

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0340

Date registered valid: 29 April 2024

Proposal: Discharge of Condition 3 (Construction Management), 5 (Highways Works), 10 (Contaminated Land), 15 (Surface Water Drainage), 29 (Unexploded Ordnance) and 30 (Archaeology) attached to planning permission 135857/FO/2022

Address: Land Bounded By Ardwick Green North, Cotter Street & Niven Street , Manchester, M12 6EY

Ward(s): Ardwick Ward

Applicant: Mr Matt Guirdham Church Inn (Ardwick) Limited

Agent (if any): Mr Ryan Millar Coda Studios

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

Recommendation: Split decision

Date of recommendation: **3rd July 2024**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 8 May 2024 Expired: 30 May 2024

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

GMAAS - The application is supported by a Project Design prepared by Salford Archaeology, which was compiled in consultation with GMAAS in April 2024. GMAAS is pleased to approve the Project Design, which sets out an appropriate programme of initial intrusive site investigation in line with the requirements of Condition 30 and satisfies the pre-commencement element of the condition wording. This allows for Stages 1 through 5 of the condition to be implemented fully.

This response therefore represents a partial discharge of Condition 30. Full discharge can be recommended in due course once all of the required elements of fieldwork have been completed, together with post-excavation analysis and reporting, the deposition of a project archive and an appropriate level of dissemination.

GMAAS would be pleased to monitor the progress of the archaeological works on behalf of Manchester City Council and look forward to the commencement of the initial trenching in due course.

Environmental Health – 24.05.2024

Condition no.29 can be discharged.

Condition 3 cannot yet be discharged as there is insufficient information submitted. The Construction Method Statement focuses on H&S legislation and requirements in terms of noise at work and we require information on noise management with regard to environmental noise. Additional information is required with regard to control of noise and vibration. The plan does not go into enough detail with regard to the management of noise and vibration during construction. Reference should be made to BS5228 Part 1 and the CMP should include, as a minimum, details of machinery and equipment to be used and their expected noise levels, the identification of the noisiest activities and who these activities / work may impact, duration of these activities, site wide noise and vibration mitigation measures with reference to BPM to be adopted on site specifically for the noisier or more intrusive activities, the maximum site noise level and vibration levels at the site boundary particularly during the noisier activities, details of monitoring including how monitored, location of monitoring in relation to receptors, how the site supervisor is alerted if the noise /vibration limit is approached or exceeded and details of what action is taken where the maximum site noise and / or vibration levels (once agreed) are exceeded.

Condition 10 cannot be discharged as gas monitoring results are still outstanding. These must be completed and submitted as part of the Phase II report.

FURTHER COMMENTS 25.06.2024

Condition no.10a - The information submitted is fine and they will just now need to see the validation and completion report when available.

Condition 3 cannot yet be discharged. There is reference to BS5228 Part 1, as previously requested, but insufficient details beyond stating 'measures in line with...'. The additional information they require is set out below:

Additional information is required with regard to control of noise and vibration. The plan does not go into enough detail with regard to the management of noise and vibration during construction. Reference should be made to BS5228 Part 1 and the CMP should include, as a minimum, details of machinery and equipment to be used and their expected noise levels, the identification of the noisiest activities and who these activities / work may impact, duration of these activities, site wide noise and vibration mitigation measures with reference to BPM to be adopted on site specifically for the noisier or more intrusive activities, the maximum site noise level and vibration levels at the site boundary particularly during the noisier activities, details of monitoring including how monitored, location of monitoring in relation to receptors, how the site supervisor is alerted if the noise /vibration limit is approached or exceeded and details of what action is taken where the maximum site noise and / or vibration levels (once agreed) are exceeded.

FURTHER COMMENTS 26.06.2024

There is no information as to how vibration will be monitored and managed at the site boundary, this will need to be submitted.

With regard to noise, the CMP states that there will be a 'pre-start noise survey undertaken' to establish the background noise levels at each monitoring station and then suggests that the limit will be 85dB. The CMP then goes on to state that noise will be controlled to ensure that the noise from site is no more than 20dB above background, this is a significant increase in noise levels. The applicant should use the 'ABC method' set out in BS2228 to determine the noise limits for the site once the background limits are established.

FURTHER COMMENTS 02.07.2024

Condition no.3 - The updated report is fine.

Highway Services – 29.05.2024

In regard to Condition 3 (Construction Management) a CMP has been submitted. MCCs Events and Network Management Team have reviewed the CMP and state that they have some concern on how pedestrian safety will be managed, particularly along Ardwick Green. It is requested that further information and consideration is given to pedestrian safety.

In regard to Condition 5 (Highways Works) MCC Statutory Approvals Team have reviewed the information and have confirmed that a Section 278 application for highways works has not yet been received, therefore Highways cannot currently support the discharge of this condition.

This should be undertaken through the Manchester City Council Highways Statutory Approvals team so that a process can be determined and taken forward. The following link provides access:

https://www.manchester.gov.uk/directory_record/451887/permission_to_work_on_the_highways_-_section_278_agreements

FURTHER COMMENTS 11.06.2024

Additional information forwarded that onto colleagues in the Event & Network Management Team to review and provide comments.

FURTHER COMMENTS 24.06.2024

The Events & Network Management Team have asked whether the applicant can confirm whether the footways adjacent to the site on Ardwick Green North and Cotter Street will remain open during the construction phase? The plan on page 3 seems to suggest that the footways will form part of the construction process.

If the applicant could confirm this and whether they are anticipated to be closed that would be very helpful. Then they can feed that back to the Events Team who can provide comment / guidance on how any closures can be managed.

FURTHER COMMENTS 27.06.2024

In terms of permits it is recommended that the applicant email highwaylicences@manchester.gov.uk and highwaynetworkmanagement@manchester.gov.uk who will be able to assist with licensing, hoarding / scaffolding and any associated temporary traffic management arrangements.

In terms of the footway closures they will confirm that with the Events and Management team and get back to you on any comments from the team.

FURTHER COMMENTS 02.07.2024

In regard to Condition 5 (Highways Works) MCC Statutory Approvals Team have confirmed that a S278 agreement has been received and a deposit paid. Subject to the Applicant continuing ongoing discussions with the MCC Highways team regarding the Highways Works and Section

278 agreement (pursuant to the Highways Act 1980), the condition can be discharged from a Highways perspective.

FURTHER COMMENTS 03.07.2024

In regard to Condition 3 (Construction Management) an updated Construction Method Statement has been provided. The Statement details the proposed footway closures and provides the requested information in relation to the management of the closure and confirmation that a site meeting will be held with the developer. Therefore, the information is sufficient to allow us to recommend the discharge of the condition from a Highways perspective.

LLFA -31.05.2024

Require further information is required:

In regard to the need for a finalised drainage layout showing all components, outfalls, levels and connectivity: -the Invert Level to outfall labelled as TBC. A finalised layout is required to ensure the proposed drainage plan is viable.

In relation Surface Water - Proposed 3.5 l/s, they would recommend a blockage risk assessment is undertaken as part of the drainage strategy to support proposed flows less than 5 l/s. If the risk cannot be adequately managed, a higher minimum discharge rate should be considered/agreed with relevant parties:- a blockage Risk Assessment is required to be submitted.

In respect of 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 45% climate change : -hydraulic calculations are required.

In relation to the need for the assessment of overland flow routes for extreme events. 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: - overland flow routes are 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: - evidence of agreement in principle is needed.

In regard to the matter of Hydraulic calculations of the proposed drainage system; hydraulic calculations are required.

FURTHER COMMENTS 03.07.2024

Advise that they require further information:

- Hydraulic calculations must Include Critical Storm Events for the 1 in 2, 1 in 30 and 1 in 100 + 45% Climate Change.

- They recommend a blockage risk assessment is undertaken as part of the drainage strategy to support proposed flows less than 5 l/s.

- Please provide evidence of UU agreement in principle.

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: Split decision

Article 35 Declaration

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

Condition 3 (Construction Management Plan)

3) The content of the Ardwick Green Construction Method Statement Project No: T006 Rev No:04 Rev Date:02/7/2024 received 2nd July 2024 has been reviewed and is considered to be acceptable. On the basis that the development is implemented in accordance with the Ardwick Green Construction Method Statement Project No: T006 Rev No:04 Rev Date:02/7/2024 for the entire duration of the construction period, condition no.3 is discharged.

Condition 5 (Highways Works)

5) The information in respect to highways works as referenced on the plans specified below has been reviewed and is considered to be acceptable.

- Section 278 General arrangement plan ref: 2075-CIV-S278-XX-D-H-40001 rev.P01;
- Site clearance plan ref: 2075-CIV-S278-XX-D-H-40002 rev.P01;
- Kerbing and paving GA plan ref: 2075-CIV-S278-XX-D-H-40003 rev.P01;
- Proposed Levels and drainage plan ref: 2075-CIV-S278-XX-D-H-40004 rev.P01;
- Typical pavement detail plan ref: 2075-CIV-S278-XX-D-H-41001 rev.P01;
- Typical cross sections plan ref: 2075-CIV-S278-XX-D-H-41002 rev.P01.

On the basis that the development is implemented in accordance with the details on the plans specified above and the applicant continues ongoing discussions with the MCC Highways team regarding the Highways Works and Section 278 agreement condition no.5 is discharged.

Condition 10a (Contaminated Land)

10a)The content of the Final Phase II Geo-Environmental Investigation, Risk Assessment and Remediation Strategy Job Number: LKC 22 1502 version R1 Date: August 2023 received 28th May 2024 has been reviewed in the context of the agent email dated 25th June 2024 confirming only the discharge of condition no.10 part a is sought.

On the basis that the development is implemented in accordance with the measures in the Final Phase II Geo-Environmental Investigation, Risk Assessment and Remediation Strategy Job Number: LKC 22 1502 version R1 Date: August 2023, condition no.10a is discharged.

Condition 15 (Surface Water Drainage)

15)The plans received on 29th April 2024 referenced below :

- Cut and Fill Analysis plan ref: 2075-CIV-XX-XX-D-G-20001 rev.T01;
- Typical pavement detail plan ref: 2075-CIV-XX-XX-D-C-20002 rev.T01;
- General Drainage arrangement plan ref: 2075-CIV-XX-XX-D-C-3001 rev.T01;
- Typical Drainage details plan ref: plan ref: 2075-CIV-XX-XX-D-C-31001 rev.T01;
- Typical Drainage details sheet 2 plan ref: plan ref: 2075-CIV-XX-XX-D-C-31002 rev.T01;

have been considered in conjunction with the hydraulic calculations, responses to earlier observations received from consultees and details on plan refs:

- General Drainage arrangement plan ref: 2075-CIV-XX-XX-D-C-30001 rev.T05;
- Overland flow rates plan ref: : 2075-CIV-XX-XX-D-C-30010 rev.P01;
- Typical Drainage details sheet 2 plan ref: plan ref: 2075-CIV-XX-XX-D-C-31002 rev.T02;

which were received 25th June 2024 .

The drainage details submitted for consideration are not sufficient to enable the discharge of condition no.15. Hydraulic calculations must include Critical Storm Events for the 1 in 2, 1 in 30 and 1 in 100 + 45% Climate Change, together with evidence of United Utilities agreement in principle. Furthermore, a blockage risk assessment is recommended to be undertaken as part of the drainage strategy to support proposed flows of less than 5 l/s.

On this basis condition no.15 is not discharged.

Condition 29 (Unexploded Ordnance)

29)The Ardwick Green North – UXO Desk Study and Risk Assessment document ref: P12340-22-R1 rev.A dated 5th December 2022 has been reviewed and is considered to be acceptable.

On the basis that the development is implemented in accordance with the measures in the documentation referenced above condition no.29 is discharged.

Condition 30 (Archaeology)

30)The Project Design for an Archaeological Evaluation report Version V1 (compiled in consultation with GMAAS in April 2024) has been examined and is considered to be satisfactory in regard to the programme of initial intrusive site investigation which are in line with the requirements of Condition 30 and satisfy the pre-commencement element of this condition.

On the basis of the measures within the document referenced above, that the development is undertaken in accordance the programme of initial intrusive site investigation, I can confirm that you have satisfactorily complied with the pre-commencement element of condition no.30 and point no.6.

However, condition no.30 cannot be fully discharged until all of the required elements of fieldwork have been completed, together with post-excavation analysis and reporting, the deposition of a project archive and an appropriate level of dissemination, as required in point nos.2, 3, 4, and 5.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Archaeological Advisory Service

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) -
Area Team Boundary - Name: NORTH AREA