

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0501

Date registered valid: 20 July 2023

Proposal: Discharge of conditions 3 (Construction Management Plan), 12 (Drainage), 16a (Contaminated Land) and 27 (Japanese Knotweed) attached to planning permission ref: 136645/VO/2023.

Address: Site To The South / South-East Of Sawley Road, East Of Nelson Street, North / North-East Of James Street, Manchester,

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Andrew Partington, Manchester City Council

Agent (if any): Mrs Anastasia Kapagerof, jmarchitects

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

Recommendation: Approve

Date of recommendation: **14th November 2023**

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 31 July 2023 Expired: 21 August 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 6 (CMP) a Construction Method Statement has been produced. The information is sufficient to allow us to recommend the discharge of the condition from a Highways perspective.

Environmental Health – 11.09.2023 Advise condition no.3 can be discharged .

In respect of condition no.16 –

Environmental Cover System - In soft landscaping areas, remediation will be required and comprise an environmental cover system which should be constructed as follows: 450mm thick environmental cover system comprising: geotextile membrane and at least 450mm comprising clean inert fill and sufficient topsoil for a growing medium. This is acceptable providing the soft landscaping is not for growing food, but may need deeper cover for rooting depths of trees/shrubs.

They await the results of further gas monitoring and;

- Validation of gas protection measures installed.
- Validation of vapour membrane installed.
- Provision of waste transfer documents.
- Validation of environmental cover system.
- Verification testing of all imported soil for soft landscaping areas.
- Information on the installation of protective pipes and / or sterile trenches.
- Details of any unexpected contamination identified onsite, suitably risk assessed and / or validated.

Further comments 26.09.2023

Due to it being a school, it is possible that areas will be used for digging, growing and therefore it is recommended that a 150mm top soil and 450mm sub soil with a break later be used in those areas.

Further comments 30.10.2023.

On the basis of the agent email and plan received 18.10.2023 , they advise that they are happy to recommend discharge of condition no.16a on the basis of that information.

United Utilities – Have no objection condition no.12 being discharged.

FRM 07.09.2023 – At the planning application stage they advised in order to /discharge the drainage condition the following additional information has to be provided:

- o A finalised drainage layout showing all components, outfalls, levels and connectivity;
- o Maximised integration of green SuDS components (utilising infiltration or attenuation) if practicable;
- o Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates with the aim of reducing to the Greenfield runoff rates, as the site is located within Conurbation Core Critical Drainage Area;
- o Runoff volume in the 1 in 100 year, 6 hours rainfall shall be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event, but never to exceed the runoff volume from the development site prior to redevelopment;
- o 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 in any part of a building;
- o Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements) and managed within the proposed development boundary. 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.
- o Progression through the drainage hierarchy shall be evidence based and supported by site investigation. Results of ground investigation carried out under Building Research Establishment Digest 365. Site investigations should be undertaken in locations and at proposed depths of the proposed infiltration devices. Proposal of the attenuation that is achieving half emptying time within 24 hours. If no ground investigations are possible or infiltration is not feasible on site, evidence of alternative surface water disposal routes (as follows) is required.
- o 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.
- o Hydraulic calculation of the proposed drainage system including all parameters of the model;
- o Construction details of flow control and SuDS elements.

On the basis of the submitted information, further details are required set out in italics below .

- 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 – *Email confirming point of connection and detail is agreed will be required. The current email supplied indicates United Utilities require further information*

to deem the point of connection acceptable.

- Construction details of flow control and SuDS elements – *Attenuation tank detail must include proposed cover. The cross section will need to be updated to reflect the proposed ground level.*
- Hydraulic calculation of the proposed drainage system including all parameters of the model – *Hydraulic modelling suggests the following statement: “WARNING: Half Drain Time has not been calculated as the structure is too full”. We would expect all SuDS features to half drain within 24 hours. The modelling and drainage layout will need to be updated to reflect any design changes.*

Further comments 25.10.2023

In order to discharge condition 12, they require further information for review:

- United Utilities (UU) have highlighted the manhole (CW1.12) at the point of connection, is surcharged during ‘most events’. Considering this information, they would expect the developer to submit a hydraulic model under a surcharged outfall scenario, to ensure an adequate amount of storage is provided within the site boundary. Anticipated top water level for the outfall manhole should also be provided.

The developer will need to provide the modelled outcomes for a surcharged scenario for the LLFA to review. This must include all engineering parameters.

General design consideration:

The ground investigation indicates a potential perched water table. If groundwater is encountered during the attenuation tank installation, appropriate design measures should be considered for flotation forces. Any change within the surface water drainage strategy will be subject to further scrutiny. The developer should also note, any temporary works for dewatering operations (if required) should be in place with the relevant Risk Management Authority (RMA) before proceeding.

Further comments 14.11.2023

Have no further comments and recommend that Condition 12 can be discharged.

Greater Manchester Ecology Unit-
Condition 27 – Invasive Species

GMEU were unaware that invasive species were present on this site as the ecological report they read stated none were present but they note from the committee report that a further report was supplied that they missed, and they apologise for not been aware of this.

With regards the method statement there are small infestations of Japanese knotweed and Cotoneaster which are to be excavated. This is a feasible approach for this site and therefore they have no objection to the discharge of condition 27.

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

Condition(s) to be attached to decision for approval

Condition 3 (Construction Management Plan)

3) The revised Construction Method Statement received 4th September 2023 is considered to be satisfactory. On the basis that the development is implemented in accordance with the approved Construction Method Statement received 4th September 2023 for the duration of the construction period, condition no.3 is discharged.

Condition 12 (Drainage)

12) The content of the Technical Note to support request for compliance with drainage condition for planning application ref: 136645/VO/2023 (30.03.2023) by Ridge Property & Construction Consultants received 20th July 2023, updated by Ridge Property & Construction Consultants correspondence dated 11th September 2023 responding to issues raised regarding the proposed drainage arrangement (received 13.09.2023) and Drainage Technical Note dated November 2023 by Ridge report ref: 5020683-RDG-00-ZZ-RP-C-0001 have been examined and following the report dated November 2023, the measures are considered to be satisfactory. On the basis that the development is implemented in accordance with the content of the Technical Note to support request for compliance with drainage condition for planning application ref: 136645/VO/2023 (30.03.2023), as updated by Ridge Property & Construction Consultants correspondence dated 11th September 2023, and the Drainage Technical Note dated November 2023 by Ridge report ref: 5020683-RDG-00-ZZ-RP-C-0001, condition no.12 is discharged.

Condition 16a (Contaminated Land)

16a) The documents and plans referenced below have been reviewed and are considered to be satisfactory.

Ground Floor Plan with Slab Detail ref: VAR-RDG-ZZ-00-DR-S-00010 rev. P05
received 4th September 2023

Ground Floor Details plan ref: VAR-RDG-ZZ-00-DR-S-00011 rev. P03 received 4th September 2023

Final Additional Site Investigation and Updated Remediation Strategy ref: LKC 22 1670 dated September 2023 – Nelson Street received 11th September 2023

Final Additional Site Investigation and Updated Remediation Strategy ref: LKC 22 1670 dated September 2023 – Varley Street received 11th September 2023

Agent email dated 18.10.2023 confirming the area which is suitable for planting and growing and confirming the depth of the 450mm subsoil, 150mm topsoil and break layer in that area .
Landscape General Arrangement plan ref: VAR-DEP-XX-XX-DR-L-00001 rev. P10 received 18.10.2023 with the extent of the area for planting and growing shown.

On the basis that the development is implemented in accordance with the content of the reports plans, and content of the agent's email referenced above, I can confirm condition no.16a is discharged.

Condition 27 (Non-native invasive species)

27) The Japanese Knotweed Excavation remediation report ref: JKLE17997 received 20th July 2023 has been reviewed and is considered to be acceptable.

On the basis that the Japanese Knotweed and Cotoneaster are removed in accordance with the measures as detailed in the Japanese Knotweed Excavation remediation report ref: JKLE17997, condition no.27 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
United Utilities Water PLC
Greater Manchester Ecology Unit

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 High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA