

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/21/0224

Date registered valid: 19 July 2021

Proposal: Discharge of conditions 3 (Materials), 4 (Contaminated Land), 9 (Acoustic Insulation), 15 (Off Site Highway Works), 17 (Cycle storage), 18 (Boundary treatment), 19 (Street Boundary Treatment), 22 (Landscaping) and 25 (Drainage) planning permission reference 129000/JO/2020

Address: 72 Errwood Road, Manchester, M19 2QH

Ward(s): Burnage Ward

Applicant: Mr D. Maisuria 64 Burnside Drive, M19 2LZ

Agent (if any): Mr DK Seddon Howard & Seddon ARIBA 64 Washway Road, M33 7RE

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Split decision

Date of recommendation: 18 March 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

Printed: 28 July 2021 Expired: 18 August 2021

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: No

Tree Preservation Order: No

Description of development

The discharge of condition request relates to planning permission ref: 129000/JO/2020 - Variation of condition no.2 (specified plans) attached to planning permission ref: 124282/FO/2019 to allow reconfiguration of garden areas and elevational alterations.

The original planning permission related to application ref: 124282/FO/2019 - Retention and alterations to existing dwelling and the erection of 1 no. new detached property and 2 no. semi-detached properties with associated car parking, garages, external landscaping and boundary treatments

Consultations & Notification Responses

Highway Services – Comments received 10 August 2021:

i. Condition 15 - A Section 278 application for highways works has not yet been received, therefore Highways cannot currently support the discharge of this condition. The applicant is advised to liaise with the Manchester City Council Design Team to discuss a highways agreement. The applicant has been advised of the above.

- ii. Condition 17 - The information provided is sufficient to allow us to recommend the discharge of this condition from a Highways perspective.
- iii. Conditions 18 and 19 - The proposed fencing and gating is considered to be acceptable in principle with appropriate sight lines maintained onto the highway. In principle, Highways have no objections to the discharge of this condition. However, all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.
- iv. Condition 22 - All landscaping works are contained within the curtilage of the site and do not impact on the adopted highway. In principle, Highways have no objections to the discharge of this condition.

Environmental Health – The following comments have been received:

i. Condition 4 – The submitted Phase I report was considered to be acceptable and it was initially considered that the applicant should submit a related a Phase II report.

ii. Following an assessment of an email justifying the omission of a Phase II report, a request was made for an asbestos report to be submitted to address identified issues. The following further comments were received:

- The details asbestos report and Phase II justification are considered to be acceptable. Notwithstanding the above the following 'watching brief' condition should be applied:

'In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this.'

- The developer should confirm that asbestos removal and decontamination should be undertaken with the submitted report. Upon completion a verification report confirm that the agreed works have been implemented.

ii. Condition 9 - The submitted acoustic report is considered to be acceptable. The applicant will need to implement the mitigation measures set out in the report and provide a verification report upon completion of the development and prior to occupation.

Neighbourhood Team Leader (Arboriculture) – Confirm the following:

- i. The provision of 8 trees being planted on this outer perimeter of this site are considered to be acceptable;
- ii. The proposed arrangements for offsite tree protection are considered to be acceptable. Once the fencing is erected, the fencing should not be moved;
- iii. Materials or machinery should not be store on the grassed verges at any time during the construction period;
- iv. Should any lateral branches require pruning back to the site boundary for any reason, the developer should contact the Council's Arboricultural Officer.

MCC Flood Risk Management – Following the submission of additional details the discharge of condition 25 is recommended subject to the implementation of the development in accordance with approved details.

Greater Manchester Police – No objection to the discharge of conditions 18, 19 and 22. It is recommended that the proposed garden shed should be fitted with equivalent to Sold Secure™ hasp and staple, Sold Secure™ padlock and have a Sold Secure™ ground anchor fitted, to allow residents to secure valuable equipment and/or bicycles.

United Utilities Water PLC - No objection to the discharge of Condition 25.

Issues

The discharge of condition request ref: CDN/21/0224 is partially approved and refused for the reasons set out below.

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 and Refuse

Article 35 Declaration

N/A

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

3) The discharge of condition 3 (Materials) is approved on the basis that the development shall be implemented in accordance with the following materials and specifications, which shall be maintained in situ thereafter:

- i. Roof tiles - Marley Anglia Interlocking Clay Roof Tile - Antique Red;
- ii. Facing Brick: Ibstock New Burntwood Red
- iii. Windows : White UPVC - Smooth Finish
- iv. Window Cills and Heads - Stone painted Black
- v. Fascia & Soffits: Black Fascia And Soffits and Black Ogee uPVC Fascia

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4) The discharge of condition 4 (Contaminated land) is approved on the basis that the development is fully implemented in accordance with documents ref:

- i. Geo Smart Information Enviro Smart Plus Phase 1 Contaminated Land Assessment dated March 2021 Ref:73695.01 R1;
- ii. Asbestos Refurbishment Survey by Angel Environmental Ltd T/A 0800 Asbestos Report No J0184443 dated 9 April 2021.

In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this.

9) The development shall be fully implemented in accordance with the following document related to the discharge of condition 9 (Noise attenuation): Environmental Noise Assessment- 72 Errwood Road, Burnage Manchester M19 2QH by Martec Environmental Consultants Ltd. Ref: Report Date: 23 September 2020 Ref: 20200923 8893 Burnage ProPG.docx .

The approved noise insulation scheme shall be completed before any of the dwelling units are occupied. On this basis the pre-commencement element of the condition has been complied with.

However, condition no.9 cannot be formally discharged at this time, as there is a requirement for the submission of a verification report to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report ,upon completion of the development and before first occupation of the residential units. This report shall include the results of the post completion testing which has been undertaken to confirm that the internal noise criteria has been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria. The approved details shall be maintained in situ at all times thereafter.

15) The discharge of condition 15 (Off Site Highway Works) is refused as insufficient details have been submitted regarding proposed of site highways works related the development.

17) The discharge of condition 17 (Cycle storage) is approved on the basis that, before to the occupation of the development, the details for cycle storage specified in the following drawings are fully implemented and maintained in situ at all times thereafter:

- i. Landscape General Arrangement Plan Ref: PR/19/DM02/GA/01 Rev D;
- ii. Garden shed and cycle store details Ref: 13.542/28 Amendment A;
- iii. The proposed garden shed should be fitted with equivalent to Sold Secure™ hasp and staple, Sold Secure™ padlock and have a Sold Secure™ ground anchor fitting.

18) The discharge of condition 18 (Boundary treatment) is approved on the basis that, before the occupation of the development, the boundary treatment details on the following drawings are fully implemented and maintained in situ at all times thereafter:

- i. Landscape General Arrangement Plan Ref: PR/19/DM02/GA/01 Rev D;
- ii. Proposed boundary fencing details Ref: 13.542/29 Amendment A.

19) The discharge of condition 19 (Street Boundary Treatment) is approved on the basis that, before the occupation of the development, the street boundary treatment details on the following drawings are fully implemented and maintained in situ at all times thereafter:

- i. Landscape General Arrangement Plan Ref: PR/19/DM02/GA/01 Rev D;
- ii. Proposed gate and railings to Errwood Road and Crompton Road.

22) The discharge of condition 22 (Landscaping) is approved on the basis that the development is undertaken in accordance with drawings ref: Landscape General Arrangement Plan Ref: PR/19/DM02/GA/01 Rev D and previously approved tree protection measures as details in drawings referenced: Tree protection plan (Demolition) CW/9197-P-TP-DEM_1; Tree protection plan (Construction) CW/9197-P-TP-CON_1; Tree survey schedule CW/9197-SS-4 Updated 8 October 2019.

The landscaping details hereby approved shall be implemented within the first full planting season following the completion of the development and maintained in situ at all times thereafter.

25) The discharge of condition 25 is approved on the basis the development is undertaken in accordance with the following drawings and documents:

Bell Munro drawings:

Drainage Layout Ref: J7036/EX01 Rev B

Drainage Detail Ref: J7036/EX2 Rev A

Flooding Routing Plan Ref: J7036/EX3

United Utilities email dated 14 October 2021

Hydrobrake detail by Hydro International Ref: J7036

Detailed Hydraulic Calculations Rev A – 72 Errwood Road dated February 2022 by Munro Consulting Ltd.

The development shall be constructed and completed in accordance with the approved details, which shall remain in situ thereafter.

Informative

1) In order to discharge condition 15 (Off site highways works) detailed drawings approved as part of the related s.278 (Highways) Agreement will need to be submitted. The applicant is advised to liaise with Highways to discuss the required highways agreement (contact Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
MCC Flood Risk Management
Greater Manchester Police
United Utilities Water PLC

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 - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH2