

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0102

Date registered valid: 22 February 2022

Proposal: Discharge of conditions 4b (hard and soft landscaping) Phases AC,AD,AE,AF, AG, and AO ; 8 (contaminated land remedial works) Plot no. 220 of Phase 77, and Plot nos. 273, 274 and 275 of Phase 91/V; and 30 (surface water drainage) Plot 315 (Phase G); Plot 288 (Phase V) and Plots 297/302/303 of Phase Z: attached to planning permission ref:118379/JO/2017

Address: Brunswick Neighbourhood, Manchester, M13 9TQ

Ward(s): Ardwick Ward

Applicant: Mr Craig Nemeth Vistry Partnerships North West Innovation House , Kelburn Court, Warrington, WA3 6UT

Agent (if any): Mr David Tye Paul Butler Associates Ltd 31 Blackfriars Road, Salford, M3 7AQ

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

Recommendation: Approve and Refuse

Date of recommendation: 27 July 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 25 February 2022 Expired: 18 March 2022

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

288 297 302 303 315

Consultations & Notification Responses

Environmental Health - reviewed the information submitted and the CL condition can be discharged for the following: Phase 77 Plot 22 Phase 91/V Plots 273. 274 & 275.

Flood Risk Management - 04.03.2022 advised that further information was required in connection with the discharge of condition no. 30. The outstanding evidence required included :

- o Consideration of alternative green SuDS solution (that is either 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, as the site is located within Conurbation Core Critical Drainage Area;*

- 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 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). 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 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 Where surface water is connected to the ordinary watercourse, agreement in principle from Manchester City Council as Lead Local Flood Authority is required. Please note that all new connections to the watercourses shall comply with reduction of flows to Greenfield runoff rates. An email of acceptance of proposed flows and/or new connection will suffice.*
- o Where surface water is connected to ordinary watercourse, any works within or adjacent to the watercourse that would affect it would require consent from Manchester City Council as Lead Local Flood Authority. Consent forms can be obtained on the website at:*
http://www.manchester.gov.uk/downloads/download/5567/land_drainage_consent_and_guidance.com
- o Where an application is part of a larger site which already has planning permission it is essential that the new proposal does not compromise the drainage scheme already approved.*
- o Hydraulic calculation of the proposed drainage system;*
- o Construction details of flow control and SuDS elements.*

28.04.2022 – Following the receipt of additional information the following observations were received:

- Finished floor levels required for plot 288 to ensure surface water flows are away from the property
- Easement dimensions shown for culvert should be illustrated on all submitted drawings (where applicable)
- Confirmation that the additional plot areas have been incorporated into the wider drainage model to ensure there is sufficient capacity in the network.
- Confirmation on who will be responsible for the maintenance of the drainage

Issues

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:

Article 35 Declaration

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

4) Condition no.4 Landscaping

The hard and soft landscaping on plan refs: has been examined

- o Covering letter from Paul Butler Associates dated 24th January 2022
- o Drawing M4976-187-AC Rev 00, Phase AC General Arrangement and Planting Plan;
- o Drawing M4976-185-AD Rev 00, Phase AD General Arrangement and Planting Plan (notwithstanding outward opening gates to driveways) ;
- o Drawing M4976-188-AE Rev 00, Phase AE General Arrangement and Planting Plan;
- o Drawing M4976-189-AF Rev 00, Phase AF General Arrangement and Planting Plan;

- o Drawing M4976-178-AG Rev 00, Phase AG General Arrangement and Planting Plan;
- o Drawing M4976-187-AO Rev 00, Phase AO General Arrangement and Planting Plan;

The submitted information has been assessed and the following comments can be made:

The submitted hard and soft landscaping drawings for Phases AC,AD,AE,AF,AG and AO of this development are considered to be acceptable. Therefore, on this basis, this formally discharges Condition 4b of planning approval 118379/JO/2017 for Phases AC,AD,AE,AF,AG and AO of the development, subject to the on-going requirement that ' If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place'.

8) Condition no.8 – Contaminated Land

The remediation confirmation report dated 04.04.2019 prepared by Redstart for Plot no. 220 of Phase 77, and Plot nos. 273, 274 and 275 of Phase 91/V has been examined, and is considered to be acceptable. Condition no. 8 is discharged in respect of plot no. 220 of Phase 77, and Plot nos. 273, 274 and 275 of Phase 91/V.

30) Condition no.30 – Surface Water Drainage

The following information has been submitted for consideration

- o Cover letter from Paul Butler Associates dated 24th January 2022
- o Surface water drainage details for Plot 315 (Phase G); Plot 288 (Phase V) and Plots 297/302/303 of Phase Z;
- o AECOM Plan 47069217-DR-PhG P1 'Proposed Surface and Foul Drainage Layout Phase G' Plot 315 (Phase G)
- o AECOM Plan 47069217-DR-PhV C2 'Proposed Surface and Foul Drainage Layout Phase V' Plot 288 (Phase V)
- o AECOM Plan 47069217-DR-PhZ-002 P1 'Proposed Surface and Foul Drainage Layout Phase Z-Sheet 2' plots 297/302/303 (Phase Z)
- o Copy of letter dated 29.11.2018 from Paul Butler Associates in connection with earlier application to discharge condition no.30 received 7th March 2022, and attached plan refs:

- Brunswick PFI; Dwg UV004393 - 0551D/1DA-06 Rev D06; Network 1D/1DA S104 Layout showing proposed surface water drainage details for Network 1D/1DA including details of proposed surface water sewers, proposed combined sewers, abandoned sewers and other connections. Proposed foul sewers are noted.
- Brunswick PFI; Dwg UV004393 – 0552-02 Rev D01; Section 104 Network 2. Details of proposed surface water drainage are indicated. Existing combined sewers, existing foul sewers and existing surface water sewers shown.
- Brunswick PFI; Dwg UV004393 – 0551A-03 Rev C06, Network 1A Proposed S104 Layout. Details of proposed adopted surface water sewers and other connections are shown.
- Brunswick PFI; Dwg UV004393 – 0551A-101 Rev D01; Network 1A Temporary Proposed S104 Layout, showing an interim arrangement pending the full implementation of the Dwg UV004393 – 0551A-03 Rev C06 proposal.
- Brunswick PFI; Dwg UV004393 – 0551E-02 Rev D03; Network 1E Drainage Impermeable Plan showing proposed adopted surface water sewers and other connections.
- Brunswick PFI; Dwg UV004393 – 0551F-01 Rev C01; Network 1F S104 Layout showing proposed surface water drainage details including details of proposed surface water sewers, proposed combined sewers, abandoned sewers and other connections. Proposed foul sewers are noted.
- Brunswick PFI; Dwg UV004393 – 0551G-100 Rev C01; Network 1G-GA Location Plan identifying infrastructure to be abandoned.
- Brunswick PFI; Dwg UV004393 – 0551C-02 Rev C01; Network 1C Section 104, showing proposed surface water drainage details for Network 1C including details of proposed surface water sewers for adoption, proposed combined sewers for adoption and other connections. Proposed foul sewers are noted.
- Brunswick PFI; Dwg UV004393 – 551H-02 Rev C01; Network 1H Section 104, showing proposed surface water drainage details for Network 1H including details of proposed surface water sewers for adoption, proposed combined sewers for adoption and other connections.
- Brunswick PFI; Dwg UV004393 – 0552A-25 Rev C02; Surface and Foul Water S104 Layout Network 2A, showing proposed surface water drainage details for Network 2A

including details of proposed surface water sewers for adoption, proposed combined sewers for adoption and other connections. Proposed foul sewers are noted.

- Brunswick PFI; Dwg UV004393 – 0552B-46 Rev C02; Surface Water S104 Layout Network 2B Diversion Location, showing the proposed surface water drainage details for Network 2B including details of proposed surface water sewers and manholes for adoption, including provision for a temporary sewer diversion. Existing combined sewers are noted.
- Brunswick PFI; Dwg UV004393 - 0552C-03 Rev C03; Network 2C S104 Layout, showing proposed surface water drainage details for Network 2C including details of proposed adopted surface water sewers, proposed adopted combined sewers and other connections. Existing United Utilities combined water sewers are noted.
- Brunswick PFI; Dwg UV004393 - 0554-03 Rev C02, Network 4 S104 Layout, showing proposed surface water drainage details for Network 4 including details of proposed adopted surface water sewers, proposed highway gullies and other connections. Existing United Utilities combined water sewers are noted.
- Brunswick PFI; Dwg UV004393 - 0557-04 Rev C01, Network 7 S104 Layout, showing the proposed surface water drainage details for Network 7 including details of proposed adopted surface water sewers, proposed adopted combined water sewers and other connections.
- Brunswick PFI; Dwg UV004393 - 0558-07 Rev C01, Network Statham Walk S104 Drainage Layout. This shows proposed surface water drainage details for Network 8 including details of proposed surface water sewers and abandoned sewers.
- Brunswick PFI, Dwg UV004393 - 0572-02 Rev C01, Foul combined water Network2A Section 104 Manhole Base Plans.
- Brunswick PFI, Dwg UV004393 - 0572-03 Rev C01, Foul water Network2A Section 104 Schedule of manhole details.
- Brunswick PB Stage Dwg M4976-850 -C rev.00 Falls towards Houses

The submitted information has been assessed and the following information has been requested , but has not been submitted for consideration:

- Finished floor levels required for plot 288 to ensure surface water flows are away from the property
- Easement dimensions shown for culvert should be illustrated on all submitted drawings (where applicable)
- Confirmation that the additional plot areas have been incorporated into the wider drainage model to ensure there is sufficient capacity in the network.
- Confirmation on who will be responsible for the maintenance of the drainage .

Therefore, on this basis, it is not possible to formally discharge Condition 30 of planning approval 118379/JO/2017 in relation to Plot 315 (Phase G); Plot 288 (Phase V) and Plots 297/302/303 of Phase Z: until the above issues have been fully addressed.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
MCC Flood Risk Management

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Flood Zones Type 2 (low to medium risk) -

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

[illegible]

[illegible]