

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137700/NMC/2023

Date registered valid: 27 July 2023

Proposal: Non-material amendments to planning permission 133841/JO/2022 to amend the timescales in conditions 6, 8, 9, 10, 12, and 17.

Address: Land At Junction Great Ancoats Street , Pollard Street, Manchester, M4 7DS

Ward(s): Ancoats & Beswick Ward

Applicant: AG GP Manchester Pollard B.V.

Agent (if any): Mr Michael Percival Deloitte LLP

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

Recommendation: Approve

Date of recommendation: 22.08.2023

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 2.01 hectare site is bounded by the Ashton Canal, Great Ancoats Street, Pollard Street and Munday Street. It is vacant having been previously developed and occupied by industrial Buildings

The site was cleared between 2009 and 2011 as part of the expansion of tram network to Ashton and the site is bisected by tram lines and a tunnel. The site comprises two linear plots which rise towards Munday Street. An 80-space surface level car park forms the north eastern edge of the site. The rest of the site was seeded on a temporary basis in advance of development being brought forward.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

New Islington has been transformed over the past 15 years with vacant sites with the development of homes and commercial buildings. Public spaces have been created such as the New Islington Marina and Cottonfield Park. New Islington Free School and medical centre provide other local amenities which have help support the significant population growth in the area.

This strategy for change has been underpinned by Regeneration Frameworks including the Eastlands Regeneration Framework and the Ancoats and New Islington Neighbourhood Development Frameworks. These documents identified the site for commercial led development

from 1999. It was intended to bring the site forward for development following the completion of the Metrolink infrastructure, but the 2008 recession precluded this and the site was treated on a temporary basis.

The sites status for planning purposes is therefore previously developed, brownfield land as defined by the National Planning Policy Framework (NPPF).

The site is surrounded by residential buildings including Albion Work, Miliners Wharf, Hat Bot, CHIPS and developments around Vesta Street. The Ashton Canal and basin area provides access to the canal network and other areas of public realm within the area.

The following listed buildings are nearby; Albion Works (Grade II) to the east, Ashton canal lock 1, 2 and 3 together with bridge number 4 and the Ashton Canal lock Keepers Cottage (all Grade II) to the west. The Ancoats conservation area is 500metres from the site.

This is a highly accessible location with New Islington Tram stop providing links to the city centre and Ashton. The site is highly accessible to walking and cycling routes and Piccadilly Station is within walking distance. There are a variety of amenities nearby with commercial uses at the Marina and Cutting Room Square.

Description of development

Non-material amendments to planning permission 133841/JO/2022 to amend the timescales in conditions 6, 8, 9, 10, 12, and 17

Consultations & Notification Responses

n/a

Issues

The proposal seeks to make changes to the triggers within the conditions listed to allow foul surface water drainage to be implemented. This would allow limited works to take place before discharging the planning condition.

This is considered to be acceptable. Metrolink have required that certain caveats are introduced into the permission to ensure that the Metrolink is protected during the works.

The changes are considered to be of a non material 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 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:

Article 35 Declaration

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

1) The proposal seeks to amend the timescales in conditions 6, 8, 9, 10, 12, 14 and 17.

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.

6) Prior to the commencement of development of a phase of development, other than enabling works comprising site investigations, foul drainage works and remediation, a detailed construction management plan (CMP) outlining working practices for the proposed development construction shall be submitted for approval in writing by the Local Planning Authority.

For the avoidance of doubt the construction management plan shall include:

- Display of an emergency contact number;
- Measures to protect the Ashton Canal from spillages, dust and debris and to control the emissions of dust and dirt during construction;
- Communication strategy with residents;
- 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; and
- Sheeting over of construction vehicles.

Further measures shall also be included relating to the works adjacent to the Metrolink Hazard Zone. For the avoidance of doubt this shall include:

- The retention of 24 hour unhindered access to the trackside equipment cabinets and chambers for the low voltage power, signalling and communications cables for Metrolink both during construction and once operational;

- Traffic management proposals to ensure safe operation of the tram Crossing on Munday Street;
- The erection and dismantling of scaffolding;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Construction and demolition methods to be used; including the use of cranes (which must not oversail the tramway);
- The erection and maintenance of security hoarding at a minimum distance of 1.5m from the kerb which demarcates the tramway path;
- Details of a hoarding next to the tramway;
- Details of wheel washing facilities and measures to ensure that the track crossing on Munday Street remains free from the deposition of detritus from the site and that detritus does not get carried into the rail grooves
- no excavation to facilitate the foul drainage works will extend into the zone of influence of the track bed structure. i.e. below a line projecting at 45 degrees from the edge of the track slab, without the prior agreement of the Metrolink Operator and Maintainer.

In relation to the protection of the adjacent Ashton Canal, information should also be provided in the CMP as follows:

- A plan showing the areas of storage of plant and materials used in constructing the development and stockpiling and fuelling area for vehicles;
- Include the steps to be taken to prevent the discharge of silt-laden runoff, materials or dust or any accidental spillages entering the waterway;
- Provide details of how any existing land drains on the site would be located, sealed/remediated/blocked-up or removed to prevent contamination of the waterway;
- Details specifying how the waterway corridor and its users would be protected during the works and include any details of proposed protective fencing to be erected to safeguard the waterway infrastructure during site clearance/construction.

The development shall be carried out in accordance with the approved construction management plan for each phase for the duration of the construction works.

Reason - To safeguard the amenities of nearby residents, highway safety and air quality, pursuant to policies SP1, EN16, EN19 and DM1 of the Manchester Core Strategy (July 2012).

8) a) Prior to the commencement of the development of a phase of development, other than enabling works comprising site investigations, foul drainage works and remediation, details of a Local Benefit Proposal in line with Page 12 of the Economic Impact Report, stamped as received by the City Council, as Local Planning Authority, on the 5 October 2020, in order to demonstrate commitment to recruit local labour for the duration of the construction of the development, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved document shall be implemented as part of the construction of the development.

In this condition a Local Benefit Proposal means a document which includes:

- i) the measures proposed to recruit local people including apprenticeships
- ii) mechanisms for the implementation and delivery of the Local Benefit Proposal
- iii) measures to monitor and review the effectiveness of the Local Benefit Proposal in achieving the objective of recruiting and supporting local labour objectives

(b) Within one month prior to construction work being completed for each phase of development, a detailed report which takes into account the information and outcomes about

local labour recruitment pursuant to items (i) and (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority.

Reason - The applicant has demonstrated a commitment to recruiting local labour pursuant to policies SP1, EC1 and DM1 of the Manchester Core Strategy (2012).

9) A phase of the development, other than enabling works comprising site investigations, foul drainage works and remediation, shall not commence until details of the method for piling, or any other foundation design using penetrative methods, for that phase shall be submitted for approval in writing by the City Council, as Local Planning Authority.

Should any excavation or piling works be required to be carried out greater than 1m deep within 1m of the Metrolink operational boundary, the piling strategy shall also include details to minimise the impact on the tram lines.

The approved details shall then be implemented during the construction of the development.

Reason - Piling or any other foundation using penetrative methods can result in risks to potable supplies (pollution/turbidity, risk of mobilising contamination) drilling through different aquifers and creating preferential pathways. It is therefore necessary to demonstrate that piling will not result in contamination of groundwater. In addition, piling can affect the adjacent Metrolink network which also requires consideration pursuant to policies SP1, EN17 and EN18 of the Manchester Core Strategy (2012).

10) Prior to the commencement of a phase of the development, other than enabling works comprising site investigations, foul drainage works and remediation, detailed design for the works (including structural surveys and details of the proposed tunnel monitoring regime) which are required to take place in close proximity to the Great Ancoats Street Underpass shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt, no excavation to facilitate the foul drainage works will extend into the zone of influence of the track bed structure. i.e. below a line projecting at 45 degrees from the edge of the track slab, without the prior agreement of the Metrolink Operator and Maintainer.

The approved details shall then be implemented for the duration of that phase of the development.

Reason - In the interest of safeguarding the operational safety of the adjacent Metrolink line pursuant to policy DM1 of the Manchester Core Strategy (2012).

11) Prior to the commencement of a phase of the development, other than enabling works comprising site investigations, foul drainage works and remediation, details shall be submitted for approval in writing by the City Council, as Local Planning Authority, confirming that there are no electromagnetic compatibility impacts from the proposed development.

Should any electromagnetic compatibility protection measures be required as a result of the development, these details shall be agreed prior to the commencement of each phase of the development and be in place prior to each phase of the development becoming operational.

Reason - In the interest of safeguarding Metrolink infrastructure pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

12) Prior to the commencement of each phase of the development, excluding Phase 1 (Building A) and where no track crossing is required in relation to the phase, detailed design for

facilitating the use of the tram crossing by motorised vehicles, cycles and pedestrians shall be submitted for approval in writing for approval in writing by the City Council, as Local Planning Authority.

The approved details shall then be implemented for the duration of each phase of the development.

Reason - In the interest of safeguarding the operational safety of the adjacent Metrolink line pursuant to policy DM1 of the Manchester Core Strategy (2012).

14) Prior to the commencement of each phase of development, other than enabling works comprising site investigations, foul drainage works, and remediation, 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. This shall include the submission of samples (including a preparation of a sample panel(s)) and specifications of all materials to be used on all external elevations of the development, in line with drawing in line with drawings PLS-HBA-B-ZZ-DR-A-08-0410, PLS-HBA-A-ZZ-DR-A-08-0400, PLS-HBA-C-ZZ-DR-A-08-0420, PLS-HBA-SW-ZZ-DR-A-08-0500, and the Design and Access Statement Addendum (May 2022) stamped as received by the City Council, as Local Planning Authority, on the 23 May 2022, along with jointing and fixing details, details of the drips to be used to prevent staining in, ventilation and a strategy for quality control management.

The approved materials shall then be implemented as part of each phase of the development

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.

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

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Site of Biological Interest - Name: Ashton Canal (West)

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: CENTRAL