

Planning**Growth & Development****Delegated officer report for planning application**

Application no. 136202/NMC/2023

Date registered valid: 8 February 2023

Proposal: Non material amendment to planning permission 130354/FO/2021 to amendment to wording of conditions 3,6,7,8 and 11 to allow phased commencement of drainage works

Address: Eliza Yard , Land On The Corner Of Poland Street And 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: 20 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

The site is 0.24 hectares and bounded by Poland Street, Jersey Street, the City Court trading estate and a surface level car park. The site is in Ancoats close to New Islington and Miles Platting. These are areas which have seen significant investment in housing and place making. The site is vacant, consists of hard standing and scrub planting having been previously used as a low quality 88 space car park.

The Ancoats area is characterised by medium to high density residential developments, with ground floor commercial uses, either within new buildings or conversions, concentrated around Cutting Room Square.

The Poland Street area contains low rise industrial buildings and older buildings occupied by businesses. The site is surrounded by industrial uses as well as Ancoats Green.

Cotton Field Park, New Islington Marina, New Islington Free School (along Redhill Street) and the Medical Centre (along Old Mill Street) provide essential amenities for residents in Ancoats and New Islington.

Listed building: Not applicable

Conservation area: Ancoats Conservation Area 1989

Tree Preservation Order:

Description of area

The site is in the Ancoats conservation area and the following listed buildings or structures are within a 250 metres of the site, Beehive Mill (Grade II*), Doubling Mill Fireproof Mill (Grade II*),

New Mill (Grade II*), Little Mill (Grade II), Union Street Bridge (Grade II) and Victoria Square (Grade II). There are archaeological remains.

The site is in Flood Zone 1 and is in a critical drainage area. The site is not in an Air Quality Management Area (AQMA), but it is approximately 40 metres to the north along Oldham Road. Traffic associated with the development is likely to use roads in the AQMA and this is considered in detail in the report including the impact on residents, businesses and local schools.

The applicant is working with Great Places and the City Council, to deliver the regeneration objectives of Ancoats and New Islington and Poland Street Zone Neighbourhood Development Frameworks (NDF).

Description of development

Non material amendment to planning permission 130354/FO/2021 to amendment to wording of conditions 3,6,7,8 and 11 to allow phased commencement of 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.

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/23/0127. 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 the wording of conditions 3,6,7,8 and 11 to allow phased commencement of drainage works

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.

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

- 9033-CUR-XX-00-DR-C-92503-P02) has been prepared by Curtins 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.

3) Prior to the commencement of Phase 2 of the development, as detailed in drawing 9033-CUR-XX-00-DR-C-92503-P02 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, as relevant to that phase of 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).

4) Prior to commencement of Phase 2 of the development, as detailed drawing 9033-CUR-XX-00-DR-C-92503-P02 received by the City Council, as Local Planning Authority, on the 8 February 2023 , the applicant or their agents or successors in title shall secure the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted for approval in writing by the City Council, as Local Planning Authority. The WSI shall cover the following:

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

- i) an evaluation through a 'strip, map and record' excavation;
- ii) and archaeological watching brief during ground-breaking works across the line of the former canal
- iii) dependent on the above, more detailed excavation (subject to a separate WSI).

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

- production of a final report on the investigation results.

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 WSI.

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).

7) a) Notwithstanding the Phase 2 Geo-environmental Survey (including Ground Gas Assessment) by E3P stamped as received by the City Council, as Local Planning Authority, on the 11 May 2021 and Calibration certificates Dated 2018 to 2021 and Phase 1 Geoenvironmental Assessment, Manchester Life Phase 3, Land to the north of Jersey Street, E3P, Reference: 13-729-R1, Dated: 14 February 2020 stamped as received by the City Council, as Local Planning Authority, on the 5 July 2021, the development of Phase 2, as detailed drawing 9033-CUR-XX-00- DR-C-92503-P02 received by the City Council, as Local Planning Authority, on the 8 February 2023, shall not commence until the following information has 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.

- Further site investigation has been recommended to delineate contamination hotspots including within the former canal arm (determine the risks from VOCs, SVOCs and mercury);
- A detailed DQRA has been recommended with a vapour risk assessment, this would include:
 - o Installation of vapour monitoring wells with specialist Tenax Sorption Tubes
 - o DQRA of sorption tube analysis to assess the potential risk to the proposed dwellings.
 - o Completing speciation of the elevated mercury samples to understand the type of mercury that is present and if it poses a theoretical vapour risk.
- The risk assessment refers to a basement/undercroft parking but this is not the case. There are commercial units, bike stores and bin stores on the ground floor with no large basement excavations so the risk assessment needs to take this into account as the made ground may not be fully removed.
- Submission of a detailed Remediation Strategy which should refer to our Land Contamination supplementary planning guidance regarding the depth and validation of clean cover systems.

(b) A watching brief for unexpected contamination shall be maintained for the duration of Phase 1.

c) 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.

8) The development of each relevant phase, as detailed drawing 9033- CUR-XX-00-DR-C-92503-P02 received by the City Council, as Local Planning Authority, on the 8 February 2023, shall not commence until a detailed construction management plan, as relevant to that phase of the development, outlining working practices during construction has been submitted for approval in writing by the Local Planning Authority, which for the avoidance of doubt should include;

- o Display of an emergency contact number;
- o Details of Wheel Washing;
- o Dust suppression measures;
- o Compound locations where relevant;
- o Consultation with local residents/local businesses;
- o Location, removal and recycling of waste;
- o Routing strategy and swept path analysis;
- o Parking of construction vehicles and staff; and
- o Sheeting over of construction vehicles.

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

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

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy.

11) a) Prior to the commencement of Phase 2 of the development, as detailed drawing 9033-CUR-XX-00-DR-C-92503-P02 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).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Archaeological Advisory Service

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
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) -
Area Team Boundary - Name: CENTRAL