

Planning, Building Control & Licensing
Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA

PLANNING PORTAL SUBMISSION REF: PP-13728273

10th February 2025

Dear Sir/Madam,

RE: DISCHARGE OF CONDITIONS 5, 6 AND 11, PURSUANT TO FULL PLANNING APPLICATION REFERENCE 139997/FO/2024

LAND AT WELCOMB STREET, OPENSHAW, MANCHESTER

Spawforths write on behalf of our clients, NSJV Ltd (Network Space Joint Ventures), to prepare and submit an application for the discharge of conditions 5, 6 and 11, pursuant to the above full planning permission, reference 139997/FO/2024. The description of development approved is as follows:

“Erection of 4no. two storey industrial buildings (Classes E(g)(ii)(iii), B2 and B8) following the demolition of existing buildings together with associated service yards, car parking, electric vehicle charging points, amended site access, refuse storage facilities, substations, boundary treatments, landscaping, and associated works and infrastructure”

As detailed on the decision notice 139997/FO/2024, there are a number of conditions which require details to be submitted to and approved by the Local Planning Authority (LPA) before the development can commence on Site. No details have previously been submitted for the discharge of conditions 5, 6 and 11, nor have there been any applications submitted to alter the wording of these conditions.

The fee for this application has been calculated as £145.00, which will be paid electronically via the Planning Portal. We trust that the documentation provided contains the necessary information to enable the full

consideration of the application and the discharge of the conditions listed. However, should you require further information please do not hesitate to contact me.

We hereby submit the following documents for consideration, which has been grouped by what condition it relates to, for ease of reference:

Document Title	Document ref.	Scale	Prepared by
For Discharge All Conditions			
Application Form	N/A	N/A	Spawforths
Planning Covering Letter	P4506-SPA-LT-TP-003-A	N/A	Spawforths
For Discharge of Condition 5			
Phase 2 Site Investigation Report	220711 R JER9536	N/A	RPS
Remediation Strategy & Verification Plan	22975-HYD-XX-XX-RP-GE-5001 P01	N/A	Hydrock
Ground Gas Mitigation Technical Note	22975-HYD-XX-XX-RP-GE-0001 P01	N/A	Hydrock
For Discharge of Condition 6			
Highways Ownership Map	N/A	N/A	AEW
Proposed Site Plan (Annotated)	12481-AEW-XX-XX-DR-A-0503	1:500 @ A1	AEW
For Discharge of Condition 11			
Drainage Strategy	22975-HYD-XX-XX-RP-C-0500	N/A	Hydrock
Proposed Drainage Layout	C-22975-HYD-XX-XX-DR-C-0500-T02	1:250 @ A0	Hydrock
Proposed Sections (1 of 2)	C-22975-HYD-XX-XX-DR-C-0510-T02	Various @ A0	Hydrock
Proposed Sections (2 of 2)	C-22975-HYD-XX-XX-DR-C-0511-T02	1:250 @ A0	Hydrock
Proposed Levels	C-22975-HYD-XX-XX-DR-C-0600-T02	1:250 @ A0	Hydrock
External Work Layout	C-22975-HYD-XX-XX-DR-C-0700-T02	1:250 @ A0	Hydrock
Drainage and External Pavement Details	C-22975-HYD-XX-XX-DR-C-1102-T02	Various @ A1	Hydrock
Drainage and External Pavement Details	C-22975-HYD-XX-XX-DR-C-1103-T02	Various @ A1	Hydrock

Conditions for Discharge:

As per the decision notice for I39997/FO/2024, the conditions are worded as follows:

Condition 5:

- a) *The development hereby approved shall be implemented in accordance with the measures in the Phase I Preliminary Risk Assessment (RPS, JER9535, 26 May 2024).*
- b) *Before the development hereby approved commences, a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) shall be submitted to and approved in writing by the City Council as local planning authority.*
- c) *The measures for investigating the site identified in the Site Investigation Proposal shall be carried out before development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.*
- d) *Prior to the first use/occupation of the development, a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority, to validate that the development conforms with the approved Site Investigation Report and/or Remediation Strategy.*
- e) *In the event of any non-conformity with the approved Site Investigation Report and/or Remediation Strategy, then any further measures that are required to remediate the land shall be carried out. Any required measures/remediation and validation shall continue until conformity has been achieved and agreed in writing by the City Council as local planning authority, prior to first use/occupation of the development.*

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 DMI and EN18 of the Manchester Core Strategy (2012).

Condition 6:

Prior to commencement of any above ground works, full detailed designs (including specifications, and review of any existing TRO's) of all highways works (including offsite), shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in accordance with the approved details, prior to the first unit being occupied.

Reason - In the interests of highway safety, pursuant to policy T1 of the Manchester Core Strategy (2012).

Condition 11:

- a) *Prior to the commencement of the development hereby approved, a surface water drainage scheme in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards, shall be submitted for approval in writing by the City Council, as Local Planning Authority.*
- b) *Prior to occupation of the units the agreed drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.*

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to national policies within the NPPF and NPPG and policies EN08 and EN14 of the Manchester Core Strategy (2012).

Assessment of Details Provided:

This section of the covering letter will assess the details provided against the relevant planning conditions, considering their suitability in providing the information required for approval.

Condition 5 – Ground Contamination:

Hydrock have been commissioned to review the ground gas monitoring and risk assessment completed by RPS (previous consultant) and review the ground gas risk assessment produced by RPS to help inform the design of the ground gas protection measures for the proposed development.

It has been identified that the potential pathways for ground gas to enter the proposed buildings consists of flow from site sources (granular deposits) or from offsite landfills. RPS undertook six rounds of ground gas monitoring over a 6-week period, which given the low sensitivity of the proposed industrial development and low to moderate gas generating potential of the identified sources, is considered appropriate. In accordance with BS 8485:2015 the ground floor entrance lobbies, stairs and welfare areas (Type C Building) require a minimum gas protection score of 2.5 points; the main warehouse (Type D Building) requires a minimum gas protection score of 1.5 points. The offices at first floor level do not require specific protection to mitigate the risk posed by ground gases.

Given the desk study has not identified significant sources of ground gas with high gas generating potential on site, and this has been confirmed via ground gas monitoring at the site. It is considered that the risk posed by ground gases is low. Given the desk study has not identified significant sources of ground gas

with high gas generating potential on site, and this has been confirmed via ground gas monitoring at the site. It is considered that the risk posed by ground gases is low.

Hydrock have also produced a Remediation Strategy and Verification Plan. The objective of this report is to fulfil Stage 3: Remediation and Verification of the Environment Agency's (EA) Land Contamination Risk Management (LCRM), specifically the development of a remediation strategy to ensure that, on completion, the site can be shown to be suitable for its intended use, such that it will not pose an unacceptable contamination risk to the identified receptors.

The objectives of the remediation works are to break the linkage between the contamination in soils and future site users, demonstrate the approach is sustainable, avoid unacceptable health impacts and avoid the requirement for long term monitoring and maintenance.

This report comprehensively reviews the objectives and requirements for remediation, and how this will be implemented on Site. The summary of the report within this covering letter is not extensive, and the report itself should be referred to for full details and strategy.

The Phase 2 Geo-Environmental And Geotechnical Site Investigation Report, produced originally by RPS, has also been provided in support of this condition discharge submission. RPS has previously produced a Phase 1 Preliminary Geo-Environmental and Geotechnical Risk Assessment (document approved for assessment of I39997/FO/2024) for the Site which should be read in conjunction with this report. The report identified a number of potential contamination sources and recommended that the potential for pollutant linkages identified by the CSM to be active upon completion of the redevelopment is assessed through a development specific geoenvironmental site investigation. The report also recommended that the site investigation incorporate geotechnical assessment to facilitate preliminary foundation design and pavement design.

The Phase 2 report provides details on the intrusive site investigation carried out to assess the contamination risks relating to soil, gas, groundwater and other sources. The potential risk to human health receptors from concentrations of contaminants of concern identified within soil and groundwater sampled from beneath the site upon completion of the development would not be considered to be significant. The potential risk to groundwater resources and surface water receptors from contaminants of concern originating from the site is also not considered to be significant.

Recommendations from the Phase 2 report included ground improvements to densify shallow soils beneath proposed structures in order to achieve suitable allowable bearing pressures and reduce the potential for differential settlement beneath traditional foundations and ground bearing floor slabs. Pavements carried on a suitable depth of capping/sub-base should prove adequate provided the exposed made ground deposits are compacted by a heavy smooth wheeled roller and any soft or degradable materials removed and replaced with compacted granular fill. Due to the variable made ground at formation level suspended ground floor slabs are recommended, unless ground improvement is carried out.

It is assessed that the specialist technical reports provided demonstrate that suitable measures have been carried out to investigate the potential ground contamination sources at the Site and produce an appropriate remediation strategy based on the recommended mitigation measures. As such, the development is in direct accordance with Policies DMI and EN18 of the Manchester Core Strategy (2012).

Condition 6 – Highways:

The wording of Condition 6 requires “full detailed designs” of “all highways works (including offsite)” to be submitted to the Local Planning Authority for approval. Whilst the term full detailed designs is used within the wording of this condition, there is no further description or context within the phrasing of the condition to expand upon what further information is required by the Local Planning Authority for assessment.

For further context, Condition 6 was the subject of debate between the Applicant and the Case Officer when draft conditions were issued ahead of the approval of 139997/FO/2024. The requirement for this condition was contested, with the LPA being robust in their stance that this is a standard condition for the decision notice and was not up for debate in terms of alteration or removal.

The Highways Ownership Map provided in support of this submission show the ownership status of the roads and highways within the Site and in the surrounding area. As confirmed by these details, Welcomb Street is within private ownership, and are therefore not adopted as a highway maintained by the Council. This also applies to Medlock Court, Norbury Court, Clayton Court, Whitworth Street and Bertha Street. These are all located outside of the red line boundary of the Site. The only public highway which is maintainable at public expenses is Ashton Old Road, located 150m north of the Site, which provides access to/from Welcomb Street.

The Annotated Proposed Site Plan provided shows which roads are proposed to be modified with highways works outside of the red line boundary of the Site. The only proposed highways works will be undertaken on private roads, with no works proposed to any extent on Welcomb Street within 125m of the public highway to the north (Ashton Old Road).

As there are no adopted highways which will be altered as part of the proposed development and offsite highways works, there is no requirement to prepare and submit a Section 278 application and supporting technical note for the approval of the Local Highways Authority.

As the road network shown within the documents provided consist entirely of private roads, there are no formal Traffic Regulation Orders (TROs). The nearest TRO is the section of adopted road in green which is well outside the red line boundary. There are double yellow lines on the last leg of the adopted highway before the traffic lights on Ashton Old Road.

Based on the above, the Applicant maintains that Condition 6 was not required for this scheme, as the road modifications to take place are to be to private estate roads, and do not require the approval of the Local Highways Authority.

Condition 11 – Surface Water Drainage:

Hydrock have provided stage 4 drawings to support the discharge of condition 11 (as listed in table on page 2). These drawings reinforce the drainage strategy which was approved as part of the original planning application (139997/FO/2024), with these details remaining unchanged.

The surface water drainage hierarchy has been considered, and the preferred drainage solution is for disposal of surface water to the United Utilities existing combined public sewer via below ground gravity networks, where flows will discharge to attenuation tanks before entering the combined public sewer at a restricted flow rate of 45.6l/s, as agreed with United Utilities.

It is assessed that the Drainage Strategy and Stage 4 drawings provided demonstrate that a suitable strategy for achieving surface water drainage can be achieved on Site in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). As such, the development is considered to comply with Policies EN08 and EN14 of the Manchester Core Strategy (2012).

Summary:

We consider that the details provided within this application are satisfactory in meeting the requirements of and discharging Conditions 5, 6 and 11, as described above. This covering letter provides suitable context and further details around the documents and drawings provided, with a robust justification of the schemes compliance in relation to the relevant Local Plan Policies.

Notwithstanding the above, should the Local Planning Authority disagree with our assessment and feel that either amended or additional information is required to satisfy the conditions, we would encourage the Council to take a positive and proactive approach in contacting Spawforths to discuss such matters further.

We look forward to receiving confirmation that this application has been received and validated in due course. If required, my contact details can be found below.

Yours sincerely,

PATRICK STONE (BA HONS, ASSOC RTPI)

Planner (Assoc RTPI)

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Encs: As detailed above

Cc: Joe Burnett, of NSJV

File Ref: P4506-SPA-LT-TP-003-A