

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0087

Date registered valid: 16 February 2023

Proposal: Discharge of conditions 3 (CMP), 8a (ground conditions) and 13 (drainage) attached to planning permission referenced 135449/VO/2022

Address: Gorton Library , Garratt Way, Manchester, M18 8HE

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr Paul Waite Manchester City Council

Agent (if any): Mr Tim Kilpatrick IBI Group

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

Recommendation: Approve and refuse

Date of recommendation: 8 June 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 23 February 2023 Expired: 16 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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Highway Services - With regards to condition 3 the information provided in the submitted Construction Management Plan is sufficient to allow them to recommend the discharge of this condition from a Highways perspective.

Highways recommends continual monitoring and management of the demands of the site. The contractor should continue to liaise with the MCC Highways and Resilience Team, for associated hoardings/fencing/skips highway licences and any temporary traffic regulation orders including any closures of the footway/highway. Contact via Email - highwaynetworkmanagement@manchester.gov.uk - highwaylicences@manchester.gov.uk

Environmental Health 16.03.2023 - Condition 3 can be discharged.
Additional information is required in order to discharge condition 8. The results of the additional

monitoring to be carried out following the demolition of the existing building must be submitted as part of the Phase II report.

27.03.2023 – Part a of condition 8 can be discharged, but would still expect the additional sampling to be undertaken and the results submitted when available and if anything is found which may mean that a remediation strategy is required then this would need to be submitted for review.

LLFA 27.03.2023 - The following information has been considered:

- Uploads to the Planning Portal 09 February 2023 – 16 February 2023

- Decision Notice and Officer Report 135449/VO/2022

The following further information is required:

- 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. An email of acceptance of proposed flows and/or new connection will suffice. Appendix G does not contain UU's acceptance – please provide.
- Details of how the scheme shall be maintained and managed after completion. "It is assumed that the maintenance of the drainage will be the responsibility of an on-site facilities management team." Please update P03 drainage strategy document with confirmed responsible party.
- The PDF'd email uploaded to the Planning Portal (Sent: 09 February 2023 16:29) indicates contractor aims to demonstrate an existing connection from the existing private surface water drain to the public surface water sewer in Engell Close, via a dye test.

The following information is needed:

1. submit results of this dye test or other investigations to prove the connection
2. update the P05 drainage layout to confirm the strategy i.e. either an existing connection to sw sewer with any necessary remediation, or construction of a new connection to sw sewer. (the layout still contains the annotation "EXISTING CONNECTION TO SW SEWER UNPROVEN DUE TO JDL (JOINT DISPLACED LARGE) SONAR TRACE RECOMMENDED TO LOCATE DEFECT TO INFORM REMEDIAL WORKS".

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: Approved and refuse

Article 35 Declaration

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

Condition no. 3 (CMP)

3)The details within the documentation and plans referred to below have been examined and is considered to be acceptable.

- Gorton Library Demolition Construction Phase Health and Safety Plan PEP Part 2 Rev 001
- Gorton Library Demolition Traffic Management Plan

On the basis of the measures within the information specified above are implemented throughout the duration of the demolition and construction process, I can confirm that condition no.3 is discharged.

Condition no. 8a (ground conditions)

8a)The contents of the documentation and plans referred to below have been examined and is considered to be acceptable.

Gorton Library Demolition Phase 2 Ground Investigation (Pre-Demolition) Report ref: 070452-CUR-00-XX-RP-GE-002 rev.P01

Gorton Library Demolition Envirolab Final Analytical Test Report ref: 22.11216 dated 21 November 2022

Gorton Library Demolition HP01 - HP04 Foundation Pit Cross section sketches ref: 070452-CUR-00-XX-DR-GE-002-V01

Gorton Library Demolition HP01 to HP04 Trial Pit Log

Gorton Library Demolition WS01 to WS03 Bore Hole Log

Utility Survey Plan ref: S17569-U-01 with borehole and trial pit locations plotted

Agent letter ref: 50786-TK-20230329-L-1.01 dated 29 March 2023 referencing that additional sampling will be undertaken beneath the building following demolition to ensure ground conditions are consistent and the results submitted when available ,and if anything is found which may mean that a remediation strategy is required, then this would be submitted for review.

Agent email 21March 2023

On the basis that the development is implemented in accordance with the measures in plans and documentation referenced above, I can confirm that condition no.8a is discharged.

Condition no. 13 (drainage)

13) The details within the documentation and plans referred below were examined.

- Email from Curtins to planning agent dated 9 February 2023;
- Library site Civil Engineering Construction Details Sheet 1 ref: GCH-CUR-XX-XX-DR-C-90111 rev. P04 ;
- Library Site Proposed Drainage Layout ref: GCH-CUR-XX-XX-DR-C-92101 rev. P05
- Library Site Drainage Areas Plan ref: GCH-CUR-XX-XX-DR-C-9210 rev. P01
- Library Site Drainage Strategy document ref: GCH-CUR-XX-XX-RP-C-92100 rev.P03 dated 09 February 2023;

The planning agent subsequently advised that results of the dye test or other investigations to prove the connection were required to be submitted , and that the Proposed Drainage Layout ref: GCH-CUR-XX-XX-DR-C-92101 rev. P05 needed to be updated to confirm the strategy i.e. either an existing connection to surface water sewer with any necessary remediation, or construction of a new connection to surface water sewer. This information has not been provided for consideration .

Therefore, on the basis of the submitted details condition no.13 cannot be discharged at this time.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA

