

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132804/NMC/2022
Date registered valid: 28 January 2022
Proposal: Non material amendment application to amend condition 8 (Contaminated Land) to allow for an amended UXO threat and risk methodology to be adopted 125573/FO/2019.
Address: Plot 11 , First Street South
Ward(s): Deansgate Ward

Applicant: Downing 5 Myrtle Street, Liverpool, L7 7DN
Agent (if any): Glenn Robinson Simpson Haugh Riverside 4, Commercial Street, Manchester, M15 4RQ
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 24 February 2022

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

Consultations & Notification Responses

None

Issues

The re-wording of condition 8 is acceptable as several years have passed since the original condition was drafted and discharged during which internal research and writing procedures and processes have been improved and adapted to account for new information such that based on evidence on reactive UXO RMM needs to be applied and not the proactive UXO RMM which is going beyond the As Low as Reasonably Practicable (ALARP) principle and not necessarily required.

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 8 is acceptable as several years have passed since the original condition was drafted and discharged during which internal research and writing procedures and processes have been improved and adapted to account for new information such that based on evidence on reactive UXO RMM needs to be applied and not the proactive UXO RMM.

8) a) The development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report (application ref no 111170): Plot 8 - First Street, Detailed Remediation and Verification Strategy, For: Ask Real Estate Ltd

Job No: 1011906, Doc Ref: 1011906.RPT.GL.006, Latest Revision: A Date: 09/08/2016 and Plot 8 First Street, Manchester, Supplementary Ground Investigation Report, For: Southside Regeneration Ltd., Job No: 1011906, Doc Ref: 1011906.RPT.GL.007, Latest Revision: - Date: 12/10/2016 as amended by the Project: Plot 11 First Street South, Manchester document by Alpha Associates stamped as received on 28 01 22

(b) In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development in each phase is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy

For the avoidance of doubt an imported soils need to be validated in accordance with MCC criteria, 1 per 200m³ for Greenfield and 1 per 50m³ for brownfield, minimum of 3 samples per source.

(c) After completion of site works, and prior to occupation a verification report to validate that the work undertaken conforms to the remediation proposals previously approved as outlined in (a) above and that imported soils are validated in accordance with MCC criteria (1 per 200m³ for Greenfield and 1 per 50m³ for brownfield, minimum of 3 samples per source) shall be submitted and approved in writing by the City Council as Local Planning Authority.

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

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: CITY1