

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/21/0143

Date registered valid: 18 February 2021

Proposal: Discharge of conditions 4 (ground conditions), 5 (drainage), 7 (CMP) and 19 (invasive species) attached to planning permission referenced 122160/FO/2018

Address: Belle Vue Greyhound Stadium , Kirkmanshulme Lane, Manchester, M18 7BD

Ward(s): Longsight Ward

Applicant: Countryside Properties (UK) Limited C/o Agent

Agent (if any): Mr Euan Connolly Nexus Planning Eastgate, 2 Castle Street, Castlefield, Manchester, M3 4LZ

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

Recommendation: Approve

Date of recommendation: 14 April 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 22 February 2021 Expired: 15 March 2021

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:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Highway Services -The information provided is considered sufficient to discharge Condition 7 (CMP).

The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with MCC Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Updated comments 20.04.2021

Revised CEMP Is acceptable , any requirement for hoarding or temporary traffic management to be discussed and agreed with MCC Highways Network Resilience Team

United Utilities -12.03.2021

United Utilities has no objection to drainage condition being discharged. They recommend the Lead Local Flood Authority along with any other statutory consultee, is also consulted on the proposal

Updated comments 15.03.2021

Further to their review of the submitted documents, Drawing ELL-18039-B-CS-180, Rev K – Dated 28.08.2020, United Utilities recommends that condition 5 is not discharged.

This is because the applicant has not provided sufficient information to confirm the proposed discharge rates from the re-developed site. An accompanying drainage strategy document must be submitted confirming that the applicant has considered the drainage hierarchy and imposed a minimum 50% reduction in the calculated brownfield runoff rate in line with planning policy. They recommend the Lead Local Flood Authority along with any other statutory consultee, is also consulted on the proposal.

Updated comments 09.06.2021

Further to their review of the submitted FRA, referenced 18039 and produced by Elluc Projects Ltd, United Utilities has no objection to condition 5 of 122160/FO/2018 being discharged.

They recommend the Lead Local Flood Authority along with any other statutory consultee, is also consulted on the proposal

Flood Risk Management – 16.04.2021 Condition no.5

Advised that further information was required which had not provided in the FRA or CDN submission. They requested the applicant produce evidence to support the claims :
-MCC/UU have agreed this is not a culverted watercourse. Correspondence should be produced.

-MCC have agreed this structure referred to as the 'private sewer' can be grubbed out. Correspondence should be produced.

-That the structure referred to as the 'private sewer' has been surveyed to establish connectivity and extent. Survey results should be produced.

This will be necessary to address before pre-commencement can be discharged.

They advised the information below was also required .

-Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 40% climate change in any part of a building.

-Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. The flood water should be routed away from the buildings and towards the less vulnerable areas i.e. open spaces, car parks and roads. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site.

-Hydraulic calculations of the proposed drainage system for the entire network; including clarification of the brownfield betterment rates and greenfield rates.

Construction details of flow control and SuDS elements.

Evidence of how the attenuation tanks under private plots will be prevented from damage through build-over, planning etc. by property owners. We would typically want to see restrictive covenants in deeds. Evidence that the tanks can be maintained if sited in this way should also be presented.

Updated comments 21.05.2021.

The information uploaded to the Planning Portal under CDN/21/0143 18 February to 07 April 2021, and under 122160/FO/2018, has been considered.

The below information is required:

- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 40% climate change in any part of a building.

Appear to be missing the simulation calcs to prove this. Please note Appendix E 'Micro Drainage' is missing from the FRA, and no further calcs have been submitted in the email 10 May 21.

Please ask the applicant to produce evidence to support the claims –

- MCC/UU have agreed this is not a culverted watercourse. Correspondence should be produced.
- MCC have agreed this structure referred to as the 'private sewer' can be grubbed out. Correspondence should be produced.

Please note: the LLFA & UU correspondence submitted in the email 10 May 21 does not provide any further detail than has already been sent.

This does not contain evidence that MCC or UU have agreed to the grubbing out of the structure.

Clear evidence stating this must be presented.

- That the structure referred to as the 'private sewer' has been surveyed to establish connectivity and extent. Survey results should be produced.

PDF_S1 & PDF_S2 provide survey of 14m length; the results suggest survey was terminated due to blockage rather than reaching the end of pipe. Evidence that the pipe's full extent has been traced, and assessed for any 3rd party inflows using the pipe, must be presented.

Updated comments 17.11.2021

It may be best to wait before formally responding until point 1 is addressed, because they cannot really approve anything until they know what is going on with that pipe.

They have looked at the updated information and undertaken a review of the two tanks which are sited beneath residential plots, which was their main concern with the strategy apart from the pipe under point 1. They do not plan to challenge the tanks' locations as the masterplan layout was fixed in 2020 without any complaint from them, but require that the tanks are shown to be safe and functional.

It is important to bear in mind the tanks span multiple plots and therefore will have boundary fences above them, as shown in the latest plan (attached).

From their calculation, the distance between top of tank and ground level would be around 1.5m. This seems reasonable to sink fence posts above; with a quick review of best practice suggesting they should be sunk down to about 60cm.

But consideration is needed if someone built an outbuilding or structure above, would the tank withstand this load, and would any such structure impede maintenance access/replacement of tank in future.

16/04/2021 we asked for: *"Evidence of how the attenuation tanks under private plots will be prevented from damage through build-over, planting etc. by property owners. We would typically want to see restrictive covenants in deeds. Evidence that the tanks can be maintained if sited in this way should also be presented."*

While further information is awaited with respect to point 1, they wish to considering what is within the LPA's power to ensure that this covenant will definitely be put into the deeds? Is there anything that could be done by Planning to protect the tanks?

Updated comments 17.12.2021

Condition 5:

Point 1: It appears that the pipes have now been destroyed by site works. Please provide some text

clarifying the survey results and the two site plans presented below and the network served by pipes

A & B; to answer the LLFA request for "Evidence that the pipe's full extent has been traced, and assessed for any 3rd party inflows using the pipe"

Point 2: Accepted.

Point 3: Accepted.

Note to Planner: We strongly recommend the LPA considers requiring formal measures to protect the attenuation tanks located in the private plots. This should consider the risk of inappropriate loading and obstruction of the tanks through outbuildings, extensions, paving etc. It should also consider the annotation on the drainage layout regarding party wall agreements, and the suggested restrictive covenant put forward in email. In line with NPPF paragraph 169c) the system must "have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development"; this can be compromised by attenuation storage in back garden plots.

Updated comments 09.02.2022

Could the applicant please confirm with clarity whether the pipe's full extent has been traced and assessed for any 3rd party inflows, as the statement "*These surveys would only have confirmed the runs shown on the attached plan*" does not clearly answer this.

Officers need this clearly addressed to be in any position to discharge the Condition, and would point out that starting work onsite (and in doing so, damaging the pipe under discussion) is already in breach of the condition.

Updated comments 06.04.2022

The LLFA notes that drainage assets which were required to be investigated by the LLFA were significantly damaged/removed by the applicant when the investigations were ongoing. This was in breach of the Condition and affected the investigation of the asset. They consider the LLFA has done everything possible to require investigation of this asset and no further investigation is possible due to the damage, the investigation that was undertaken has not indicated a culvert onsite, and therefore we recommend discharge of Condition 5.

Note to Planner: We strongly recommend the LPA considers requiring formal measures to protect the attenuation tanks located in the private plots. This should consider the risk of inappropriate loading and obstruction of the tanks through outbuildings, extensions, paving etc. It should also consider the annotation on the drainage layout regarding party wall agreements, and the suggested restrictive covenant put forward in email. In line with NPPF paragraph 169c) the system must "have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development"; this can be compromised by attenuation storage in back garden plots.

They recommend the following **Informative** is included in the Decision Notice:

Informative

MCC records highlighted risk of the underground Gore Brook Tributary (Bellevue) which was indicated to be located within close proximity to the site (approximately onsite). Site investigation was undertaken which did not identify a culvert onsite. The applicant should be alert to residual risk.

While our records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all MCC underground assets. Therefore, we would request that the applicant informs the onsite contractor to remain observant and to take the appropriate safety precautions during excavation works. If any major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and MCC should be contacted immediately.

GMEU – 08.03.2021 Condition 19 – Japanese Knotweed

The presence of Japanese knotweed is referenced in the remediation strategy, with a commitment to employ a suitably qualified consultant and to work to a method statement. This is not the normal level of detail they recommend prior to discharge, though they note the condition simply requests a protocol not a method statement. The difference between a protocol and method statement is not something they are not clear on, and therefore do not recommend discharge unless this is all that Manchester seeking was a commitment to manage the Japanese knotweed.

27.04.2021 satisfied that the method statement will mitigate against and offence, and now have no further issues with the discharge of condition 19.

Environmental Health –

Condition 4 (ground condition)

Reviewed the E3P Supplementary Geoenvironmental Site Investigation (ref. 12-123-L5, 17th December 2020): Report summary, and advised :-

The additional SI included a further 27no. trial pits to investigate areas previously inaccessible, including beneath structures now demolished and in the area of the pit stops, refuelling area and race track.

Made Ground was typically to 1.3m depth, maximum 3m, but some MG depths were not reached.

The former pond area was further established, with peat encountered between 1.3-1.7mbgl in TP101.

Hydrocarbon staining and odours were identified in the refuelling area.

The report confirms the assessment within the initial CSM that the main constituents of concern are asbestos, petroleum-based contamination and heavy metals within MG deposits. Chemical analysis from the natural deposits across the site indicates the absence of any contamination. The report states that the chronic risk to human health associated with the elevated concentrations of inorganic heavy metals and non-volatile PAH compounds can be mitigated through the installation of a suitable cover system in private gardens, landscaping and POS to remove any potential for direct exposure to impacted soils.

The elevated naphthalene and TPH are concluded to present a potential volatilisation risk for the indoor air pathway. The impacted locations (TP106, TP202, TP215, TP303, TP306 and TP309) are to be delineated and an assessment made as to whether the impacted soils can be managed on-site or whether they require further treatment and/or disposal off-site.

Elevated total mercury has been identified in the shallow granular Made Ground at TP215.

During remediation and enabling works, speciated mercury analysis is proposed to assess whether elemental mercury is present which may pose a risk to future site users through vapour inhalation. (If elemental mercury is identified, it may be necessary to delineate and excavate the soils as a hotspot and place in an area of low sensitivity such as POS. If not, a clean cover system is proposed.)

Asbestos in the form of chrysotile has been identified within TP303 in Made Ground deposits.

Asbestos quantification has been undertaken but laboratory results are awaited to further assess where these soils may be placed. No visual signs of ACM were encountered during the ground investigation and it is concluded likely that only trace fibres are present. Impacted soils are to be managed according to the proposed asbestos risk mitigation CSM.

The area of peat has been further delineated and will require consideration.

Risks to controlled waters have been further assessed and concluded to be not significant, however the area around the existing stadium structure has not been investigated due to access constraints and requires further assessment.

Potable water infrastructure is to be confirmed following the completion of a UKWIR risk assessment. Sulphate concrete classification will be DS-1 AC-1s.

The findings and conclusions of the above report, and the recommended further actions, are accepted, and they awaited the submission of the additional asbestos quantification laboratory results.

In regard to the E3P Remediation & Enabling Works Strategy (ref. 12-123-R2 Rev 2, February 2019): they advised they had previously provided comments on this version (Rev 2) of the Remediation & Enabling Works Strategy (their memo of 30 July 2019) and subsequently received Rev 3 dated August 2019. This revision should be updated with the findings and recommendations of the Supplementary Geoenvironmental Site Investigation.

They further advised they were awaiting an updated ground gas monitoring and risk assessment report (previously agreed that 9 monitoring rounds over 6 months were required with at least two sets of readings at low or falling atmospheric pressure).

Due to the above outstanding matters they were unable recommend the discharge of any part of condition 4.

Condition 7 (CMP)

The submitted CEMP (February 2021 Rev A) should be revised to state that operational hours generating noise and vibration will not take place on Saturdays before 08:30 hrs rather than 08:00 as stated. All other matters are acceptable.

Condition 19 (invasive species)

No objection to the discharge of this condition but recommend that the advice of GMEU is also sought.

Updated comments 12.04.2021

The revised CEMP still states the Saturday start time as 8am for construction activities at the site - it has just been changed for deliveries and piling activities but this doesn't necessarily constitute all noisy construction activities. Workers can arrive on site at 8 but works shouldn't commence until 8:30 as per our guidance at [Noise from building sites](#).

Updated comments 24.06.2021.

Condition no.7 CEMP can be discharged.

Updated comments 10.05.2021

Condition no.4a

The submitted E3P Supplementary GeoEnvironmental Site Investigation (Ref: 12-123-L5 Rev 1, Date: 22nd April 2021) is acceptable in as far as partial further investigations of previously inaccessible areas of the site, and the findings do not appear to significantly change the conclusions and recommendations of the previous SI, namely as follows:

As part of the remediation and enabling works for the site it is recommended that impacted materials within TP106, TP202, TP215, TP303, TP306 and TP309 be delineated and assessed to determine the best means to manage these materials.

Further investigation is required post demolition in and around the stadium building as access was limited during both the October 2020 and the November 2020 visit.

Elevated total mercury has been identified in the shallow granular Made Ground at TP215.

During remediation and enabling works, speciated mercury analysis should be completed to assess whether elemental mercury is present in TP215.

The submitted E3P Ground Gas Addendum Report (Ref:12-123-R3-1, Date: April 2020) is acceptable; this includes the required additional monitoring rounds and concludes that "the site can be predominantly classified as Green and in these areas it is considered that gas protection

measures will not be required. However, localised areas of the site have been assessed as being Amber 1 and properties within this area will likely require specialist protection measures".

They advise the Remediation & Enabling Works Strategy should be updated with the findings and recommendations of the above reports and submitted for approval against part a of condition 4.

Condition 19 (invasive species)

Have no objection to the proposed treatment proposals but recommend that the advice of GMEU is sought.

Updated comments 25.06.2021.

Condition 4a

Regarding the submitted revised E3P Remediation & Enabling Works Strategy, ref: 12-123-R2 Rev 4, dated: June 2021:

The previously submitted E3P Supplementary GeoEnvironmental Site Investigation (Ref: 12-123-L5 Rev 1, Date: 22nd April 2021) states that "*As part of the remediation and enabling works for the site it is recommended that impacted materials within TP106, TP202, TP215, TP303, TP306 and TP309 be delineated and assessed to determine the best means to manage these materials*". The revised Remediation & Enabling Works Strategy does not include proposals to address impacted material identified at TP202 or TP306 and this should be amended, or their omission clarified.

Updated comments 19.07.2021

Have no objection to the discharge of 4a.

Issues

The planning agent has written to confirm, each of the occupiers of the plots where the attenuation tanks will be installed are being advised that they cannot construct anything above them. Moreover, Countryside are instructing a Management company to inspect and maintain these tanks as well.

In addition to the above, it should be noted that Condition 6 requires details of the implementation, maintenance and management of a sustainable drainage scheme, along with details of a management and maintenance plan which, as per the Condition, should include details of any arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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: Approve

Article 35 Declaration

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

Conditions 4a (ground conditions),

The contents of the submitted Supplementary Geoenvironmental Site Investigation by E3P ref: 12-123-L5 rev.1 dated 22nd April 2021 and Ground Gas Addendum Report ref: 12-123- R3-1 dated April 2020 received 23rd April 2021;
Remediation & Enabling Works Strategy by E3P ref: 12-123-R2 rev.4 dated June 2021 received 23rd June 2021;
Email from planning agent dated 28th June 2021;
have been examined and are considered to be satisfactory . On the basis that the development is fully implemented in accordance with the Remediation & Enabling Works Strategy and Supplementary Geo-environmental Investigation referred to above condition 4 a is discharged .

Condition no.5 Drainage

The following details, data and plans have been examined;
Section 38 plan ref: ELL-18039-B-CS-500 rev. D received on 18th February 2021;
email from applicant regarding drainage hierarchy and Flood Risk Assessment received 12th April 2021;
plan ref: ELL-18039-B-CS-321 rev. F Hydrobrake Detail 2 Manhole S36; plan ref ELL-18039-B-CS-380 rev. C Cellular Storage Tank; plan ref : ELL-18039-BCS-175 rev.D Flood Routing Plan 1:100 + 40%; plan ref: ELL-18039-B-CS-320 rev. H Hydrobrake Detail 1 Manhole S10;
Inspection report by General Utilities North West Ltd; received 10th May 2021;
Email from applicant dated 4th May 2021 in regard to their standard covenant in relation to sewer easements .

General Utilities North West Ltd; data and mapping information received 19th October 2021;

Storm sewer design data including Time Area Diagram for STORM-NET1-A.SWS; Network Design Table for STORM-NET1-A.SWS; Manhole Schedules for STORM-NET1-A.SWS; PIPELINE SCHEDULES for STORM-NET1-A.SWS; Free Flowing Outfall Details for STORM-NET1-A.SWS Simulation Criteria for STORM-NET1-A.SWS; Synthetic Rainfall Details; Online Controls for STORM-NET1-A.SWS; Storage Structures for STORM-NET1-A.SWS; 100 year Return Period Summary of Critical Results by Maximum Level (Rank 1) for STORM-NET1-A.SWS;
STORM SEWER DESIGN by the Modified Rational Method; Network Design Table for STORM-NET2.SWS; Manhole Schedules for STORM-NET2.SWS; PIPELINE SCHEDULES for STORM-NET2.SWS; Free Flowing Outfall Details for STORM-NET2.SWS; Online Controls for STORM-

NET2.SWS; Storage Structures for STORM-NET2.SWS; 100 year Return Period Summary of Critical Results by Maximum Level (Rank 1) for STORM-NET2.SWS; and Section 104 layout ref: ELL-18039-B_180 rev. N received 8th November 2021.

General Utilities North West Ltd; data and mapping information United Utility map for safe dig received 6th December 2021;

Email from applicant dated 1st April 2022 confirming the findings of both General Utilities North West Ltd and Drain Doctor, and based on an understanding of the site itself, that a culverted watercourse crossing the site has not been discovered, nor is it believed that there is one at the site, together with footage of the drain and report findings.

Email from planning agent dated 12th April 2022 confirming, each of the occupiers of the plots where the attenuation tanks will be installed are being advised that they cannot construct anything above them. Moreover, Countryside are instructing a Management company to inspect and maintain these tanks as well.

On the basis that the development is fully implemented in accordance with the above reports and plans, and in particular the email received 12th April 2022 confirming that Countryside will advise each of the occupiers of the plots where the attenuation tanks will be installed that they cannot construct anything above them, and that Countryside are instructing a Management company to inspect and maintain these tanks, condition 5 is discharged.

Condition no. 7 CEMP

The revised Construction Environmental Management Plan rev. B dated April 2021 received 16th April 2021 which includes the revised start time for operational hours on Saturdays to be 08:30am is considered to be satisfactory. On the basis the development is implemented in full accordance with the measures set out in the Construction Environmental Management Plan rev.B dated April 2021 for the duration of the construction period, I can confirm condition no.7 is discharged.

Condition no.19 Invasive species

The Habitat and Vegetation Map prepared by ERAP (ref. 2018-187) and the Remediation & Enabling Works Strategy by E3P ref: 12-123-R2 rev.4 dated June 2021 received 23rd June 2021, has been considered in conjunction with the Knotweed Method Statement ref: 358/003 and Invasive Species Management Plan received 23rd April 2021, and the approach detailed in the above documents is considered to be acceptable. On the basis that the development is implemented in accordance the measures set out in the documentation above condition no.19 is discharged.

Informative

Manchester City Council (MCC) records highlighted risk of the underground Gore Brook Tributary (Bellevue), which was indicated to be located within close proximity to the site (approximately onsite). Site investigation was undertaken which did not identify a culvert onsite. The applicant should be alert to residual risk.

While the LLFA records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all MCC underground assets. Therefore, it is recommended that the applicant informs the onsite contractor to remain observant and to take the appropriate safety precautions during excavation works. If any major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and MCC should be contacted immediately.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
United Utilities Water PLC
Greater Manchester Ecology Unit

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
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) -
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Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH2