MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141723/NMC/2024
Date registered valid:	11 December 2024
Proposal:	Non material amendment to planning permission 126944/FO/2020 to amend condition 21 (Plant) to allow split the conditions into residential plant and commercial unit plant.
Address:	Land Bound By Dantzic Street, Gould Street, Williamson Street And Bromley Street (Known As Victoria Riverside), Manchester,
Ward(s):	Piccadilly Ward
Applicant:	Mr Nick Whitehouse Far East Consortium
Agent (if any):	Mr Matthew Hargreaves CR Construction UK
Case officer:	Jennifer Atkinson Tel: 0161 234 4517 Email: jennifer.atkinson@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	

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

This 0.97 hectares vacant site is bounded by Dantzic Street, Gould Street, a railway viaduct and a warehouse unit. It is bisected by Bromley Street which lies in a northwest-southeast orientation. Bromley Street is closed. The site comprises hardstanding and is secured by a hoarding after all previous buildings and uses were cleared. The topography of the site is relatively flat with a fall in levels from east to west across the site of approximately 3 metres.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The surrounding area is dominated by the railway bridge and arches which are occupied by car garages and microbreweries. A traveller's site is on the opposite side of Dantzic Street. The site is part of the 'Northern Gateway Strategic Regeneration Framework' area which will be transformed over the next decade through the delivery of new homes, place making and infrastructure to support the City's population growth. A first phase of development is taking place around Angel Meadow delivering 756 homes (124120/JO/2019). Planning permission also exists for the development of the site to the east, known as North View, for 415 new homes (114860/FO/2016). The area is highly sustainable. The Northern Quarter, Ancoats and NOMA are a short distance from the site and provide access to a wide range of retail, amenities and services along with a vibrant evening economy. Victoria Station is nearby and provides access to trains, trams and bus services.

Description of development

Non material amendment to planning permission 126944/FO/2020 to amend condition 21 (Plant) to allow split the conditions into residential plant and commercial unit plant.

Consultations & Notification Responses

n/a

Issues

The proposal seeks to split condition 21 to allow the commercial plant and residential plant to be discharged separately. Condition 21 has now been modified for residential plant only. A new condition, condition 50, has been added to allow commercial plant to be discharged only.

This is in line with advice received from Environmental Health on condition discharge request CDN 24 0346.

The change is considered to be non material in nature.

Other Legislative Requirements
Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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) This application seeks to amend condition 21 (Plant) to allow split the conditions into residential plant and commercial unit plant.

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 to the planning approval.

21) Notwithstanding the Chapter 12 Noise and Vibration, prepared by ARUP of the ES stamped as received by the City Council, as Local Planning Authority, on the 17 May 2020, (a) Prior to the first occupation of each phase of the residential element of the development hereby approved (save for the enabling works phase), details of any externally mounted ancillary plant, equipment and servicing shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt, externally mounted plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5 dB (Laeq) below the typical background (LA90) level at the nearest noise sensitive location.

(b) Prior to the first occupation of each phase of the residential element of the development (save for the enabling works phase), a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason - To minimise the impact of plant on the occupants of the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

50) Notwithstanding the Chapter 12 Noise and Vibration, prepared by ARUP of the ES stamped as received by the City Council, as Local Planning Authority, on the 17 May 2020, (a) Prior to the first occupation of any commercial unit within each phase of the development hereby approved (save for the enabling works phase), details of any externally mounted ancillary plant, equipment and servicing shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt, externally mounted plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5 dB (Laeq) below the typical background (LA90) level at the nearest noise sensitive location.

(b) Prior to the first occupation of any commercial unit within each phase of the development (save for the enabling works phase), a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Any future tenant plant assessment will need to be based on the original background noise level found in the Arup EIS report and the assessment of parts (a) and (b) of this condition shall be undertaken with residential building for each phase plant switched off.

Reason - To minimise the impact of plant on the occupants of the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: CENTRAL