

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0022

Date registered valid: 16 January 2024

Proposal: Discharge of condition 15 (Archaeology) attached to planning permission referenced 129197/FO/2021.

Address: Former Jacksons Brickworks Site, Ten Acres Lane, Manchester,

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Nuvu Development Limited

Agent (if any): Mr John Cooper Deloitte LLP

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 7 February 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 19 January 2024 Expired: 9 February 2024

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:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Greater Manchester Archaeological Advisory Service – 19.01.2024

As evidenced by the email supplied in support of this application, consultation with Ian Miller at (GMAAS), was undertaken in September 2022 and November 2023 regarding a later planning application for the redevelopment of this site (planning reference 133700/FO/2022). That consultation updated the archaeological advice for the site to amend the requirement for archaeological evaluation to archaeological monitoring and recording (watching brief). However, further consultation with the Senior Planning Archaeologist at GMAAS, undertaken in December 2023, has confirmed that an archaeological evaluation is appropriate for the original application for remediation (129197/FO/2021), and is indeed the preferred approach of the applicant. Evaluation trenching will therefore concentrate on evaluating the presence of the medieval route of Ten Acres Lane near the western boundary of the development site, and the western and eastern brickworks within the development site. Should significant remains be identified then a

further phase of excavation may be required. As such, the Project Design (PD) (formerly known as a Written Scheme of Investigation) submitted with this discharge application was prepared by The Environment Partnership (TEP) following the most recent round of consultation with GMAAS. GMAAS approves the PD which allows for all stages of the condition to now be implemented. This response recommends a partial discharge of the condition. The condition cannot be fully discharged until all stages set in the condition have been completed.

06.02.2024 Further comments, following clarification sought regarding which elements of the condition formed part of the partial discharge of condition recommendation received 06.02.2024.

The pre-commencement of the condition can be discharged, and due to the wording of the condition it would be difficult to argue that parts 1 and 2 couldn't be discharged given that the WSI does indeed provide methodologies for the fieldwork and post-investigation assessment, and the condition could be construed as just asking for this. However, Stages 3-5 could not be discharged as these require completion of Stages 1 and 2 to provide the results that a report, dissemination and archive depend upon. If Stages 1 and 2 need to be discharged at this point, then the applicant needs to understand that the fieldwork and post-investigation assessment must still take place, in accordance with the approved WSI. With regard to Stage 6 the WSI in this case has been provided by a consultant and forms the basis for how the project will be undertaken by an as yet un-named person/organisation, so this also cannot yet be discharged.

Issues

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 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: Approve

Article 35 Declaration

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

Condition 15 (Archaeology)

15) The content of the Archaeological Evaluation – Former Jacksons Brickworks, Ten Acres Lane Manchester – Written Scheme of Investigation ref: 10279.001 version 1.2 dated January 2024 has been reviewed.

On the basis that the development is implemented in accordance with the Archaeological Evaluation – Former Jacksons Brickworks, Ten Acres Lane Manchester – Written Scheme of Investigation ref: 10279.001 version 1.2 dated January 2024, and that the fieldwork as set out part (1) of condition no.15 is undertaken, I can confirm that the pre-commencement element and part (1) of condition no.15 are discharged. However, parts 2 -6 cannot be discharged until they have been undertaken, and the appropriate reporting being actioned.

Appendix 1 – List of consultees & neighbours notified

Greater Manchester Archaeological Advisory Service

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected

Site of Biological Interest - Name: Rochdale Canal, Stott's Lane - Ducie Street Basin

Coal Authority - Development Low Risk - Name: DEVELOPMENT LOW RISK AREA

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

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Susceptible to Surf Water Flood (Less) -

Susceptible to Salt Water Flood (1000),

Susceptible to Surf Water Flood (Middle) -
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Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA