 2JQ
81 Ducie Street, Manchester, M1 2JQ
77 - 79 Ducie Street, Manchester, M1 2JQ
83 Ducie Street, Manchester, M1 2JQ
Unit 4, Laystall Street, Manchester, M1 2JP
Unit 3, Laystall Street, Manchester, M1 2JP
Unit 6, Laystall Street, Manchester, M1 2JP
Unit 1, Laystall Street, Manchester, M1 2JP
Unit 2, Laystall Street, Manchester, M1 2JP
Unit 5, Laystall Street, Manchester, M1 2JP
M And S Outlet, Urban Exchange, Great Ancoats Street, Manchester, M4 6DE
Pure Gym, Urban Exchange, Great Ancoats Street, Manchester, M4 6DE
1 - 3 Lomax Street, Manchester, M1 2LP
Urban Exchange, Great Ancoats Street, Manchester, M4 6DE
ALDI, Urban Exchange, Great Ancoats Street, Manchester, M4 6DE
Go Outdoors, Urban Exchange, Great Ancoats Street, Manchester, M4 6DE

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
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
Area Team Boundary - Name: CENTRAL