

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134708/NMC/2022

Date registered valid: 16 August 2022

Proposal: Non material amendment to application ref no 122000/FO/2018 as amended by 131634/JO/2021 and 131607/NMC/2021 to amend the wording of condition 37 (ground floor communal use restrictions) as following the approval application ref. 131634/JO/2021, one of the communal uses (the gym) has moved from the ground floor to the first floor

Address: Victoria House , Great Ancoats Street, Manchester, M4 7AB

Ward(s):

Applicant: FG Victoria House Limited C/o Agent

Agent (if any): Mr Will Hannah Turley 1 New York Street, Manchester, M1 4HD

Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 24 August 2022

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit:

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 site is approximately 0.16 hectares (0.39 acres) and is located to the east of the City Centre. It is bounded by Great Ancoats Street, Epworth Street, industrial development to the south / south-west and Longacre Street and the Piccadilly – Ashton-under-Lyne Metrolink line).

Description of area

The nearby Crusader Works (grade II listed), is being converted to apartments (113363/FO/2016 and 113364/LO/2016) and an associated 10 storey apartment building has been completed to the north. Permission has been granted (122599/FO/2019) for a part 13 / part 14, 275-bedroom hotel at the junction of Adair Street and Great Ancoats Street, and on the site of Rammon House permission has been granted for the construction of two residential buildings 29 and 23 storeys along with a new public park (121099/FO/2018). These proposals include the demolition of existing buildings.

Other nearby listed buildings include the Co-operative Warehouse (both Pollard Street) Grade II Listed. The nearby Vulcan works is considered to be a non designated heritage asset. The Whitworth Street, Ancoats and Stevenson Square Conservation Areas are close by with potential for the site to be seen in views from within these Areas.

Description of development

Non material amendment to application ref no 122000/FO/2018 as amended by 131634/JO/2021 and 131607/NMC/2021 to amend the wording of condition 37 (ground floor communal use restrictions) as following the approval application ref. 131634/JO/2021, one of the communal uses (the gym) has moved from the ground floor to the first floor.

Consultations & Notification Responses

None

Issues

Since the approval of the S73 application, informal discussions have been held with MCC and an additional amendment to a planning condition has been identified to ensure it is consistent with the approved changes to the scheme.

Presently, Condition 37 requires the proposed communal uses within the ground floor of the building to be ancillary to the residential use of the building and not operated as separate planning units, stating:

The proposed communal uses within the ground floor hereby approved shall be ancillary to the residential use of the building and not operate as separate planning units or commercial uses for which a separate application for planning consent would be required. [emphasis added]

Following the approval of the S73 application (LPA ref. 131634/JO/2021), one of the communal uses (the gym) has moved from the ground floor to the first floor as shown on approved drawing (dwg ref. 10122-A-B5D9-G200-P-01-003 Rev 03) . Consequently, this condition is no longer accurate. Therefore, it is proposed that the wording of Condition 37 be amended as follows:

The proposed communal uses within the ground floor and first floor hereby approved shall be ancillary to the residential use of the building and not operate as separate planning units or commercial uses for which a separate application for planning consent would be required.

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.

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:

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 37 is necessary to bring the conditions in line with the amendments approved under application ref no 131634/JO/2021 which amended the location of the gym from the ground floor to the first floor

37) The proposed communal uses within the ground floor and first floor hereby approved shall be ancillary to the residential use of the building and not operate as separate planning units or commercial uses for which a separate application for planning consent would be required.

Reason - For the avoidance of doubt and in order to secure a satisfactory form of development due to the particular circumstance of the application site, and in the interest of residential amenity, pursuant policy DM1 of the Core Strategy for Manchester.

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

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)

Area Team Boundary - Name: CENTRAL