

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/25/0129

Date registered valid: 12 February 2025

Proposal: Discharge of conditions parts a, and b 5 (ground conditions), 6 (highway works) and 11 part a (surface water drainage) attached to planning permission referenced 139997/FO/2024

Address: Land At Welcomb Street, Openshaw, Manchester

Ward(s): Clayton & Openshaw Ward

Applicant: Mr Joe Burnett NSJV

Agent (if any): Mr Patrick Stone, Spawforths

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

Recommendation: Approve

Date of recommendation: 24 April 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 18 February 2025 Expired: 11 March 2025

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

Consultations & Notification Responses

Highway Services - the Cover Letter confirms that there are no proposals to alter the adopted highway, and any works will be within the red line boundary of the site. Therefore, a S278 agreement is not required. The information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

Environmental Health - 27.02.2025 - have considered the following information submitted for the above CDN application and provide comments below:

- RPS Phase 2 Geo-Environmental and Geotechnical Site Investigation Report, Ref. JER9536, Dated 05 August 2022
 - Hydrock Ground Gas Mitigation Technical design note, Ref. 22975-HYD-XX-XX-RP-GE-0001 Rev P02, Dated 24 January 2025
 - Hydrock Remediation Strategy & Verification Plan, Ref. 22975-HYD-XX-XX-RP-GE-5001, Dated 24 January 2025
1. The findings and conclusions of the Site Investigation Report are accepted as follows:
 - a. The quantitative risk assessment identified potential risks to human health from asbestos, lead and PAHs in shallow soils.
 - b. No risks to controlled waters were identified.
 - c. The site was zoned into Characteristic Situations 2 (units 3 and 4) and 1 (remainder of units) with respect to ground gas migration risks.
 2. The conclusions and recommendations of the Ground Gas Mitigation Technical design note are as follows:
 - a. Characteristic Situation 2 across the site, with minimum gas protection score of 2.5 points for the ground floor entrance lobbies, stairs and welfare areas, and minimum gas protection score of 1.5 points for the main warehouse. This is accepted for mitigation of the identified CO2 ground gas risks, however the Remediation Strategy & Verification Plan states that "*A detailed gas protection design report will be required in accordance with BS8585:2015+A1:2019 Sections 7.4 and 8.3 prior to membrane installation. Additional vapour permeability calculations may be required should the membrane be needed to mitigate TCE*

vapour ingress as well as carbon dioxide." This therefore remains an **outstanding item**.

3. Remediation Strategy & Verification Plan:

- a. Enabling works to include delineation of TCE contamination around exploratory location WS02a; a series of trial pits (TPs) are to be excavated around WS02a to allow collection/analysis of samples of made ground in the uppermost 2m. The proposed analytical suite is acceptable however the proposed number of TPs and their proposed distances away from WS02a should be detailed. **Outstanding item**.
- b. Soft landscaped areas: Clean cover system comprised of basal geo-fabric separation layer, overlain by a minimum 300mm thickness of topsoil and subsoil (minimum 150mm topsoil). Deeper tree pits where necessary. Accepted.
- c. Cover system materials acceptability testing: With the exception of the proposal for a minimum of 3 samples per source, which is accepted, the proposed chemical testing frequencies for site won and imported materials of 1 sample per 250m³ are not in accordance with Section 6 of MCC's [Planning guidance relating to ground contamination](#) and require updating. **Outstanding item**.
- d. It is understood that, following completion of the enabling works, an Enabling Works Verification Report will be prepared that will include validation that soils re-used within earthworks meet the chemical re-use criteria and details of the off-site disposal of unsuitable waste materials (see point 3c). Section 3.5.1 states that *"The following works are considered necessary during the enabling works phase and are discussed in more detail in Section 5: Delineation in the area of WS02a to confirm the TCE concentrations present in soils prior to earthworks in that area."* Section 5 of the report does not make specific reference to the TCE delineation proposals and should therefore be updated with these details. **Outstanding item**.
- e. Construction phase validation reporting is stated to include the installation of ground gas protection measures and the clean cover system. As per point 2a, vapour protection may also be required and will need to be confirmed in due course. **Outstanding item**.
- f. The verification reports require submission to the LPA for approval in due course and therefore currently remain **outstanding**.

Due to the above outstanding issues, they cannot currently recommend the discharge of condition 5.

Further comments 23.04.2025

Have considered the information submitted for the above CDN application and can provide the following comments:

Most of their previous comments have been addressed, but the report states (section 4.2.1) the following:

- *Depending on the outcome of the TCE delineation work, subsequent risk assessment, and the strategy to deal with TCE impacted soils (if present), it may be necessary to install a membrane that limits the permeation of TCE vapours to mitigate the risk posed by this contaminant.*
- *A detailed gas protection design report will be required in accordance with BS8585:2015+A1:2019 Sections 7.4 and 8.3 prior to membrane installation. Additional vapour permeability calculations may be required should the membrane be needed to mitigate TCE vapour ingress as well as carbon dioxide.*

Section 4.11 states:

- *During earthworks in this area, excavated materials will be inspected by an experienced geo-environmental consultant. Selected samples of soils will be screened using a PID. Testing for TCE will be undertaken as appropriate if visual, olfactory evidence of contamination is encountered. The lab results for these samples will need to be compared to the validation criteria in Table 7.2 to identify whether the material can be re-used or will require additional risk assessment, treatment prior to re-use or offsite disposal.*

Gas protection measures and materials re-use suitability are therefore outstanding.

It is understood that application CDN/25/0129 is for the discharge of condition 5: parts a, b and c. Whilst they would have no objection to the discharge of part a, part b requires the identification of remediation measures, and part c requires a Completion/Verification Report. As not all remediation measures have yet been fully identified, and a completion report cannot yet be prepared, we cannot currently recommend the full condition discharge.

LLFA – 12.02.2025

Advised that insufficient information has been submitted to enable the discharge of condition 11a.

Condition 11b refers to verification, maintenance and management of the installed surface water drainage system and can only be discharged after works are completed. Condition 11b can therefore only be refused at this time.

Further comments following receipt of additional drainage information 17.04.2025

- Advise condition no.11a can be discharged.

United Utilities – Advise that they have reviewed Drawing 22975-HYD-XX-XX-DR-C-, Rev T02 - Dated 07.02.25, and have no objection to condition 11 being discharged.

Issues

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: Approve

Article 35 Declaration

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

Condition no. 5(a) and (b) (ground conditions)
5 a, b)

The following information has been reviewed and is considered to be satisfactory in regard to condition no.5 parts (a) and (b).

- RPS Phase 2 Geo-Environmental and Geotechnical Site Investigation Report, Ref. JER9536, Version 1, Dated 05 August 2022
- Hydrock Ground Gas Mitigation Technical design note, Ref. 22975-HYD-XX-XX-RP-GE-0001 Rev P02, Dated 24 January 2025

Received 12th February 2025

- Remediation Strategy & Verification Plan (22975-HYD-XX-XX-RP-GE-5001 rev. P02) dated 10 April 2025

Received 16th April 2025

On the basis the development is implemented in accordance with the details in the documents referenced above, condition no.5 parts (a) and (b) are discharged.

Condition no.6 (highway works)

6) The Cover Letter ref: P4506-SPA-LT-TP-003 rev. A, and highway ownership plan confirms that there are no proposals to alter the adopted highway, and any works will be within the site edged red. This has been considered in conjunction with and highway ownership plan and the site as shown on proposed site plan ref: 12481-AEW-XX-XX-DR-A- 0503 rev. P17. On the basis of the details referenced above, condition no.6 is discharged.

Condition no. 11a (surface water drainage)

11a) The following plans and report have been reviewed solely in relation to surface water drainage:

- Proposed cross sections Sheet 1 of 2 plan ref: 22975-HYD-XX-XX-DR-C-0510 rev. T02
- Proposed cross sections Sheet 2 of 2 plan ref: 22975-HYD-XX-XX-DR-C-0511 rev. T02
- Proposed levels plan ref: 22975-HYD-XX-XX-DR-C-0600 rev. T02
- External Works plan ref: 22975-HYD-XX-XX-DR-C-0700 rev. T02
- Drainage and external pavement details sheet 2 plan ref: 22975-HYD-XX-XX-DR-C-1102 rev. T02
- Drainage and external pavement details sheet 3 plan ref: 22975-HYD-XX-XX-DR-C-1103 rev. T02

Received 12th February 2025

-Drainage Strategy ref: 22975-HYD-XX-XX-RP-C-0500 rev. P05 dated 11 April 2025
-Proposed drainage layout ref: 22975-HYD-XX-XX-DR-C-0500 rev. T04
-Drainage Response to LLFA Comments (CDN-25-0129)
Received 16th April .2025

On the basis that the development is implemented in accordance with the content of the documents and plans referenced above condition no.11a is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
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 (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA