

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136574/NMC/2023

Date registered valid: 23 March 2023

Proposal: Non material amendment to planning permission 131708/FO/2021 to alter condition 7 (Ground Conditions) to allow the demolition and site clearance to take place

Address: 87 Rochdale Road, Manchester, M4 4HY

Ward(s): Piccadilly Ward

Applicant: Mr B Caloe McGoff Construction Ltd

Agent (if any): Mr P Garner Garner Town Planning Ltd

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

Recommendation: Approve

Date of recommendation: 30 March 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 0.5 hectare site is bounded Gould Street, a surface car park, Clive Street, Back St George Street, 73 and 85 Rochdale Road and Ashley Street.

It is occupied by depot buildings with some parking and a 115 space surface car park. A small security building is close to the access point.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The Marble Arch Public House (Grade II) and 85 Rochdale Road are immediately adjacent on Rochdale Road. The surrounding area contains residential buildings and surface car parks. To the north is a large split level site bounded by Gould Street, Williamson Street, Bromley Street and Bilbrook Street which is used as two, 24 hour car parks. A 55 metre high telecoms mast is in the south east corner, with National Grid infrastructure in the centre (including a Pressure Reduction Station (PRS) and compound). The PRS controls the gas flow in the surrounding gas network.

A planning application (128248/FO/2020) was approved at Committee on the 4 June 2021, subject to the signing of a section 106 agreement, for the erection of 9 buildings of 8 to 34 storeys to form 1202 homes with ground floor commercial uses, parking, public realm and landscaping.

The site is part of Victoria North in the 'Northern Gateway Strategic Regeneration Framework, which will be transformed through the creation of 15,000 homes, place making and infrastructure. A first phase of 756 homes is taking place at Angel Meadow (124120/JO/2019). Planning permission exists for 415 homes at North View, (114860/FO/2016), and 634 at Victoria Riverside, (126944/FO/2020).

The area is highly sustainable. The Northern Quarter, Ancoats and NOMA are a short distance away and provide access to retail, amenities and services and a vibrant evening economy. Victoria Station is nearby and provides access to trains, trams and bus services.

The site is not in a conservation area but there are listed buildings nearby at: Marble Arch Public House, warehouse on the western corner of the junction with Simpson Street, Sharp Street Ragged School, Cooperative Press, Union Bridge and Charter Street Mission (former Charter Street Ragged School and working girls home), all Grade II. The Lancashire and Yorkshire Railway Viaduct and Angel Meadow are non-designated heritage assets.

The site is partially in the Air Quality Management Area (AQMA) along Rochdale Road and is in flood zone 1, where the risk of flooding is low.

Description of development

Non material amendment to planning permission 131708/FO/2021 to alter condition 7 (Ground Conditions) to allow the demolition and site clearance to take place

Consultations & Notification Responses

N/A

Issues

Condition 7 currently states:

a) Notwithstanding the Phase 1, Geo-Environmental Site Assessment, Ep3, Reference: 12-922-R1, dated December 2018 and the preliminary risk assessment, prior to the commencement of the development the following information should be submitted for approval in writing by the City Council, as Local Planning Authority:

- Intrusive investigation assessment;
- Updated final risk assessment;
- Remediation Strategy.

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority prior to the first occupation of the residential element of the scheme.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

The applicant has been unable to provide conclusive ground investigations to satisfy this condition in full to the statutory consultees including Environmental Health and Environment Agency.

In order to complete this survey work, the buildings on site are required to be demolished. The Environment Agency and Environmental Health are happy for this to take place without trigger the discharge of this condition. Accordingly, the condition requires modification to allow this to take place. The proposed modification to the condition is as follows:

a) Notwithstanding the Phase 1, Geo-Environmental Site Assessment, Ep3, Reference: 12-922-R1, dated December 2018 and the preliminary risk assessment, prior to the commencement of the development (save for demolition and site clearance works) the following information should be submitted for approval in writing by the City Council, as Local Planning Authority:

- Intrusive investigation assessment;*
- Updated final risk assessment;*
- Remediation Strategy.*

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence (save for demolition and site clearance works) until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

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b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority prior to the first occupation of the residential element of the scheme.

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The above changes are 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 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 proposed seeks to alter condition 7 (Ground Conditions) to allow the demolition and site clearance to take place.

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.

7) a) Notwithstanding the Phase 1, Geo-Environmental Site Assessment, Ep3, Reference: 12-922-R1, dated December 2018 and the preliminary risk assessment, prior to the commencement of the development (save for demolition and site clearance works) the following information should be submitted for approval in writing by the City Council, as Local Planning Authority:

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In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence (save for demolition and site clearance works) until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

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b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority prior to the first occupation of the residential element of the scheme.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 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

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: CENTRAL