

Planning

Growth & Development

Delegated officer report for planning application

Application no. 126884/NMC/2020

Date registered valid: 12 May 2020

Proposal: Non-material amendment to planning permission 109840/FO/2015/N1 to altering the wording of conditions 2 (phasing), 4 (drainage), 5 (ground conditions), 6 (construction management plan), 7 (materials), 9 (Environmental Standards), 31 (Local Labour) and 32 (ramp to Mason Street) to allow demolition to take place.

Address: 40 Swan Street , Manchester, M4 5JG

Ward(s):

Applicant: Capital & Centric C/o Agent, ,

Agent (if any): Mr Neil Lucas Avison Young Norfolk House, 7 Norfolk Street, Manchester, M2 1DW

Case officer: Jennifer Atkinson
Tel: 0161 234 4517
Email: j.atkinson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 15 May 2020

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

The application site is approximately 0.17 ha and is bounded by Swan Street, Cross Keys Street, Mason Street and Cable Street and forms part of an area known as New Cross situated on the edge of the City Centre. A development framework has been adopted which sets out a masterplan for the redevelopment of the area.

The site is currently occupied by a series of single storey buildings forming a vacant retail/warehouse fronting Swan Street and MOT Garage to Cable Street. There is also a small area of surface level car parking. The topography of the site is relatively flat as is the wider New Cross area. There is limited vegetation on the site and much of what is present is poor quality and self-seeded.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The wider area consists of a mixture of surface level car parks to the north of the site together with converted buildings used for warehousing. The building along the frontage with Swan Street consist of ground floor commercial units with upper floor uses/storage.

Immediately to the north of the site, a plot of land is currently being developed for a part 8, part 9 storey hotel which was recently granted planning permission. This development marks one of the first new developments within the area as part of realising the vision outlined in the New Cross Development Framework.

On the opposite side of Swan Street is the Smithfield Conservation Area which consists of a variety of commercial and residential uses which are located in the Norther Quarter of the City Centre.

The application site is also located close to and has access to amenities and services along Great Ancoats Street and is in walking distance to the activities of the City Centre with its associated public transport facilities. The nearest major transport node is Manchester Victoria where there is access to rail, bus and tram services across the City Centre and beyond.

Description of development

Non-material amendment to planning permission 109840/FO/2015/N1 to altering the wording of conditions 2 (phasing), 4 (drainage), 5 (ground conditions), 6 (construction management plan), 7 (materials), 9 (Environmental Standards), 31 (Local Labour) and 32 (ramp to Mason Street) to allow demolition to take place in advance of discharging curtailed design element which do not relate to the demolition works and that can reasonable be approved prior to any works occurring on the phase construction of the development.

Consultations & Notification Responses

n/a

Issues

The proposed changes are considered to be of a non-material nature. The changes would allow demolition to take place in advance of dealing with the detail technical aspects of the planning condition.

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:

Article 35 Declaration

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

1) The proposal involves the amendment to the wording in the planning conditions to allow demolition works to take place in advance of pre-commencement of development relating to the technical elements of each planning condition.

2) Following an assessment of the details submitted, I 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 will not result in any significant material alterations the planning conditions.

2) Prior to the commencement of development (save for demolition), a detailed phasing plan (including timescales for implementation) for the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. The development shall then be carried out in accordance with the phasing plan and timescales agreed.

Reason - The development is to be carried out on a phased basis and details must therefore be agreed in this regard to ensure that a comprehensive development provided at this site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and the New Cross Development Framework.

4) Notwithstanding the drainage strategy on drawing 500 P1 stamped as received by the City Council, as Local Planning Authority on the 31 March 2017, (a) A phase of the development shall not commence (save for demolition) until a scheme for the drainage of surface water from the new development shall be submitted for approval in writing by the City Council as the Local Planning Authority.

(b) The phase shall then be constructed in accordance with the approved details, within an agreed timescale.

(c) Prior to the first occupation of the phase a verification report shall be submitted, including relevant photographic evidence, that the scheme has been implemented in accordance with the previously approved details.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

5) Notwithstanding the Preliminary risk assessment report stamped as received by the City Council, as Local Planning Authority, on the 31 March 2017, (a) A phase of the development shall not commence (save for demolition) until, the following information shall be submitted for approval in writing by the City Council, as Local Planning Authority.

- Submission of site investigation proposals;
- Submission of a site investigation and risk assessment report;
- Submission of a remediation strategy.

(b) When the phase 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 before the residential element of the phase is occupied.

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 policies DM1 and EN18 of the Core Strategy.

6) A phase of the development shall not commence (save for demolition) until a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;

- o Display of an emergency contact number;
- o Details of Wheel Washing;
- o Dust suppression measures;
- o Compound locations where relevant;
- o Location, removal and recycling of waste;
- o Routing strategy and swept path analysis;
- o Parking of construction vehicles and staff; and
- o Sheeting over of construction vehicles.

The phase 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).

7) A phase of the development shall not commence (save for demolition) until, a) a programme for the issue of samples and specifications of all material to be used on all external elevations of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority, the programme shall include timings for the submission of samples and specifications of all materials to be used on all external elevations of the development along with jointing and fixing details, details of the drips to be used to prevent staining in and a strategy for quality control management.

b) All samples and specifications shall be submitted to and approved in writing in accordance with the programme as agreed under part a). The approved materials shall then be implemented as part of the phase.

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.

9) Prior to any above ground works (save for demolition) for a phase (a) an Environmental Standards report shall be submitted for approval in writing by the City Council, as Local Planning Authority.

(b) A post construction review certificate/statement shall be submitted for approval, within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

31) (a) Prior to the commencement of a phase (save for demolition), details of a local labour agreement in order to demonstrate commitment to recruit local labour for both the construction and operations element of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. (b) The approved document shall be implemented as part of the construction and occupation phases of the development. Within six months of the first occupation of a phase details of the results of the scheme shall be submitted for consideration.

Reason - The applicant has demonstrated a commitment to recruiting local labour pursuant to policies SP1 of the Manchester Core Strategy (2012).

32) Prior to the above ground works of a phase (save for demolition), details of the access ramp from Mason Street shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the phase and remain in place for as long as the development remains in use.

Reason - To ensure a safe and secure ramp access for vehicles in the interest of highway and pedestrian safety pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: NORTH1