

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0210

Date registered valid: 24 March 2023

Proposal: Discharge of conditions 40 (archaeology) attached to planning permission referenced 131895/JO/2021

Address: Coleshill Street, Manchester, M40 8HH

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Christopher Langdon, EQUANS Services Ltd & Landcare (East Manchester) Ltd

Agent (if any):

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

Recommendation: Refuse

Date of recommendation: 6 July 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 5 April 2023 Expired: 26 April 2023

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

Consultations & Notification Responses

GMAAS – 21.04.2023

The application is supported by a Written Scheme of Investigation (WSI) for an archaeological watching brief prepared by Wessex Archaeology in March 2023. The WSI is largely appropriate to the site, containing robust methodologies to allow for the archaeological work to be undertaken alongside development works within targeted areas. However, the WSI does not refer to or cite the North West Historic Environment Research Framework (NWHERF) (available online at The North West England Regional Research Framework - North West Regional Research Framework (researchframeworks.org)), which provides period specific research agendas and many research questions that are intended to inform the aims and objectives of any fieldwork undertaken. Before GMAAS can recommend approval of the WSI or any partial discharge of the condition, they would need to see inclusion of appropriate research questions from the NWHERF within the WSI, informing the approach to be taken during the fieldwork and to be revisited during post-excavation reporting so that the results of the project can be assessed or quantified against their contribution to knowledge-gain. In addition, regarding Monitoring (Paragraph 4.7.1), GMAAS require at a notice period prior to commencement of onsite works and an idea of the duration of the works so that potential monitoring visits can be scheduled. It would also be worth stating in Paragraph 5.4.4 (regarding publication), that at the very least a 300-word summary of the results of the project will be produced for inclusion in the 'Annual Roundup' of fieldwork for Post Medieval Archaeology. If the WSI can be revised accordingly and then re-submitted, they would be happy to provide an updated response to this application.

Further comments - 05.07.2023

Following previous comments submitted on 21st April and 10th May 2023, GMAAS has liaised with John Winfer at Wessex Archaeology (discussions via phone and email between 31st May and 15th June 2023) to agree a revised methodology for the archaeological Watching Brief due to the severe levels of contamination across the site.

The archaeological interest on the site is the former chemical works (as set out in the 2019 DBA) and three areas were identified as potentially containing remains of interest. The

watching brief (as set out in the approved WSI) was to monitor works in those areas.

Alterations/additions to the methodology include:

- Providing a detailed archaeological toolbox talk to the groundwork team informing them what sort of remains are expected in the watching brief areas.
- Asking the groundwork team to excavate a small number of trenches across these areas to 1m depth (in accordance with the attached Figures). If any remains are identified the groundwork team will contact Wessex Archaeology to attend site and advise on how to proceed.
- Once the trenches are complete a Wessex team member will attend site and if no remains are identified the groundwork team will be able to reduce the watching brief areas by another 1m. Once the areas are reduced, further trenches would be excavated, in the same places as the first, and the process repeated until archaeology or natural subsoil is reached.
- If archaeology is identified, the main contractor may be able to clean this off with a smaller excavator to enable recording via drone.
- No hand-digging is advised which precludes the recovery of any samples or artefacts.
- Groundwork team to forward photographs to Wessex Archaeology at the end of each phase of reduction work to show progress and ensure no structural remains are being removed.

The revised WSI (Version 4) and the amendments listed above were approved between GMAAS and Wessex Archaeology on June 15th 2023. Agreement of the strategy and methodology enables me to recommend **partial discharge** of Condition 40 of permission 131895/JO/2021, amounting to removal of the pre-commencement element and Stage 6 of the condition wording. The condition cannot be fully discharged until all remaining stages (1-5) have been completed.

Further comments - 06.07.2023

The WSI (Version 4) provides the required detail for a phased programme and methodology of investigation and recording for the site. It is understood that the watching brief will be undertaken in accordance with the WSI and the approved amendment to the methodology as agreed between GMAAS and Wessex Archaeology on the 15th June (also outlined in their email 05.07.2023), which allows for commencement of the remediation works.

They would be happy to include Point 1 of the condition within their recommendation for partial discharge on the understanding that the watching brief is undertaken alongside remediation in the agreed areas. Following completion of the watching brief to the satisfaction of Wessex Archaeology and GMAAS (acting as archaeological advisors to MCC) the remaining stages in the condition (2-5) will then need to be completed before a recommendation for full discharge can be offered.

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: Refuse

Article 35 Declaration

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

Condition no.40 Archaeology

40) The Written Scheme of Investigation for the Archaeological Watching Brief Document Ref.: 224301.01 May 2023 Version 4 has been examined and is considered to be satisfactory in regard to matters required to be submitted for consideration at the pre-commencement stage of the development, and point nos.1.and 6 set out in the condition, on the basis that the development is undertaken in accordance the phased programme and methodology of investigation and recording, and that the watching brief is undertaken alongside remediation in the agreed areas.

As such, although the condition cannot be formally discharged until matters required in point nos.2 ,3 4, and 5 have been completed, I can confirm that you have satisfactorily complied with the pre-commencement elements of condition no.40.

Appendix 1 – List of consultees & neighbours notified

Greater Manchester Archaeological Advisory Service

Appendix 2 – Planning constraints

Area Team Boundary - Name: NORTH AREA