

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132234/JO/2021

Date registered valid: 22 November 2021

Proposal: Variation of Condition numbers 2 (specified plans) and 13 (Drainage) attached to planning permission 127053/FO/2020 to allow for amendments to the approved drainage scheme

Address: Land At Junction Of Victory Street & Claremont Road, Manchester

Ward(s): Moss Side Ward

Applicant: Mr Michael Berrie, Tyson Construction, 1 Mitcham Road, Blackpool, FY4 4QN

Agent (if any): Mr Andy Suddrick, Bowker Sadler Architecture, Hatherlow House, Romiley, Stockport, SK6 3DY

Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 17.01.2022

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Dwellings

Standard consultations:

Printed: 26 November 2021

Expired: 17 December 2021

Neighbour notifications

Printed: 26 November 2021

Expired: 17 December 2021

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/area

The application site comprised vacant land (previously used to accommodate residential housing until between 1961 and 1979) measuring 923m² in size.

The land was in an unkempt condition, featuring a number of trees and a significant area of dense vegetation undergrowth, it is located on the west side of Victory Street near to its junction with Claremont Road. The site is located in Moss Side Ward. Work commenced on site in March 2021.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Variation of Condition numbers 2 (specified plans) and 13 (Drainage) attached to planning permission 127053/FO/2020 to allow for amendments to the approved drainage scheme

Consultations & Notification Responses

No comments received

Flood Risk Management – Have no objections

Policies

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. The following policies within the Core Strategy are considered relevant:

Policy DM1, Development Management – This policy states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- ☐ Appropriate siting, layout, scale, form, massing, materials and detail.
- ☐ Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- ☐ Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- ☐ Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- ☐ Community safety and crime prevention.
- ☐ Design for health.
- ☐ Adequacy of internal accommodation and external amenity space.
- ☐ Refuse storage and collection.
- ☐ Vehicular access and car parking.
- ☐ Effects relating to biodiversity, landscape, archaeological or built heritage.
- ☐ Green Infrastructure including open space, both public and private.
- ☐ The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- ☐ Flood risk and drainage.
- ☐ Existing or proposed hazardous installations.
- ☐ Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply)

Issues

The agent sets out that the application has been submitted as due to unforeseen and unresolved party wall constraints, the offline storage for the drainage could not be installed in the original location.

The landscaping scheme approved will not be affected by the relocation of the storage.

Flood risk management had no objections following receipt of further supporting documentation.

The variation to the specified plans is acceptable.

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

Officers have worked with the applicant in a positive and proactive manner to resolve any problems arising in relation to dealing with the planning application.

Condition(s) to be attached to decision for approval

1. The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drainage Layout 0001 Rev P06

Received 16.11.2021

Documents related to the condition discharge application reference CDN/21/0057 / CDN/21/0275 / CDN/21/0499 / CDN/21/0857

Documents related to the planning application reference 127-53/FO/2020 other than those plans varied as part of this consent.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification) no part of any dwelling shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policy 7.4 of the Guide to Development in Manchester:

Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1, H7, H8 and DM1 of the Manchester Core Strategy (2012).

3. The development shall only be carried out in accordance with the approved Secured by Design details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and to reflect the guidance contained in the National Planning Policy Framework.

4. Prior to the occupation of the development hereby approved, a Contaminated Land Verification Report shall be submitted to the City Council as local planning authority.

Reason - To confirm that appropriate remedial action has been taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Manchester Core Strategy.

5. The approved scheme for the storage and disposal of refuse shall be implemented as part of the development and shall remain in situ whilst the use is in operation.

Reason - In the interests of amenity and public health, pursuant to policy DM1 of the Core Strategy for the City of Manchester.

6. The car parking spaces hereby approved shall be laid out and made available for use before first occupation of the dwellinghouses. The car parking spaces shall remain in-situ for the duration of the development

Reason - In the interests of residential amenity and pedestrian and highway safety, pursuant to Policy DM1 in the Manchester Core Strategy.

7. The development hereby approved shall not be occupied unless and until surface water management has been implemented in accordance with the Drainage Layout 0001 Rev P06.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

8. The development hereby approved shall be implemented in full accordance with the measures as set out within the Energy Statement, received by the City Council as local planning authority on 09 June 2020. Within 3 months of the completion of the construction of the authorised development a verification statement shall be submitted to and approved in writing, by the City Council as local planning authority, confirming the incorporation of the specified measures at each phase of the construction of the development, including dated photographic documentary evidence of the implementation and completion of required works.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy for the City of Manchester and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

9. Prior to the occupation of the development, a scheme of highway works, in order to provide an adequate pedestrian and vehicular environment in the vicinity of the application site, shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt this shall include the following:
- Facilitate driveway access

Reason - To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

List of those notified on Uniform

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: SOUTH