

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0743

Date registered valid: 2 November 2023

Proposal: Discharge conditions 3a (CMP), 11a (noise), 15 (drainage) and 17 (archaeology) attached to planning permission referenced 135848/FO/2022

Address: Site Of Former Victoria Park Probation Centre, Laindon Road, Manchester, M14 5YJ

Ward(s): Rusholme Ward

Applicant: Britannia Victoria Limited

Agent (if any): Miss Louisa Fielden, AshtonHale

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

Recommendation: Split decision

Date of recommendation: 6 February 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 16 November 2023

Expired: 7 December 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

Consultations & Notification Responses

Highways Services - In regard to Condition 3a (CMP) a Health and Safety Construction Phase Plan and a Traffic Management Plan has been submitted. MCC's Events and Management team have reviewed the documents and have stated that the carriageway is narrow, and the CMP should ensure that vehicles associated with the development are managed. This information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

Further comments 14.12.2023

The updated Health and Safety Construction Phase Plan rev.B dated 5th November 2023 is acceptable from a Highways perspective. They typically refer to the peak AM and PM hours to cover the school/work peaks. A lot of the No Waiting/Loading restrictions they have in place across the city also aim to manage this and are in place between the hours of 8am-10am and 4pm-6pm.

Further comments 29.01.2024

In regard to Condition 3a (CMP) an updated Health and Safety Construction Phase Plan has been submitted. This information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

Environmental Health – 11.12.2024

Condition 11a

Raise concerns regarding the monitoring sites as Daisy Bank Road (MP2) is potentially a noisier road, and monitoring site MP2 has very limited data that does not include rush hour or night time.

The current figures show the glazing is acceptable, however MHVR is needed in the habitable rooms. More information is required regarding this. An open window offers 12-13dB reduction.

Also based on the current figures the AVO assessment is acceptable. However, they request more data in regard to monitoring site MP2 to include rush hour and night time to ensure that the worst case scenario has been accounted for.

Regarding external plant, LA90 for night time needs to be included.

Condition no.3a

The information submitted is not acceptable. They advise confirmation times and days of deliveries and works adhere to MCC criteria is needed, together with more information regarding noise and dust mitigation.

Further comments 02.01.2024

In regard to the CMP they advise they would have liked to have seen more dust suppression e.g. not just when cutting. They also requested noise and vibration to be monitored and logged and available to Environmental Health officers if required.

Furthermore, work may only take place within the hours stated by MCC. The CMP states machine running times and deliveries within these times, but not work.

Further comments 29.01.2024

The revised CMP is satisfactory.

The Noise Assessment and MEV are acceptable.

GMAAS -The application is supported by a Written Scheme of Investigation (WSI) prepared by Salford Archaeology in consultation with GMAAS in September 2023. GMAAS is pleased to approve the WSI, which sets out an appropriate programme of initial intrusive investigation of the site via evaluation trenching, in line with the requirements of Condition 17, and satisfies the pre- commencement element of the condition wording. GMAAS is pleased to recommend a partial discharge of the condition. Full discharge of the condition can be recommended in due course once all 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 will be pleased to monitor the implementation and progress of the archaeological works on behalf of Manchester City Council.

United Utilities - Advise that they have no objection to condition 15 being discharged.

LLFA -08.12.2023

Requested the documents mentioned in the UU S104 agreement which are referenced below:

S104 Agreement Plan – S104 Agreement Plan - J7986 D01 Rev B

A3 Land Registry Compliant Plan – A3 Land Registry Compliant Plan - J7986 D07 Rev A

Long Sections – Long Section Drawing - J7986 D03 Rev B

Manhole Schedules and/or 1:20 Manholes Details – J7986 D11 FW & Combined Manhole Drawings Rev B/ J7986 D10 SW Manhole Drawings Rev B

Further comments 14.12.2023

Advise that have reviewed the documentation. However, aligning with the most recent guidance, they now mandate a 45% climate change for the 1 in 100 + CC, and request that applicant review and update the submission to incorporate a 45% climate change.

Further comments 03.01.2024

The 1 in 100 + 45% is necessary.

In May 2022 the Government updated it's 'Flood risk assessments; climate change allowances' document. This guidance provides updated climate change figures which should be used for

flood risk assessments and drainage strategies to help minimise vulnerability and provide resilience to flooding. Within this is an update on the Peak Rainfall Intensity Allowance in small and urban catchments. The climate change allowance required is dependent upon the lifespan of the development after it has been completed. The LLFA take a risk adverse approach to flood and water management and therefore expect the Upper End figures to be used. For the subject site 45% climate change allowance is recommended.

This app was validated in December 2022, the new 45% climate change allowance was already in effect. This recommendation aligns with the LLFA's guidance provided during consultations at the parent app stage. Kindly refer to the attached document for our detailed comments.

They recommend the applicant reviews and updates to incorporate a 45% climate change.

Further comments 22.01.2024

Seek further clarification:-

- The latest FRA states:
"Therefore, the most effective strategy, in line with the SuDS management train, would be to have a detention facility at the western boundary. The required detention facility has been estimated to be 108.0 m³ for the 1 in 30-year event restricted flow.

Similarly, the estimated volume to be retained on site for the 1 in 100-year storm event including an allowance for climate change is 169.2 m³."

However, there is no detention facility at the western boundary.

- The northern calculation invert levels do not all coincide with the drainage layout. Has the northern layout been revised?
- They note that UU would accept 13.9l/s, they state: *"The rate is 13.9l/s which we would accept subject to points of connections and a drainage plan being reviewed."* Is there an approval in place for the 5 l/s for the northern site? They have only seen approval for the south at 8.9 l/s
- There is a discrepancy noted between the storage values within the calculations and those specified in the Flood Risk Assessment.

Further comments 05.02.2024

They recommend condition 15 be 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: Split decision

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

Condition no.3a (CMP)

The Traffic Management Plan (ref: 30/10/2023) in connection with partial closure of Laindon Road during development have been prepared by Woodall Contracting Ltd received 2nd November 2023 , and Health and Safety Construction Phase Plan rev.B (ref: 23rd January 2024) received 23rd January 2024 have been reviewed.

On the basis that the development is implemented in accordance with the measures in the document and plan referenced above, condition no. C3a is discharged.

Condition no.11a (Noise)

The content of the Noise Insulation Scheme Report (ref: 22092-RP-1-R1) has been prepared by Jameson Acoustics 2nd November 2023 and Email from Jameson Acoustics to the applicant dated 12th December 2023 in regard to noise matters has been examined.

On the basis that the development is implemented in accordance with the measures in the report and email specified above, I can confirm that condition no.11a is discharged.

Condition no.15 (Drainage)

The following plans and report have been reviewed.

- SuDs Maintenance Plan (ref: J7986 10/23)
- North Site Main Drainage Layout (ref: J7986 D02 Rev A)
- North Site Drainage Details Sheet 1 of 2 (ref: J7986 D04)
- North Site Drainage Details Sheet 2 of 2 (ref: J7986 D05)

Received 2nd November 2023

- Flood Risk Assessment and Outline Drainage Strategy (ref: FRA 22 1121 rev. R4) dated January 2024

- South Site Main Drainage Layout (ref: J7986 D01 Rev |C)
 - Hydraulic Calculations rev. A – January 2023 (updated for 45% climate change)
- Received 10th January 2024

As updated by additional drainage information received 31.01.2024

On the basis that the development is implemented in full accordance with the measures within the information and plans referenced above, I can confirm condition no.15 is discharged.

Condition no.17 (Archaeology)

The Written Scheme of Investigation for an archaeological evaluation (ref: September 2023 v1.0) has been prepared by Salford Archaeology received 2nd November 2023 has been examined.

I can confirm that the pre-commencement element and parts (1)and (2) of condition no.17 I are discharged. However, parts 3 -5 cannot be discharged until they have been undertaken.

Appendix 1 – List of consultees & neighbours notified

United Utilities Water PLC
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) -
Area Team Boundary - Name: NORTH AREA