

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** CDN/21/0654

**Date registered valid:** 7 September 2021

**Proposal:** Discharge of conditions 4 (contaminated land), 5 (drainage), 6 (drainage management and maintenance) 9 (car parking management), 14 (travel plan) and 21 (building and site lighting) attached to planning permission ref: 122597/FO/2019

**Address:** Existing Car Parking Land Between Stubbs Mill, Piercy Street, Carruthers Street And The Ashton Canal, Manchester, M4 7EJ

**Ward(s):** Ancoats & Beswick Ward

**Applicant:** Mr Hunter Lyden Urban Splash Timber Wharf, 32 Worsley Street, Manchester, M15 4NX

**Agent (if any):** Harry Wright Shedkm Tempest, 12 Tithebarn Street, Liverpool, L2 2DT

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

**Recommendation:** Approve

**Date of recommendation:** 18 December 2021

## **Application details**

**Type of application:** Approval of condition application

**Development type:** Notifications

**Date of site visit:**

**Standard consultations:**

Printed: 13 September 2021      Expired: 4 October 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:**

**Tree Preservation Order:**

## **Description of area**

## **Description of development**

### **Consultations & Notification Responses**

Highways Services - Have made the following observations:-

Condition no.9 (car parking management) - the information provided is considered sufficient to discharge the condition.

Condition 14 (travel plan) - the information provided is considered sufficient to discharge the condition.

Environmental Health - 04.10.2021

Condition 4 - From looking back at the agreed remediation strategy, they need to see the following information:

- o Waste transfer notes to be retained for all soil removed from the site, WAC testing has shown that soil in WS102 at 2.3-3.0m has been classed as hazardous.
- o Confirmation that in-ground structures were grubbed out as part of the groundworks.
- o Topsoil cover of 150mm for landscaped areas, soil to be validated as suitable for use.

Condition 21 - drawings showing the location of the external lighting but no details have been provided on the lighting levels and the direction of the lights. This information is required to make sure that the building luminance and light intrusion (onto window) levels are compliant with the ILP lighting levels for suburban area.

09.11.2021 - Updated comments received.

Condition 21 - this can be discharged now

Condition 4 - It is not clear from the information provided if any topsoil/subsoil was brought to site to form gardens/landscaping. This needs to be confirmed along with any sampling data to confirm the soil was suitable for use/depth validation. They advised are satisfied with the rest of the information that has been provided.

17.12.2021 - Updated comments received.

The soils have been sampled and found to be suitable for use. The contaminated land condition can therefore be discharged.

United Utilities - has no objection to condition 5 being discharged. They recommend the Lead Local Flood Authority along with any other statutory consultee, is also consulted on the proposal.

Flood Risk Management - 22.09.2021.

Condition 5

The information uploaded to the Planning Portal 07 September under CDN/21/0654 has been considered. The information and comments issued under CDN/19/1020 have also been considered. Photographic evidence of flow control installation is required .

Condition 6

The information uploaded to the Planning Portal 07 September under CDN/21/0654 has been considered, and they recommend discharge of Condition 6.

11.11.2021 - Updated comments following receipt of installed hydrobrake photograph

Condition 5

Recommend discharge of Condition 5.

Design for Security - having looked at the supporting documents for conditions 9 & 21, they would be satisfied with the measures proposed and therefore support the discharge of these conditions.

## **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) The content of the following reports and emails have been examined .

Ground remediation completion letter from LK Consult ( ref: LKC 18 1173\_CR ) dated 17th August 2021 received on 7th September 2021; Enabling works verification report by LK Remediate ref: LKR201005VR received on 25th October 2021;  
Content of Email from planning agent dated 2nd December 2021 and attached landscape plan refs: Location Plan - landscape upper ground floor ( ref: SM-S5 (00) 011) and Location Plan - landscape lower ground floor ( ref: SM-S5 (00) 010);  
Soils sampling validation report ( ref: LKC 20 1085) dated December 2021, received 17th December 2021.

On the basis that the development was implemented in accordance with the Phase 1 Preliminary Risk Assessment - Stubbs Mill, LK Consult, Reference: CL-602-LKC 18 1173-01, Dated: July 2018 and the Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy - Stubbs Mill, LK Consult, Reference: CL-602-LKC 18 1173-02; to comply with part (a) of condition no.4 ; the submitted information is considered to be acceptable in regard to condition no.4 part (b), and condition no.4 is discharged.

5) The submitted Surface Water Drainage Verification statement ( ref: 122597/FO/2019) received on 7th September 2021, together with the photograph of the hydro-brake installed within the chamber at Stubbs Mews received on 28th October 2021, has been examined by appropriate officers and is considered to be acceptable. I can therefore confirm condition no.5 is discharged.

6) The Drainage management and maintenance plan ( ref: 308/1 ) dated July 2021 by Joule received on 7th September 2021, has been examined by appropriate officers and is considered to be satisfactory. On the basis that the development is implemented in full accordance with the measures set out in Drainage management and maintenance plan ( ref: 308/1) dated July 2021, condition no.6 is discharged.

9) The submitted Car park management strategy ( Development of Stubbs Mews ) dated September 2021, received on 7th September 2021, has been examined by appropriate officers and is considered to be acceptable . On the basis that the development is implemented in full accordance with the measures set out in Car park management strategy (Development of Stubbs Mews ) dated September 2021, condition no.9 is discharged.

14) The submitted Travel Plan ref: House at Stubbs Mews, Guest Street dated June 2021 received on 7th September 2021, has been examined by appropriate officers and is considered to be acceptable . On the basis that the development is implemented in full accordance with the measures set out in Travel Plan ref: House at Stubbs Mews, Guest Street dated June 2021 condition no.14 is discharged.

21) The external lighting details shown on the plans referenced below and submitted photographs of the installed lighting have been considered .

-Site plan - Lower ground parking ( plan ref: SM-S5 (00) 115; Site plan - Upper ground parking (plan ref: SM-S5 (00) 116; received 7th September 2021;

-Proposed external lighting layout (ref: EXT102 rev.P2 ) received 25th October 2021 as amended by Photographic images of installed lighting received 17th December 2021.

On the basis that the development is implemented in full accordance with the details reference above, as amended by photographic images of installed lighting received 17th December 2021, prior to the first use of the development and shall remain in operation for so long as the development is occupied condition no.21 part (a) is discharged .

Condition 21 part (b) requires that if any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby properties or a detrimental impact on the adjacent canal, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority. As such this is an on-going requirement at this time.

## **Appendix 1 – List of consultees & neighbours notified**

Highway Services  
Environmental Health  
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  
Site of Biological Interest - Name: Ashton Canal (West)  
Coal Authority - Development Low Risk - Name: DEVELOPMENT\_LOW\_RISK\_AREA  
Area Team Boundary - Name: NORTH2