MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Partial approval of details reserved by condition

Applicant

David Machell
Tim Groom Architects
7 Constance Street
Manchester
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Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 4a (Contaminated Land), 5a (Surface Water Discharge), 7 (Construction Management Strategy), 8 (Archaeology) and 16 (Local employment Agreement) attached to planning application 111291/FO/2016/N1.

Location: Land Bounded By Sharp Street, Baptist Street, Ludgate Hill And Rochdale Road, Ancoats, Manchester.,

Date of application: 10 March 2017

Application number: CDN/16/0423

Part 2 – Particulars of decision (1)

Manchester City Council gives notice that the following detail(s) referred to in Part 1 are **approved** in accordance with the information set out below.

Condition 4a - Contaminated Land
The following information has been submitted for consideration:

o Certificate of calibration, Geotech, Certificate Number: GA12094_1/15919, Dated: 10 February 2016.
o Certificate of calibration, Geotech, Certificate Number: GA12094_1/16955, Dated: 19 August 2016.

The information submitted as listed above has been considered and the following comments can be made.

The City Council has reviewed the above information in order to assess the following points:

1. The adequacy of the desk study information available for this site.
2. The adequacy of the site investigation(s).
3. The adequacy of the final risk assessment.

4. The acceptability of the proposed remediation strategy.
5. Whether the information submitted is sufficient to discharge the relevant contamination and/or gas condition from the planning approval.

A car park currently occupies the site, previous site uses include residential, public house, garage with petrol tank and oil tanks, French polish, varnish and cellulose lacquer warehouse and other warehouse. Adjacent site uses include a school carpark and residential, with previous adjacent site uses as residential, works, tobacco factory, school warehouses and depots. The River Irk lies 314m north-west of the site and the site lies above the Chester Pebble Beds Formation, Principal Aquifer.

1. The adequacy of the desk study information available for this site
The desk study information was found to be adequate in an earlier review.

2. The adequacy of the site investigation
The calibration certificates have now been provided for the gas monitoring equipment, the site investigation has now been found to be adequate.

3. The adequacy of the final risk assessment
The final risk assessment was found to be adequate in an earlier review.

4. The acceptability of the proposed remediation strategy
The following measures are proposed so that the contamination identified on site no longer presents a risk:

o Consultation with UU regarding potable water pipe selection.
o WAC testing of waste soils prior to disposal (preliminary assessment shown soils chemically non-hazardous/inert with the exception of soil from TP10 at 1.00m bgl (north-eastern part of the site) which was classed as hazardous due to elevated lead and zinc. Statistics have been applied which have classed the soils as non-hazardous/inert.
o Invasive species not observed but recommended a qualified consultant ecologist confirms this.

On the basis of the above information, I can confirm that this formally discharges Condition 4a of planning approval 111921/FO/2016/N1.

For your information, the following is still required to formally discharge Condition 4b.

A watching brief should be undertaken for unexpected contamination and a site completion should be submitted on completion of the ground works to contain the following:

o Findings of the watching brief.
o Copies of any waste transfer notes.
o Consultation with UU regarding the potable water pipes.
o Consultation with an ecologist regarding invasive species.

5. Whether the information submitted is sufficient to discharge the relevant site investigation and/or gas condition of the planning approval

Before it is possible to recommend the final discharge of condition 4b from this application, the following information needs to be submitted for approval:

After completion of site works, a verification report is required to validate that the work undertaken conforms to the remediation proposals received and agreed.
o Findings of the watching brief.
o Copies of any waste transfer notes.
o Consultation with UU regarding the potable water pipes.
o Consultation with an ecologist regarding invasive species.

Part 2 – Particulars of decision (2)

Manchester City Council gives notice that the following detail(s) referred to in Part 1 are **refused** in accordance with the information set out below.

Condition 5a - Surface Water
The following information has been submitted for consideration:

o Email from United Utilities Ref DE227

The information submitted as listed above has been considered and the following comments can be made. In order to discharge the drainage planning condition, further information is needed to confirm that the proposed drainage design is adequate to manage flood risk.

Based on the original comments issued by the Flood Risk Management Team on the 8 December 2016, the outstanding evidence required:

o Construction details of flow control and surface water attenuation system.

o Assessment of overland flow routes for exceedance rainfall events and/or the situation when the capacity of the inlet collection drainage system is overwhelmed during intense flash flood storms. These routes need to be designed in a way to protect the existing and proposed buildings. We noticed that the proposed cover levels of the drainage systems are in places higher than the FFL of some of the adjacent properties.

Therefore, it is not possible to formally discharge the Condition 5 of planning approval 111921/FO/2016/N1 until the matters raised have been satisfactorily addressed.

Condition 7 - Construction Man Strategy
The following information has been submitted for consideration:

o Construction Management Plan Rev A
o Plan ref SK06 Articulated Tracking for Durant Street

The information submitted as listed above has been considered and the following comments can be made:

The City Council has concerns regarding the impact construction vehicles will have on surrounding roads. The submitted Construction Management Plan indicates that HGV vehicles are likely to overrun the kerbline and impact on existing limited waiting bays. The applicant has stated that they will restrict any damage to kerblines and footway, however further information is required regarding this. The applicant should provide condition surveys of kerblines on Baptists Street, Ludgate Hill and Sharp Street prior to and after construction works have been completed. Should the developments

construction vehicles damage the highway, kerbs and footway, compensation will be required / the adopted highway made good following the development completion. The applicant should also provide further information regarding the suspension of limited waiting bays, required to facilitate HGV access to and from the site. The applicant has indicated that contractors will be encouraged to utilise existing public transport links. Should contractors require parking, this will take place via nearby public car parks. It should be noted that it is not acceptable for contractors to park on Williamson Street, Dantzic Street or Bromley Street, which already experience high levels of commuter parking.

The applicant should also confirm the following:
o Vehicles accessing / egressing the site should use banksmen at all times.
o The applicant should ensure that construction vehicles are scheduled to avoid stacking onto the adopted highway.

The construction hours in section 12 are not correct, the hours need to be changed to comply with the MCC approved hours for construction sites:

Monday to Friday	07:30 to 18:00
Saturday	08:30 to 14:00
Sunday and Bank Holiday	No work

Therefore, it is not possible to formally discharge the Condition 7 of planning approval 111921/FO/2016/N1 until the matters raised have been satisfactorily addressed.

Condition 8 - Archaeology
The following information has been submitted for consideration:

o Email correspondence between Norman Redhead at GMAAS and Adrian Cronin at Create Construction dated September 2016

The information submitted as listed above has been considered and the following comments can be made.

A Written Scheme of Investigation has been prepared by Archaeological Research Services (ARS), which the Greater Manchester Archaeological Advisory Service (GMAAS) have previously approved. This is for more detailed targeted excavation set out under stage 1 of the archaeology condition no. 8. It was agreed with ARS that formal evaluation trenching was not necessary as ground investigation work (with the presence of an archaeologist) had demonstrated that significant archaeological remains survive across most of the site. The proposed excavation areas are focused on early workers' housing at a key period in Manchester's early historic development.

The archaeological excavations have not yet taken place so it is not possible at this stage to recommend discharge of the condition. However, the developer is working towards meeting the archaeological requirements set out in the staged condition. GMAAS will confirm when the archaeological site investigations are satisfactorily completed so that development ground works can commence. Of course, following these site works there will need to be post excavation analysis, a report on the results, deposition of the archive and publication/dissemination of the results for the benefit of the local and wider community.

Therefore, it is not possible to formally discharge the Condition 8 of planning approval 111921/FO/2016/N1 until the matters raised have been satisfactorily addressed.

Condition 16 - Local Employment
The following information has been submitted for consideration:

o Create Construction Local Economics Benefits plan v2

The information submitted as listed above has been considered and the following comments can be made.

The comments made previously in relation to Version 1 of the Plan requested that recruitment for the end use (receptionists, chefs, cleaners, etc) could be done through the Employer Suite (service offer attached) to ensure that Manchester residents benefit from these opportunities. There is no reference of this in Version 2 submitted.

Also, there remain blanks within the Local Labour Agreement chapter at the end of the document including Local Manchester Employment agencies within a) and b), and local companies within c). These should be completed accordingly.

Therefore, it is not possible to formally discharge the Condition 16 of planning approval 111921/FO/2016/N1 until the matters raised have been satisfactorily addressed.

Date: 3 May 2017

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.