

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/21/0421

Date registered valid: 2 June 2021

Proposal: Discharge of conditions 12 (Surface Water Drainage Design), 16 (Site Investigation and Remediation), 28 (Invasive Species) and 29 (Nesting Birds) attached to planning permission 129076/VO/2021, attached to planning permission ref: 129076/VO/2021

Address: Former Showcase Cinemas, Manchester, M12 5AL

Ward(s): Longsight Ward

Applicant: Mr Richard Hyder Sir Robert McAlpine Construction 15 Oxford Court, Bishopsgate, Manchester, M2 3WQ

Agent (if any): Mr Chris Bradshaw WYG Quay West at MediaCity UK, Trafford Wharf Road, Trafford Park, Manchester, M17 1HH

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

Recommendation: Approve

Date of recommendation: 10 September 2021

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 10 June 2021 Expired: 1 July 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

FRM 18.06.2021 - The information submitted and uploaded onto the planning portal on 2nd June 2021 has been considered.

In order to discharge the drainage planning condition, further information is needed to confirm that the proposed drainage design is adequate to manage flood risk.

The outstanding evidence required:

- Survey of the proposed point of outfall to confirm location and invert levels.

- 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. 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 calculation of the proposed drainage system.
- Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. This should include if UU will accept the drainage from the sports pitches. An email of acceptance of proposed flows and/or new connection will suffice.
- Construction details of flow controls and SuDS elements.

Updated comments 05.08.2021 - The information submitted and uploaded onto the planning portal on 26th July 2021 has been considered.

In order to discharge the drainage planning condition, further information is needed to confirm that the proposed drainage design is adequate to manage flood risk.

The outstanding evidence required:

- Hydraulic model manhole numbering needs to match that of the proposed drainage layout, manhole numbering should be illustrated within the hydraulic model report.
- Proposed drainage layout to be updated highlighting surveyed invert levels of existing network (specifically the outfall).
- A layout including the sewer diversion routes and existing sewers which are to be abandoned, ensuring no pipe clashes occur and that it is feasible to divert the existing network ensuring no increases in flow rates.
- Wherever possible overland flow routes should not be directed towards adjacent third-party dwellings.
- Construction details of 'permeable surface' and raingarden (confirmation needed if raingarden or filter drain will be used).

Updated comments 31.08.2021 - The information submitted to the LPA on 25th August 2021 has been considered. They have no further comments and recommend Condition 12 be discharged.

Environment Agency 25.06.2021- has reviewed the following documentation submitted in support of CDN/21/0421:

♣ Ground Investigation. Belle Vue Co-op Academy Hyde Road Manchester. Prepared by Hydrock. Report Ref: 18170-HYD-XX-XX-RP-GE-0001. Status S2. Revision P01. Date: 30th April 2021

♣ Remediation Strategy and Verification Plan. Belle Vue Co-op Academy Hyde Road Manchester. Prepared by Hydrock. Report Ref: 18170-HYD-XX-XX-RPGE-0002. Status S2. Revision P01. Date: 11th June 2021.

Environment Agency Position – Condition 16 (Site Investigation and Remediation) Having reviewed the reporting detailed above, they are satisfied that the remediation strategy and verification plan presented will enable the risks to controlled waters to be appropriately mitigated. In line with the above, as submitted, they have no objection to the discharge of condition 16(a) specified on planning approval 129076/VO/2021. The submission of a verification report will be required to enable the further discharge of condition 16(b). They ask that they are consulted on any further documentation submitted to enable to the discharge 16(b) (or otherwise), should any additional / unsuspected contamination be encountered during the re-development of the site. If previously unidentified contamination is identified, they ask that the EA is consulted at the earliest possible instance to discuss any additional mitigation measures that may be required to address the new found risk(s) posed to controlled waters. Informative - Regulatory Position Statement: Dewatering Site investigation works to date have identified that groundwater control measures may be required either via sump pumping or dewatering via well points. Should dewatering be required they ask that the applicant refers to their regulatory position statement (RSP) on 'Temporary dewatering from excavations to surface water' available via the link below to assess whether the relevant criteria can be complied with: <https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water/temporary-dewatering-from-excavations-to-surface-water> If the relevant criteria cannot be complied with within the above regulatory position statement, then an environmental permit / licence maybe required. The necessary relevant approvals from the EA should be obtained prior to any operations which fall under the criteria of the RPS commencing . Further advice on this topic can be sought via our National Customer Contact Centre: enquires@environment-agency.gov.uk

United Utilities - United Utilities has no objection to condition 12 being discharged. They recommend the Lead Local Flood Authority along with any other statutory consultee, is also consulted on the proposal.

Environmental Health 02.07.2021 - Advised they had looked at the information submitted to discharge the above condition, but could not see that the additional monitoring of the area under the existing cinema had been undertaken. They also advised they have previously asked for the findings of the additional monitoring along with the additional ground gas monitoring results to be submitted for review.

Updated comments 12.08.2021- The following reports have been examined

Ground Investigation – Hydrock, 18170-HYD-XX-XX-RP-GE-0001, 7 June 2021
Remediation Strategy and Verification Plan, Hydrock, 18170-HYD-XX-XX-RP-GE-0002, 11 June 2021

They cannot recommend discharge of condition 16a for the following reasons:
The recommended post demolition site investigation is still to be undertaken;

The calibration certificates for the gas monitoring equipment need to be provided (to cover all monitoring rounds);
The remediation strategy proposes a 450mm cover system, our minimum requirement is 600mm so justification needs to be provided for the change or the cover system depth needs to be increased;
Imported soils need to be validated in accordance with their guidance(https://www.manchester.gov.uk/downloads/download/1460/contaminated_land), all soils need to be tested on site and they do not accept testing from the supplier/source (unless the samples have been taken by the appointed consultant and were from the exact batch of soil that was being sent to the site);
Full details need to be provided of the proposed gas protection measures including the manufacturer's specification for the membrane, cross section foundation drawings and how the installation will be validated;
and the post demolition site investigation may require the remediation strategy to be updated.

Updated comments 09.09.2021 - Condition 16a can be discharged.

GMEU –

Condition 29 bird nesting - The bird survey supplied by Britannia Ecological Solutions Ltd found evidence of nesting birds including greater spotted woodpecker and nuthatch.

Updated surveys were recommended to ensure that nesting had been completed prior to the removal of the identified trees.

Condition 29 should not be discharged until confirmation of the July surveys has been received.

Invasive Non-Native Species Japanese knotweed – Condition 28 can be discharged

Issues

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

Condition 12 Surface Water Drainage Design

The drawings and information detailed below have been examined.

Belle Vue Coop Academy Civils Specification ref: 009433-BDP- XX-XX-SP- C-000001 rev.P01 dated 18th May 2021, prepared by BDP;
received 2nd June 2021;

CCTV survey of proposed point of outfall showing invert levels;
Drainage drawings x2
Calculations showing that the drainage has been designed for 1 in 100 year rainfall event with allowance for 40% climate change and that the building is protected from flooding;
Hydraulic calculations;
Correspondence from United Utilities outlining agreeing the strategy and discharge rate dated 22nd April 2021 and 29th March 2021;
Proposed construction details of flow controls and SuDS features;
Overland flow routes (drwg ref: 009433-BDP-01-ZZ-DR-C-520020);
Received 26th July 2021

Surface water manhole schedule sheet 1 of 2 (drwg ref: 009433-BDP-01-ZZ-DR-C- 520030 C02);
Surface water manhole schedule sheet 2 of 2 (drwg ref: 009433-BDP-01-ZZ-DR-C- 520031 C02);
Foul water manhole schedule sheet 1 of 1 (drwg ref: 009433-BDP-01-ZZ-DR-C- 520032 C02);

Site Wide Drainage Strategy General Arrangement sheet 1 of 3 (dwg ref: 009433-BDP-01-ZZ-DR-C- 520001 C02);
Site Wide Drainage Strategy General Arrangement sheet 2 of 3 (dwg ref: 009433-BDP-01-ZZ-DR-C- 520002 C02) ;

Site Wide Drainage Strategy General Arrangement sheet 3 of 3 (dwg ref: 009433-BDP-01-ZZ-DR-C- 520003 C02);
Section185 Diversion works General Arrangement 1 of 3 (drwg ref: 009433-BDP-01-AA-DR-C-520011);
Section185 Diversion works General Arrangement 2 of 3 (dwg ref: 009433-BDP-01-AA-DR-C-520012);

Typical Drainage Details sheet 1 of 3 (dwg ref: 009433-BDP-01-ZZ-DR-C-520301 rev. C02);
Typical Drainage Details sheet 2 of 3 (dwg ref: 009433-BDP-01-ZZ-DR-C-520302 C02);
Typical Drainage Details sheet 3 of 3 (dwg ref: 009433-BDP-01-ZZ-DR-C-520303 C02);

Construction Build Ups (drwg ref: 009433-BDP-01-XX--DR-C-520303)
Belle Vue Coop Academy STR Specification ref: rev.P01 dated 06-08- 2021, prepared by BDP
received 18th August 2021;

Section 185 Diversion works General Arrangement 3 of 3 (dwg ref: 009433-BDP-01-AA-DR-C-520013) received 19th August 2021;

Content of planning agent email to Flood Risk Management officers date 25th August 2021.

On the basis that the development in implemented infill accordance to the plan and document detailed above I can confirm that condition no.12 is discharged .

Condition 16a Site Investigation and Remediation

The submitted Ground Investigation dated 30th April 2021 (ref: ref: 18170-HYD-XX-XX-RP-GE-0001) prepared by Hydrock, Ground Investigation dated 7th June 2021 (ref: ref: 18170-HYD-XX-XX-RP-GE-0001) prepared by Hydrock, and remediation strategy and verification plan dated 11th June 2021 (ref: 18170-HYD-XX-XX-RP-GE-0002) prepared by Hydrock, which sets out the desk top study which was undertaken, as well as details of the site investigations and remediation and mitigation measures has been examined, together with gas calibration certification and the content of a letter from Hydrock dated 25th August 2021, and are considered to be acceptable.

On the basis that the development is implemented in full accordance with documentation specified above I can confirm that condition no.16a can be discharged.

Condition 28 Invasive Species

The submitted Excavation process and methodology for working within areas of Japanese Knotweed document ref: QR22 V16 JKC dated 21st April 2021 has been examined and is considered to be satisfactory. On the basis that the development is implemented in accordance with the measures in the submitted Excavation process and methodology for working within areas of Japanese Knotweed document ref: QR22 V16 JKC dated 21st April 2021, condition no.28 is discharged.

Condition 29 Nesting Birds

The letter from Britannia Ecological Solutions, which sets out a series of findings and recommendations following an on site survey in regard to nesting birds which was conducted on 24th May 2021 is noted , in particular that tree refs : 3 , 21, 26 and 36 and Group 8 had nesting birds present at the time of the survey.

Furthermore, the content of the mail from planning agent dated 9th September 2021 confirming that further to the submitted nesting bird survey, the trees identified with evidence of nesting birds have been retained in situ until the end of the bird nesting season, (up until the end of August), and are to be removed within 2 months of the conclusion of the bird nesting season, therefore before the end of October have been noted .

On the basis that the bird nesting season has now finished and the receipt of confirmation that the trees would be removed before the end of October 2021, I can confirm that condition no.29 is discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
MCC Flood Risk Management
Environment Agency
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) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH2