

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/20/0614

Date registered valid: 3 December 2020

Proposal: Discharge of conditions 2 (materials), 7 (waste store design), 8 (car park layout), 9 (cycle parking), 10 (servicing strategy), 11 (roller shutters), 12 (CMP), 14 (ground conditions), 15 (ground conditions verification) attached to planning permission 126529/FO/2020

Address: 38 Broughton Street, Manchester, M8 8NN

Ward(s): Cheetham Ward

Applicant: Mr Rajesh Bhabuta 38 Broughton Street, Manchester, M8 8NN

Agent (if any): Mr Jason Cartwright P4BA 15 Memorial Road, Manchester, M28 3AQ

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approved and Refused

Date of recommendation: 7 June 2021

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 3 December 2020 Expired: 24 December 2020

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

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: Approved and Refused

Article 35 Declaration

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

- 1) The details of the matching brickwork (Carlton Heather Sandfaced) and aluminium window frames - RAL 9005 (black) (received by e-mail from P4BA dated 7 May 2021), is satisfactory. Subject to implementation of the agreed details, condition 2 may be discharged.
- 2) The waste store detailed on drawing numbered 01, received by the City Council as Local Planning Authority on 16 November 2020, is satisfactory. Subject to implementation of the agreed details, condition 7 can be discharged.
- 3) The car park layout shown on drawing numbered 01, received by the City Council as Local Planning Authority on 16 November 2020, is satisfactory. Subject to implementation of the agreed details, condition 8 can be discharged.
- 4) The cycle storage details shown on drawing numbered 01, received by the City Council as Local Planning Authority on 16 November 2020, is satisfactory. Subject to implementation of the agreed details, condition 9 can be discharged.
- 5) The details contained with the submitted Servicing Strategy Note received by the City Council as Local Planning Authority on 16 November 2020, are satisfactory. Subject to implementation of the agreed details, condition 10 can be discharged,
- 6) The roller shutters details shown on drawing numbered 01, received by the City Council as Local Planning Authority on 16 November 2020, together with the black, perforated specification details, provided by e-mail from P4BA dated 12 February 2021, is satisfactory. Subject to implementation of the agreed details, condition 11 can be discharged.
- 7) The submitted Construction Environmental Management Plan, dated March 2021 and received by the City Council as Local Planning Authority on 7 May 2021, is satisfactory. Subject to implementation of the agreed details, condition 12 can be discharged.
- 8) The details contained within the following documents are satisfactory:

Phase 1 GeoEnvironmental Desk Study (Ref: A3434/20), produced by Earth, Environmental and Geo-technical, received by the City Council as Local Planning Authority on 21 January 2021;

Site Investigation Report (Ref: A3434/20) and accompanying correspondence and appendices including borehole log and gas monitoring results, produced by Earth, Environmental and Geo-

technical and Ground Sure, received by the City Council as Local Planning Authority on 25 September 2020;

Asbestos Management Plan (Ref: A3434/20/AMP) produced by Earth, Environmental and Geo-technical, received by the City Council as Local Planning Authority on 10 May 2021.

Subject to implementation of the agreed measures, condition 14 may be discharged.

9) A Completion/Verification Report relating to ground conditions has not been received. The discharge of this condition is premature and can only be discharged upon completion of the development.

A post completion report with regard to asbestos is also required to demonstrate the following:

- Details of air monitoring and results along with action taken where required;
- Details of staff training as detailed in the report and signed staff induction records with regard to asbestos awareness and training;
- Photographs of impacted soil management and stockpiles as recommended in the submitted report;
- Photographs of dampening down practices;
- Details of any unexpected asbestos encountered and action taken;
- Waste transfer notes for any asbestos removed from the site;

Until such time that a Completion/Verification report is received, condition 15 cannot be discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Police
Highway Services

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
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(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1