

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0739

Date registered valid: 1 November 2023

Proposal: Discharge of conditions 3 (CMP), 4 (materials), 10a, (ground conditions), 17 (invasive species), 18 (bird nesting season) and 19 (small mammals) attached to planning permission referenced 136721/FO/2023

Address: Site Of Former Day Nursery, Longhurst Road, Manchester, M9 8NS

Ward(s): Higher Blackley Ward

Applicant: Tom Stott Great Places Housing Association

Agent (if any): Mr Clive Part Bowker Sadler Architecture

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

Recommendation: Approve

Date of recommendation: **2nd February 2024**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 20 November 2023

Expired: 11 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

Description of site/building

Listed building: Not applicable

Conservation area: Crab Lane Conservation Area 1983

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Highway Services -20.11.2023

It is noted that the CEMP states that the above will be included within a Phase-specific Construction Phase Plan. Highways request that the Phase-specific Construction Phase Plan is submitted in order for Highways to recommend discharge of Condition 3. The applicant should be advised that any hoarding, scaffolding, skips, containers and associated traffic management will require agreement/appropriate licencing with MCC Highways Applications and Network Resilience teams via E-mail highwaylicences@manchester.gov.uk and highwaynetworkmanagement@manchester.gov.uk. Highways recommend that the condition is not yet discharged.

Further comments 11.12.2023

An updated CEMP has been provided:

- Access for construction traffic/site compound will be via the proposed apartments car park access from Longhurst Road. Approval for use of this temporary construction access prior to S278 works will need to be agreed under a Section 50 application. The access must ensure appropriate levels of visibility are retained with any adjacent hoarding.
- Details on traffic management associated with utility connections are to be provided within a separate Traffic Management Plan. This is acceptable to Highways but all traffic management measures and associated construction access signage will need to be agreed with Highways Network Management Team on highwaynetworkmanagement@manchester.gov.uk prior to such works.
- Appropriate measures are proposed in order to ensure materials/debris does not encroach onto Longhurst Road.
- The document states that contractor parking will be provided on-site within the site compound.
- HGV movements will be restricted during peak-hour periods.
- Emergency contact names/numbers will be displayed on the site boundary.
- No dilapidation survey has been provided. Highways request that this is provided in order to discharge the condition.

Highways recommend that the condition is not yet discharged.

Further comments 22.01.2024

The Dilapidation Survey is acceptable CMP can be discharged.

GMEU –

Condition 17 – Invasive Species

A method statement has been provided. This will combine excavation and removal from site, combined with herbicide spraying in areas where excavation is not possible due to proximity to retained trees. I have no issues with the proposed approach to the controlling of the Japanese knotweed and Himalayan balsam on the site. They therefore have no objection to the discharge of the prior to part of condition 17.

Condition 18 – Nesting Birds Reference is made in the Construction and Environmental Management Plan to nesting birds which they welcome. However, this is not a prior to condition and should remain in place until the development is complete or it can be demonstrated that there is no risk of disturbance to nesting birds.

Condition 19 – Reasonable Avoidance Measures for mammals and amphibians.

Whilst this appears to a generic method statement (which is acceptable) with reference to great crested newts which are not applicable to this site, the measures proposed are applicable to hedgehog, other mammals and amphibians. They therefore have no objection to the discharge of the prior to part of condition 19.

Environmental Health – 29.11.2023

Condition 3 (CMP)

The submitted CEMP satisfies the above condition.

Condition 10a (ground conditions)

They cannot review the submitted Remediation Strategy until the issues raised with the inadequacies of the site investigation have been satisfactorily addressed.

They include below the summary extract of an earlier memo dated 18 July 2023 (further details are included in the memo):

(i) The supporting factual report needs to be provided with the borehole logs, soil chemical testing results and gas monitoring data/calibration certificates.

- (ii) The exploratory locations to date do not provide adequate site coverage and further site investigation is deemed necessary – especially with regards to the rear gardens and retained slopes (if the public/residents of the development will have access to them).
- (iii) Gas data needs to be provided to confirm if monitoring has been undertaken during the worst case scenario as only five rounds have been undertaken and not six.
- (iv) Further risk assessment required in relation to potable water pipes.

Condition 17 (invasive species)

They have no objection to the discharge of this condition but recommend that the opinion of GMEU is sought.

Further comments 08.12.2023

Have confirmed that further SI will be needed for the above development as per point 2 of their previous comments (memo of 18 July, reiterated in later email of 29 Nov):

(ii) The exploratory locations to date do not provide adequate site coverage and further site investigation is deemed necessary – especially with regards to the rear gardens and retained slopes (if the public/residents of the development will have access to them).

They advise they will review the report next week against the other points raised previously (and will also look at the revised CEMP).

Further comments 11.12.2023

The revised CEMP is acceptable.

Further comments 13.12.2023

the following additional comments against their previous outstanding points following their review of the submitted Soiltechnics Ltd Ground Investigation Factual Report, Ref. STU5839-R01-RevC, Date: April 2023:

- (i) The supporting factual report needs to be provided with the borehole logs, soil chemical testing results and gas monitoring data/calibration certificates. **Not fully addressed; gas meter calibration certificates not provided.***
- (ii) The exploratory locations to date do not provide adequate site coverage and further site investigation is deemed necessary – especially with regards to the rear gardens and retained slopes (if the public/residents of the development will have access to them). **Remains outstanding.***
- (iii) Gas data needs to be provided to confirm if monitoring has been undertaken during the worst case scenario as only five rounds have been undertaken and not six. **Not fully addressed; gas data are provided but no justification for why only 5 rounds have been completed, and atmospheric pressure trends are not provided.***
- (iv) Further risk assessment required in relation to potable water pipes. **Not addressed.***
- (v) Submission of a detailed Remediation Strategy. **Remains outstanding.***
- (vi) Further phase of SI will be required following the proposed cut and fill exercise to confirm that the surface soils are suitable for use. **Remains outstanding.***
- (vii) After completion of site works, a verification report is required to validate that the work undertaken conforms to the remediation proposals received and agreed. **Required for part b of the condition.***

Further comments 12.01.2024

Having reviewed the Phase 1 PRA, Phase 2 (factual + interpretative), GQRA, and RS, (the Phase 1 & 2 (interpretative) + GQRA have been previously reviewed by colleagues) and, now that they have the factual SI report, they have been cross-checking this to the other reports

and initially have found a discrepancy with section 3.1 of the interpretative report not including the Made Ground identified in the central-western area of the site - Table 4 doesn't include this either or any reference to TP01A, which is also not included on the Exploratory Hole Location Plans in either report.

They have also advised that in cross-checking with the GQRA and they can see that this shallow Made Ground has been identified in that report and TP01A is included and on the drawings, so it may be that a few slight amendments are required.

The relevant report and section/table are as follows:

Pell Frischmann Geotechnical Interpretative Report, Ref: 106240-PEL-GEN-XX-RP-D-0002, Dated: April 2023:

- Page 8, Section 3.1: Summary - *"Made Ground was generally approximately 1.0m in thickness but was not encountered in WS01, TP01A or TP02"*
- Table 4: Distribution of Strata - MG not listed for TP01 and TP02, and TP01A omitted.
- Also Table 3: Investigation Details and Made Ground Thickness.

The Phase 1-2 report was completed by Curtins in 2017, and according to the submitted reports whilst Curtins completed a Phase 1 PRA in 2021, they have not completed a Phase 2 investigation, but they report that Caulmert Ltd completed Phase 1 and 2 Ground Investigations in 2017. They have not had sight of the Caulmert reports and, if these have informed the risk assessments, then they will be required to be submitted for consideration. If Curtins completed a Phase 2 report this should be provided.

The developers contaminated land consultant has mentioned that work was completed by Pell Frischmann in 2022 (reported in 2023). They understand from the reports submitted so far that Soiltechnics undertook an intrusive SI in 2022 (following instructions received from Pell Frischmann, ref. Soiltechnics Ground Investigation Factual Report, Ref: STU5839-R01-RevC, Dated: April 2023), and query if there are any additional Pell Frischmann reports which have not been provided for consideration .

Further comments 24.01.2024

The items which are outstanding are as follows:

1. GQRA to include a summary note discounting Made Ground as potential ground gas source.
2. RS to include proposal for MMP for re-use onsite of site-excavated materials.
3. RS to include reference to proposed importation of soil for soft landscaping.
4. RS Appendix A to include verification sampling proposals for re-use of site-won natural soils if necessary.

Further comments 01.02.2024

Advise that they have no objection to the discharge of part a of condition 10 of approval 136721/FO/2023.

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: Approve

Article 35 Declaration

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

Condition no. 3 (CMP)

3) The Construction and Environment Management Plan rev.2 dated November 2023 has been considered in conjunction with the documentation referenced below which formed part of the planning application submission.

-Transportation Planning - Technical Note by SCP (notwithstanding plan Appendix B layout plan which has been superseded)

-Design and Access Statement - Rev C;

-UCML Level 2 Utility Study - Longhurst Road

-Noise Assessment 13th March 2023 ref; P4687/R01/RDC

received 22nd November 2023;

and Highways Dilapidation Survey dated 08.01.2024 received 15th January 2024

On the basis that the development is implemented in accordance with the measures in the Construction and Environment Management Plan rev.2 and Highways Dilapidation Survey dated 08.01.2024 , condition no.3 is discharged .

Condition no. 4 (materials)

4) The use of Oakleigh Red Blend brick with detailing in Ibstock Staffordshire Slate Blue Smooth Brick, together with Grey Edgemere Interlocking concrete tiles, and window frames , doors , railings and dormer GRP coloured dark grey RAL 7016 is considered to be satisfactory .

On the basis that the development is implemented in accordance with the materials and colouration specified above, condition no. 4 is discharged.

Condition no. 10a (ground conditions)

10a)The reports and the content of the emails referenced below have been reviewed .

Soil technics – Ground Investigation Factual Report dated April 2023 doc ref: STU5839-R01-Rev- C received 5th December 2023

Email from Developer's Contaminated Land consultant dated 3rd January 2024

Phase I and Phase II Geo- Environmental Report , Longhurst Road Caulmert report ref: 3025-CAU-XX-XX-RP-V-0307.A0-C1 received 15th January 2024

Email from Developer's Contaminated Land consultant dated 19th January 2024

Certificate of Calibration ref: G503563_1/31358 dated 06.10.2022 used by Soiltechnics during their monitoring at Longhurst Road (23.01.1023 – 24.03.2023) received 19th January 2024

Email from Developer's Contaminated Land consultant dated 22nd January 2024 regarding topsoil thickness.

Generic Quantitative Risk Assessment (Site Investigation and Risk Assessment Report) ref:106240-PEF-XX-XX-RP-GG-600001_P02 GQRA Longhurst Road dated 24th January 2024

and Land Contamination Risk Management Remediation Strategy (includes Remediation Option Appraisal) 106240-PEF-XX-XX-RP-GG-600002_P02 dated 24th January 2024

received 25th January 2024

On the basis that the development is implemented in accordance with the information referenced above condition no.10 a is discharged.

Condition no. 17 (Invasive species)

17)The Japanese Knotweed and Himalayan Balsam Management Plan doc ref: IPM 23 1026 MMP version 001 dated 25th July 2023 has been reviewed and is considered to be acceptable.

On the basis that the development is implemented in full accordance with the measures within the Japanese Knotweed and Himalayan Balsam Management Plan doc ref: IPM 23 1026 condition no.17 is discharged.

Condition no.18 (Bird nesting season)

18)The content of the Nesting Bird Report Letter prepared by Ascerta 29th August 2023 confirming that no active nests were observed on the site on 29th August 2023 has been noted. On the basis of the Nesting Bird Report Letter dated 29th August 2023, that the trees identified as part of the planning approval to be removed, are removed before 1st March 2024 , condition no.18 has been complied with .

Condition no. 19 (Small mammals)

19)The content of the Avoidance of harm to hedgehogs and other wildlife during construction prepared by Ascerta dated August 2023 has been reviewed. On the basis that development is implemented in full accordance with the measures within the Avoidance of harm to hedgehogs and other wildlife during construction report , condition no.19 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Ecology Unit
Environmental Health

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Crab Lane Conservation Area 1983
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA