

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136201/NMC/2023

Date registered valid: 8 February 2023

Proposal: Non material amendment to planning permission 133769/FO/2022 to alter wording of conditions 3, 5, 6, 7, 9, 10, 11, 12, 14 and 48 to allow commencement of phased drainage works

Address: Jersey Street, Manchester, M4 6JW

Ward(s): Ancoats & Beswick Ward

Applicant: Manchester Life Development Company 3 Limited

Agent (if any): Miss Hannah Graham Deloitte LLP

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

Recommendation:

Date of recommendation: 21 April 2023

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 14 February 2023 Expired: 7 March 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

Description of site/building

Listed building: Not applicable

Conservation area: Ancoats Conservation Area 1989

Tree Preservation Order:

Description of area

Description of development

Non material amendment to planning permission 133769/FO/2022 to alter wording of conditions 3, 5, 6, 7, 9, 10, 11, 12, 14 and 48 to allow commencement of phased drainage works

Consultations & Notification Responses

Highways Services – No objections

Greater Manchester Archaeological Advisory Service – No objections

Environmental Health – No objections subject to a watching brief being maintained for phase 1 works.

Canal and River Trust – no concerns

Issues

The proposal seeks to implement the scheme with an initial phase of drainage works. The drainage scheme has been agreed as a whole under CDN/23/0128. The conditions have been amended and there are no objections from the consultees. 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 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 to alter wording of conditions 3, 5, 6, 7, 9, 10, 11, 12, 14 and 48 to allow commencement of phased drainage works

2) The development hereby approved shall be carried out in accordance with the following additional drawings:

- Proposed Drainage Enabling Works Phasing Boundaries drawing (drawing ref: JWA-CUR-XX-XX-DRC-92504-P03) prepared by Curtins;
- Eliza Yard and Jersey Wharf Enabling Works Phasing Note prepared by Manchester Life Development Company;
- Sample Panel Drawing (drawing ref: JWA-PRP-BA-ZZ-DR-A-002600) prepared by PRP.

received by the City Council, as Local Planning Authority, on the 8 February 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

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.

3) Prior to the commencement of Phase 2 of the development, as detailed in drawing JWA-CUR-XX-XX-DR-C-92504-P03 received by the City Council, as Local Planning Authority, on the 8 February 2023, details of the method for piling, or any other foundation design using penetrative methods, for the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. 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 railway network which also requires consideration pursuant to policies SP1, EN17 and EN18 of the Manchester Core Strategy (2012).

5) Prior to the commencement of Phase 2 of the development, as detailed in drawing JWA-CUR-XX-XX-DR-C-92504-P03 received by the City Council, as Local Planning Authority, on the 8 February 2023, a scheme of investigation, as relevant to that phase of the development, to establish the structural condition of the canal wall on the southern boundary of the site including the extent to which any works on the site, including altering the site levels, will increase loadings on the wall and the need for any rebuilding or strengthening works as may be necessary to ensure that the structural integrity of the wall can be maintained, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The work on or adjacent to the canal wash wall shall be carried out in accordance with the approved method statement.

Reason: To establish whether mitigation works are necessary in order to ensure that the development does not adversely affect the Rochdale canal by weakening the wall and to secure any mitigation works as may be required pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

6) Prior to the commencement of Phase 2 of the development, as detailed in drawing JWA-CUR-XX-XX-DR-C-92504-P03 received by the City Council, as Local Planning Authority, on the 8 February 2023, a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the canal as relevant to that phase of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. The details shall include:

- o demonstration that additional loads from the permanent or any temporary works, plant and machinery or storage of materials would not harm the structural integrity of the canal infrastructure;
- o provide cross sections showing the distance from the canal, hard landscaping/raised beds; and proposed buildings;
- o include the design, depth and means of construction of the foundations of the buildings, together with any other proposed earthmoving and excavation works required in connection with demolition or construction of the buildings;

o details specifying how the canal will be protected during the works, including tree removal and include any details of how the tree roots would be treated and details of the proposed protective fencing to be erected to safeguard the waterway infrastructure during construction;

o include the steps to be taken to prevent the discharge of silt -laden run-off, materials or dust or any accidental spillages entering the canal.

The development shall only be carried out in accordance with the agreed Risk Assessment and Method Statement for the duration of the works.

Reason: To protect the structural stability of the canal infrastructure which could be adversely affected by the development and to accord with policies SP1 and DM1 of the Manchester Core Strategy (2012).

7) Each relevant phase of the development, as detailed in drawing JWACUR-XX-XX-DR-C-92504-P03 recieved by the City Council, as Local Planning Authority, on the 8 February 2023 shall not commence until a detailed Construction Environment Management Plan (CEMP),as relevant to that phase of the development, has been submitted for approval in writing by the Local Planning Authority, which should include;

- A plan showing the areas of storage of plant, fuel/chemicals and materials used in constructing the development;
- Include the steps to be taken to prevent the discharge of silt-laden run-off, construction site drainage, materials or dust or any accidental spillages entering the waterway;
- details of the environmental pollution incident emergency response;
- include measures to locate, clear, remediate and permanently seal any existing drains or culverts within the application site that may discharge to the canal;
- details specifying how the waterway corridor and its users would be protected during the works and
- include any details of proposed protective fencing/netting to be erected to safeguard the waterway infrastructure during site clearance/construction

The development shall be carried out in accordance with the approved construction environmental plan.

Reason - To safeguard the adjacent canal, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012).

9) Prior to the commencement of Phase 2 of the development, as detailed in drawing JWA-CUR-XX-XX-DR-C-92504-P03 received by the City Council, as Local Planning Authority, on the 8 February 2023, the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (Wintertree Software Inc.) submitted for approval in writing by the City Council, as Local Planning Authority. The Wintertree Software Inc. shall cover the following:

1. A phased programme and methodology of investigation and recording to include:

- archaeological evaluation trenching;
- pending the results of the above, a targeted open-area excavation.

2. A programme for post-investigation assessment to include:

- production of a final report on the results of the investigations and their significance.

3. Deposition of the final report with the Greater Manchester Historic Environment Record.
4. Dissemination of the results of the archaeological investigations commensurate with their significance.
5. Provision for archive deposition of the report and records of the site investigation.
6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved Wintertree Software Inc..

Reason: To record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publicly accessible pursuant to policies EN3 of the Manchester Core Strategy (2012) and saved policy DC20 of the Unitary Development Plan for the City of Manchester (1995).

10) a) Notwithstanding the Phase 1 Geoenvironmental Site Assessment, Manchester Life Phase 3 (Parcel C), E3P, Reference: 13-729-R1, February 2020, Phase II Geoenvironmental Site Assessment, Land at Jersey Street, Ancoats (Parcel C), E3P, Reference: 13-350-R3, February 2020 and Ground Gas Addendum Report, Land at Jersey Street, Ancoats (Parcel C), E3P, Reference: 13-729-R3-C, April 2020 (including calibration certificates) stamped as received by the City Council, as Local Planning Authority, on the 13 May 2022, the development of each relevant phase of the development, as detailed in drawing JWA-CUR-XX-XX-DR-C-92504-P03 received by the City Council, as Local Planning Authority, on the 8 February 2023 shall not commence until a detailed construction management plan outlining working practices during construction, as relevant to that phase of the development, have been submitted for approval in writing by the City Council, as Local Planning Authority, to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site

- Submission of an addendum Site Investigation and Risk Assessment Report due to insufficient coverage to date, including;
 - a. Further investigation of Parcel C upon demolition of structures.
 - b. Further investigation within the canal to the west of the site
 - c. Additional gas monitoring.
- Submission of a Remediation Strategy

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 development.

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.

12) Prior to the commencement of any above ground floor slab works, 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 panel in accordance with drawing ref. JWA-PRP-BA-ZZ-DR-A-002600 received by the City Council, as Local Planning Authority, on the 8 February 2023) and specifications of all materials to be used on all external elevations of the development along with jointing and fixing details, window reveals and soffits, details of the drips to be used to prevent staining in, ventilation/air brick and a strategy for quality control management.

The approved materials shall then be implemented as part 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.

14) a) Prior to the commencement of Phase 2 of the development, as detailed in drawing JWA-CUR-XX-XX-DR-C-92504-P03 received by the City Council, as Local Planning Authority, on the 8 February 2023, details of a Local Benefit Proposal, 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 associated with the development being completed, 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).

48) No development other than Enabling Works as set out below:

1. Site hoarding
2. Site clearance (including demolition of the existing buildings) and vegetation removal
3. Archaeological investigation works
4. Site remediation
5. Site investigation
6. Phase 1 drainage enabling works, as detailed in drawing JWA-CUR-XXXX- DR-C-92504-P03 received by the City Council, as Local Planning Authority, on the 8 February 2023.

shall be carried out pursuant to this permission if the contract for the construction and completion of the building hereby permitted has not been let by 18 months post decision notice date and evidence provided to the reasonable satisfaction of the City Council, as Local Planning Authority.

b) Should the construction contract not have been let with suitable evidence provided to the LPA by 18 months post decision notice date, any development activities on the site shall cease and no further development permitted by this planning permission shall be carried out. In this event, no later than 18 months post decision notice date, a scheme shall be submitted to the City Council, as Local Planning Authority, setting out how the site shall be landscaped and maintained and thereafter the site shall be landscaped and managed in accordance with the scheme that has been approved by the City Council, as Local Planning Authority. The approved scheme shall be implemented within two months of approval.

Reason - In the interest of visual amenity of the conservation area pursuant to policies SP1, EN3 and DM1 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

Environmental Health
MCC Flood Risk Management
Greater Manchester Archaeological Advisory Service
United Utilities Water PLC
Canal & River Trust

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
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: Rochdale Canal, Stott's Lane - Ducie Street Basin
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Ancoats Conservation Area 1989
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: NORTH AREA
Area Team Boundary - Name: CENTRAL