

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0209

Date registered valid: 19 March 2024

Proposal: Application to discharge conditions 3 (Construction management), 4 (Materials), 9 (highway design), 12 (drainage designs), 13 (Sustainable drainage management), 16 (Ground contamination report), 17 (Extract and ventilation designs) and 23 (external lighting) attached to planning permission 135649/FO/2022

Address: Redby Street School , Redby Street, Openshaw, Manchester, M11 2NL

Ward(s): Clayton & Openshaw Ward

Applicant: Trafford Learning Vocational Centre

Agent (if any): Mr Saghir Hussain Create It Studio Architects

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

Recommendation: Split decision

Date of recommendation: 10th June 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 27 March 2024 Expired: 19 April 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

HIGHWAY RESPONSE:17.04.2024

In regard to Condition 3 (Construction Management) a Construction Management Plan has been produced. MCCs Event and Management Team were approached for comments. It is noted that no dilapidation has been submitted. On the submission of a dilapidation survey the information will be sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

In regard to Condition 9 (Highway Design) plans detailing the S278 works has been submitted. MCCs Statutory Approvals Team were consulted for comment. 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 28TH MAY 2024:

In regard to Condition 3 (Construction Management) an updated Construction Management Plan has been produced. MCCs Event and Management Team were approached for comments. It is noted that no dilapidation has been submitted. The information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

FURTHER COMMENTS 5TH JUNE 2024:

In regard to Condition 3 (Construction Management) a dilapidation survey has been submitted. The survey was undertaken 13th April 2024 prior to construction work taking place. Combined with the updated Construction Management Plan the information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

FURTHER COMMENTS 07.06.2024

Advise they have consulted the Statutory Approvals Team and they 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.

Environmental Health – Condition 3 (CMP)

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 16

The Phase II report and proposed remediation are fine. Part a of the condition can be discharged.

Condition 17

The application will need to confirm the final details for the proposed kitchen extract system, based on the submitted odour report.

Condition 23

Additional information with regard to the location of lighting around the site. The applicant will need to provide additional information regarding the management of glare and overspill in to nearby sensitive premises.

FURTHER COMMENTS 05.06.2024

Condition 3

The applicant needs to provide additional information as to how noise and vibration will be monitored during construction. This should include who will monitor, location of monitoring and

frequency. The limits have been provided but no information as to how this will be managed on a daily basis.

Condition 16

They have previously commented that Part a of this condition can be discharged.

Condition 17

The odour assessment is fine, but they need to see the plan drawing for the layout of the system.

Condition 23

The information submitted is sufficient and part a of the condition can be discharged.

LLFA –03.04.2024 Advise that they would be unable to consider discharging condition 13 as this is a verification condition. Once the scheme has been constructed in accordance with the approved documentation the developer should apply to discharge this condition.

In regard to condition no.12 :

-Drawing no. 22034-101-B1 indicates S11 is situated 50mm below the downstream manhole S10, creating a backwater effect.

-Drawing no. 22034-101-B1 indicates manhole S11 invert level is proposed 58.800AOD, this does not correlate with the proposed modelling node (S11 IL, 59.650).

-Chambers S9 and S10 are situated within the proposed attenuation tank.

-Attenuation tank volume must be reflected within the approved drawing.

-Attenuation tank must reflect the level of cover provided.

The applicant must present a consistent package to discharge this condition (Including all layouts and calculations). The layout and calculations must be jointly updated to account for any edits required. When preparing a resubmission, the applicant must ensure that the drainage layout and hydraulic calculations correspond, and that they can be cross-referenced for checks. This includes layout annotations and schedule printouts.

-Critical Results for 100 year + 45% climate change must be provided for review. 2.5 x 0.8 Cellular storage tank has not been included within the hydraulic calculations.

-The developer needs to provide a site-specific overland flow routing.

-The developer needs to provide an agreement in principle from United Utilities, for the proposed public sewer abandonment. An email of acceptance will suffice.

-Agreement in principle from United Utilities is required to ensure 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.

-Critical Results for 100 year + 45% climate change must be provided for review.

-2.5 x 0.8 Cellular storage tank has not been included within the hydraulic calculations.

-Drawing no. 22034-101-B1 indicates manhole S11 invert level is proposed 58.800AOD, this does not correlate with the proposed modelling node (S11 IL, 59.650). Final layout must correspond with hydraulic modelling.

-The developer must provide construction details for both flow control (S12) and all green SuDS features. Green SuDS features:

- Attenuation Tank
- Permeable paving
- Rainwater Gardens

FURTHER COMMENTS 10.06.2024

- S12 IL has been changed to 59.8 – calcs value is 58.8 – layout & calcs must be consistent, please update & resubmit.
- The developer needs to provide an agreement in principle from United Utilities, for the proposed public sewer abandonment. An email of acceptance will suffice.
- Agreement in principle from United Utilities is required to ensure 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.
- Final layout must correspond with hydraulic modelling – as above, S12 IL has been changed to 59.8 – calcs value is 58.8 – layout & calcs must be consistent, please update & resubmit.

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

Conditions 3 (Construction management)

3)The Construction and Environmental Management Plan ref: A1417 date December 2023 received 25th April 2024 has been reviewed, together with the Dilapidation Survey dated 31st May 2024 and are considered to be acceptable. On the basis that the development is implemented in accordance with Construction and Environmental Management Plan ref: A1417 date December 2023 received 25th April 2024 and the Dilapidation Survey received 31st May 2024, condition no.3 is discharged.

Condition no. 4 (Materials)

4)The external finishes Wienberger facing brick Mellowed Red Sovereign , and Wienberger facing brick Rothesay Blend , with Interlocking /V25 dark Grey metal cladding , together with the other materials referenced in the Material Schedule Ref: A1417 Z100-A-01 have been reviewed and are considered to be acceptable. On the basis that the development is implemented in accordance with Material Schedule Ref: A1417 Z100-A-01, condition no.4 is discharged.

Condition no. 9 (highway design)

9)Highway works details shown on plan ref: S278 General Arrangement plan ref: 22034 104 rev.A and S278 Road Markings & layout plan ref: 22034 105 rev. A received 19.03.2024 have been noted , however, as the finalised detailed design plans to form the section 278 submission have not yet been considered (due to very recent submission), condition no.9 cannot be discharged at this time.

Condition no. 12 (drainage design)

12) The details shown on the plans and data referenced below have been examined.
Sewer Abandonment Plan ref: 22034 103 rev.A ; received 19.03.2024
Content of planning agent email dated 31.05.2024
File: 22034 - SW Model (C).pfd Network: Storm Network dated 31.05.2024 rev.C
Drainage Layout plan ref:22034 101 rev.C
Flood routing plan ref: 22034 102 rev.A
Typical Drainage Construction Details plan ref: 22034 107 rev.A
Hydro Planter Installation Build out option ref: GBU-STANDARD-3119 rev.C
Received 31st May 2024

The drainage details submitted for consideration are not sufficient to enable the discharge of condition no.12. The invert level and calculations need to be updated in respect of S12. Furthermore, an email of agreement in principle from United Utilities for the proposed public sewer abandonment is needed together, with an email of agreement in principle from United Utilities accepting the proposed flows and/or new connection, to ensure there is adequate spare capacity in the existing system taking future development requirements into account.

On this basis condition no.12 is not discharged.

Condition no.13 (Sustainable drainage management)

13) There is insufficient information to discharge condition 13. Condition no.13 cannot be discharged as there is a verification requirement which means that this condition can only be discharged, once the scheme has been constructed in accordance with the approved documentation.

Condition 16a (Ground contamination)

16a) The information in the Agent email 2nd April 2024 and Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy Job Number: LKC 22 1260 Date: April 2024 received 6th April 2024 has been reviewed.

On the basis that the development is implemented in accordance with the content of the documentation referenced above, condition no.16a is discharged.

Condition no. 17 (Extract and ventilation designs)

17) The content of the Odour Assessment ref: 5616 -1 r2 dated 10th May 2024 received 13th May 2024 has been reviewed and is considered to be satisfactory. However, a plan showing for the layout of the system is required before condition no.17 can be discharged. On this basis condition no.17 is not discharged at this time.

Condition no. 23 (external lighting)

23) The content of the Lumenata Project Technical Specification received 19th March 2024; and Lighting information received 7th May 2024, together with the details on the plans referenced below has been examined.

Redby Street school lighting design plan dated 06.05.2024

Redby Street School façade details issue 2 (north and south elevations)

Redby Street School façade details issue 2 (west and east elevations)

Redby School Exterior Lighting Design Calculations report dated 06.05.2024

Redby School Exterior Lighting Design Calculations – Spill light report dated 06.05.2024

Exterior Lighting Design report

Received 07.05.2024

On the basis that the development is implemented in accordance with the plans and documentation referenced above, condition no.23 is discharged.

Awaiting updated LLFA feedback for C12

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
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