MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	128668/NMC/2020
Date registered valid:	20 November 2020
Proposal:	Non material amendment to application ref no 115178/FO/2017 to amend the trigger for submission of information required to discharge planning conditions 3 (Materials), 4 (Contaminated Land), 5 (Landscaping), 6 (Construction Managment Plan), 8 (Suds 1), 12 (Noise and ventilation), 17 (Local Labour Agreement) and 20 (Archaeology).
Address:	Ducie Street, Manchester, M1 2JL
Ward(s):	Piccadilly Ward
Applicant:	Belgravia Living Group Ltd 75 Dale Street, Manchester, M1 2HG
Agent (if any):	Rachel Poole Deloitte LLP 2 Hardman Street, Manchester, M3 3HF
Case officer:	Angela Leckie Tel: 0161 234 4651 Email: angela.leckie@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	18 December 2020

Application details

Type of application: Non-Material Change Application

Development type: Minor Other

Date of site visit: 9 December 2020

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

Issues

The applicant states that they are committed to bringing forward the scheme, but that this has been delayed due to the ongoing pandemic. Due to the expiry of the consent on 16th January 2021 it would not benefit from the arrangements under section 93A of the Town and Country Planning Act 1990, where unimplemented planning permissions with time limits for implementation which were due to lapse between 19 August 2020 (when the provisions came into force) and 31 December 2020 are automatically extended to 1 May 2021. Notwithstanding this the pandemic has affected their delivery programme including the progress of design development which would enable full implementation to commence.

In order to preserve the planning permission, it will be necessary for lawful implementation to take place ahead of this date but this would involve not just a level of physical implementation but the discharge of all pre-commencement conditions.

This application seeks to amend the triggers for pre-commencement conditions to be discharged that will allow the consent to be lawfully implemented alongside seeking to discharge the relevant suspensive planning conditions, prior to undertaking a material operation (as defined under the Town and Country Planning Act (1990)). In this case, they propose that a material operation will relate to the demolition of the former Linda's Pantry and to submit a separate application to discharge the amended Construction Management Condition. Works are is currently programmed to commence on 4 January 2021.

The City Council is mindful that the permission has been in place for nearly 3 years and the applicants had 2 years up to the 2020 pandemic to discharge pre-commencement conditions and move towards a start on site. Whilst sympathetic to the applicants position the City Council wants to ensure that the changes to condition triggers are only agreed on the basis that the implementation of the full development commences in a timely fashion and that any agreed changes are not used as a mechanism to secure an open ended implementation date. The applicant has agreed this approach. As such a further condition which requires a full contract for that implementation to be let by 17 January 2022 (this is 6 months less than the applicant sought as 18 months was regarded as to much flexibility if they are truly committed to delivery) has been added to the amended consent and the pre-commencement conditions will be amended on the basis that the consent is changed to a phased permission but one which needs to be fully implemented within a set timescale.

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: Approve

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 proposed amendments are to conditions only. The City Council is satisfied that the proposed changes will have no material impact upon the previously approved scheme and are necessary for the reasons set out below. The amendments to the conditions 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 amendments to the triggers are required to preserve the consent as due to the pandemic it has not been possible for design development to progress to a level which would allow them to be discharged pre-commencement however this is only agreed on the basis that the permission is amended to a phased delivery and a backstop timescale trigger under which the consent would not be preserved provided is added.

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

(a) Site Plan 786-CPA-A-XX-GF-DR-A-1000 REV B;

(b) Demolition Phasing Plan stamped as received on 17-12-20;

(c) 786-CPA-XX-01-DR-A-2002_F, 786-CPA-XX-02-DR-A-2003_G, 786-CPA-XX-03-DR-A-2004_D, 786-CPA-XX-04-DR-A-2005_D, 786-CPA-XX-05-DR-A-2006_D, 786-CPA-XX-06-DR-A-2007_D, 786-CPA-XX-07-DR-A-2008_D, 786-CPA-XX-08-DR-A-2009_F, 786-CPA-XX-09-DR-A-2010_F, 786-CPA-XX-B1-DR-A-2000_E, 786-CPA-XX-GF-DR-A-1000_B, 786-CPA-XX-GF-DR-A-2001_H, 786-CPA-XX-GF-DR-A-2100_E, 786-CPA-XX-GF-DR-A-2150, 786-CPA-XX-RF-DR-A-2011_E, 786-CPA-XX-ZZ-DR-A-2500_C, 786-CPA-XX-ZZ-DR-A-2501_D, 786-CPA-XX-ZZ-DR-A-2600_F, 786-CPA-XX-ZZ-DR-A-2610_D, 786-CPA-XX-ZZ-DR-A-2611_E, 786-CPA-XX-ZZ-DR-A-2650_C, 786-CPA-XX-ZZ-DR-A-2651_C, 786-CPA-XX-ZZ-DR-A-2652_C, 786-CPA-XX-ZZ-DR-A-2670_A, 786-CPA-XX-ZZ-DR-A-2701_D, 786-CPA-XX-ZZ-SC-A-1101_M,
786-CPA-XX-ZZ-SC-A-1102_B, 786-CPA-XX-ZZ-DR-A-2700 D and 786-CPA-XX-ZZ-DR-A-2601 F

(d) Waste Management Strategy stamped as received on 12-04-17 and dwg 786-CPA-A-XX-GF-DR-2150 Rev A;

(e) Recommendations in sections, 3, 4,5 and 6 of the Crime Impact Assessment Version A dated 06/01/17; and

(f) Recommendations and measures as detailed in Wardell Armstrong Air Quality Assessment April 2017 and points 11 within the Eider House :Statutory Consultee Comments and Responses document issued on 05-06-17;

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy SP 1, CC3, H1, H8, CC5 , CC6 , CC7, CC9 , CC10, T1, T2 , EN1, EN2 , EN3 , EN6 , EN 8, EN9, EN11, EN14, EN15, EN 16 , EN17, EN18, EN19, DM 1 and PA1 ,saved Unitary Development Plan polices DC18.1 DC19.1 , DC20 and DC26.1.

3) (a) Notwithstanding the details submitted with the application, prior to the commencement of development other than demolition the following shall be submitted submitted for approval in writing by the City Council, as Local Planning Authority:

A programme for the issue of samples and specifications of all material to be used on all external elevations of the development. The programme shall included timings for the submission of samples and specifications of all materials to be used on all external elevations of the development to include jointing and fixing details, details of the drips to be used to prevent staining and details of the glazing and a strategy for quality control management; and

(b) All samples and specifications shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above.

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 SP1 and DM1 of the Core Strategy.

4) (a) Before the development other than demolition (as detailed in Demolition Phasing Plan stamped as received on 17-12-20) hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessmet shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

(b) In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority. The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

c) When the development other than demolition commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

d) 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 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.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to Section 11 of the National Planning Policy Framework and policy EN18 of the Core Strategy.

5) Prior to the commencement of development other than demolition (as detailed in Demolition Phasing Plan stamped as received on 17-12-20), a programme for submission of final details of the public realm works as shown in dwg numbered RF16-383-L03 Rev PO1 shall be submitted and approved in writing by the City Council as Local Planning Authority. The programme shall include an implementation timeframe and details of when the following details will be submitted:

(a) Details of the proposed hard landscaping materials;
(b)Details of the materials, including natural stone or other high quality materials to be used for the footpaths and for the areas between the pavement and the line of the proposed building on Ducie Street and abutting the Canal;
(c) Details of the proposed tree species within the public realm including proposed size, species and planting specification including tree pits and design;
(d) Details of measures to create potential opportunities to enhance and create new biodiversity within the development to include bat boxes and brick, bird boxes and appropriate planting;
(e) Details of the proposed street furniture including seating, bins and lighting;
(f) Details of external steps and handrails;and
(h)Details of a signage strategy in relation to way finding within the development and associated public realm; and
(i) A strategy for the planting of street trees within the pavements on Ducie Street and Peak Street including details of overall numbers, size, species and planting specification, constraints to further planting and details of on going maintenance;

and shall then be submitted and approved in writing by the City Council (in consultation with the Canal and Rivers Trust in relation to items a,b,e and f) as local planning authority in accordance with the programme as agreed above

The approved scheme shall be implemented not later than 12 months from the date the proposed building is first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place,

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies R1.1, I3.1, T3.1, S1.1, E2.5, E3.7 and RC4 of the Unitary Development Plan for the City of Manchester and policies SP1, DM1, EN1, EN9 EN14 and EN15 of the Core Strategy.

6) For each phase of the development, comprising a demolition phase (Demolition Phasing Plan stamped as received on 17-12-20) and construction phase, a detailed demolition or construction management plan outlining working practices, as relevant to each phase, shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include:

*Display of an emergency contact number;
*Details of Wheel Washing;
*Dust suppression measures;
*Compound locations where relevant;
*Location, removal and recycling of waste;
*Routing strategy and swept path analysis;
*Parking of construction vehicles and staff;
*Sheeting over of construction vehicles;
*A method statement to protect the Rochdale and Ashton Canals from accidental spillages, dust and debris in relation to site clearance, earth moving shall take place or material or machinery brought on site

Development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012).

8) No development other than Demolition (as detailed in Demolition Phasing Plan stamped as received on 17-12-20) shall take place until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the Local Planning Authority.

In order to discharge the above drainage condition the following additional information has to be provided:

(a)Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlets. The flood water should be routed away from the buildings and towards the less vulnerable areas i.e. open spaces, car parks and roads. A layout with overland flow routes needs to be presented.

(b) Hydraulic calculation of the proposed drainage system;

(c) Construction details of flow control and SuDS attenuation elements;

(d) evidence of agreement by the Canal and Rivers Trust , United Utilities and Environment Agency that they accept the proposal and connections.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of national policies within the NPPF and NPPG and local policies EN08 and EN14.

The development shall be constructed in accordance with the approved details within an agreed timescale.

12) Before the development other than enabling works comprising demolition ((as detailed in Demolition Phasing Plan stamped as received on 17-12-20) piling and construction of the sub structure commences a scheme for acoustically insulating and mechanically ventilating the residential accommodation against noise from adjacent roads shall be submitted to and approved in writing by the City Council as local planning authority

The approved noise insulation scheme shall be completed before any of the dwelling units are occupied. Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed in the residential accommodation shall be submitted and agreed in writing by the City Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

17) Prior to development other than demolition (as detailed in Demolition Phasing Plan stamped as received on 17-12-20) commencing a local labour agreement relating to the construction phase of development , shall be submitted to and agreed in writing with the City Council as local planning authority. The approved scheme shall be in place prior to the commencement of the development, and shall be kept in place thereafter.

Reason - To safeguard local employment opportunities, pursuant to pursuant to policies EC1 of the Core Strategy for Manchester.

20) No development other than demolition (as detailed in Demolition Phasing Plan stamped as received on 17-12-20) shall commence unless and until Archaeological site investigations have been carried out in accordance with the Written Scheme of Investigation by the University of Salford, dated 06-06-2017.

This allows for

1. A phased programme and methodology of investigation and recording that includes:
- evaluation trenching
- dependent on the above, more detailed archaeological excavation
2. A programme for post investigation assessment to include:
- analysis of the site investigation records and finds
- production of a final report on the significance of the archaeological and historical interest represented.
3. Dissemination of the results commensurate with their significance.
4. Provision for archive deposition of the report and records of the site investigation.

and have the findings of the investigation have been signed off by GMAAS

Reason: In accordance with NPPF Section 12, Paragraph 141 - To record and advance understanding of the heritage interest impacted on by the development and to make information about the archaeological heritage interest publicly accessible. GMAAS will monitor the implementation of the archaeological works on behalf of Manchester Planning Authority

28) No development other than Demolition (as detailed in Demolition Phasing Plan stamped as received on 17-12-20) shall be carried out pursuant to this permission if the contract for the construction and completion of the building hereby permitted has not been let by 17 January 2022 (and evidence provided to the reasonable satisfaction of the LPA) any development activities on the site shall cease and no further development permitted by this planning permission shall be carried out. In this event, no later than 18th February 2022 a scheme shall be submitted to the LPA setting out how the site shall be restored, landscaped and maintained and thereafter the site shall be restored, landscaped and managed in accordance with the scheme that has been approved by the LPA

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.

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 - 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
Site of Biological Interest - Name: Rochdale Canal, Stott's Lane - Ducie Street Basin
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CITY2