

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/21/0087

Date registered valid: 22 February 2021

Proposal: Discharge of Conditions 3 (Materials), 4 (Contaminated land), 5 (Noise), 6 (Car Layout), 7 (CMP), 9 (Sustainable Drainage), 10 (Separate Drainage), 11 (Bat and Bird Boxes), 12 (Tree Inspection Bats), 16 (SBD) , 18 (Environmental Standards) and 21 (Obscure Glazing) approved under planning application referenced 125555/FO/2019

Address: 29 Berry Brow, Manchester, M40 1GR

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Gerard Stelfox 29 Berry Brow, Manchester, M40 1GR

Agent (if any): Mr Bradley Clarke Clarkes Bespoke Design Ltd Phoenix House, 4 Huddersfield Road, Stalybridge, SK15 2QA

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 26 May 2021

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 23 February 2021 Expired: 16 March 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

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: Approve

Article 35 Declaration

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

3) The following information has been submitted in respect of this planning condition;

PL-001 Rev P10, stamped as received on the 16 March 2021
PL-002 Rev 9, stamped as received on the 11 May 2021
6297:01 Rev A, stamped as received on the 2 February 2021.

The above information has been considered and is acceptable in order to discharge this planning condition. Condition 3 is therefore formally discharged.

4) The following information has been submitted in respect of this planning condition 4a;

The Environmental Report by Geotechnical Services Limited, received on the 29 March 2021 and the email from Rogers Geotechnical, dated 25 May 2021.

The above information is considered to be acceptable.

Condition 4a is formally discharged on the basis the development is implemented in accordance with measures in the above documentation condition no.4a is discharged. The submission of a validation and completion report will be required to be submitted in order to discharge condition no.4b.

5) The information contained within the submitted Acoustic Report by Nova Acoustics, stamped as received on the 15 January 2021 and the email from Clarkes Bespoke Design Ltd dated 17 May 2021 is satisfactory.

Based on the above, condition 5 may be partially discharged, with full discharge available upon the submission and agreement of a Verification Report upon completion of the development y, in order to validate the works undertaken conform to the recommendations and requirements contained within the report. The report should contain details of mechanical ventilation, CRN (Rail noise calculations) based on a time table outside of the pandemic to establish if the noise levels we measured were representative and post completion testing to confirm that the internal noise criteria has been met. Any instances of non conformity with the recommendations contained within the report shall be detailed, along with any measures required to ensure compliance with the internal noise criteria.

6) The following information has been submitted in respect of this planning condition;

Drawing numbered PL-001 P10, stamped as received on the 16 March 2021.

The above information has been considered and is acceptable in order to discharge this planning condition. Condition 6 is therefore formally discharged.

7) The following information has been submitted in respect of this planning condition;

The Construction Management Plan by Wiplow, stamped as received on the 15 January 2021.

The above information has been considered and is acceptable in order to discharge this planning condition. Condition 7 is therefore formally discharged.

9) The following information has been submitted in respect of this planning condition;

The Drainage Strategy from GWK Structural Solutions Limited, stamped as received on the 15 January 2021.

The above information has been considered and is acceptable in order to discharge this planning condition. Condition 9 is therefore formally discharged.

10) The following information has been submitted in respect of this planning condition;

The Drainage Strategy from GWK Structural Solutions Limited, stamped as received on the 15 January 2021.

The above information has been considered and is acceptable in order to discharge this planning condition. Condition 10 is therefore formally discharged.

11) The following information has been submitted in respect of this planning condition;

Arboricultural Statement by Cheshire Woodlands Ltd, Extended Phase 1 Habitat Survey and the Tree Inspection Method Statement by Rachel Hacking Ecology, stamped as received on the 15 January 2021.

The above information has been considered and is acceptable in order to discharge this planning condition. Condition 11 is therefore formally discharged.

12) The following information has been submitted in respect of this planning condition;

Arboricultural Statement by Cheshire Woodlands Ltd, Extended Phase 1 Habitat Survey and the Tree Inspection Method Statement by Rachel Hacking Ecology, stamped as received on the 15 January 2021.

The above information is considered to be acceptable to partially discharge condition 12.

As the tree has not yet been inspected the condition cannot be fully discharged at this time.

Condition 12 is therefore only partially discharged.

16) The following information has been submitted in respect of this planning condition;

PL-001 Rev P10, stamped as received on the 16 March 2021
PL-002 Rev 9, stamped as received on the 11 May 2021
6297:01 Rev A, stamped as received on the 2 February 2021.
The email from Clarkes Bespoke Design Ltd dated 11 May 2021.

The above information has been considered and is acceptable in order to discharge this planning condition. Condition 16 is therefore formally discharged.

18) The following information has been submitted in respect of this planning condition;

Bridgewater Energy Report : Energy assessments and certification, stamped as received on the 22 February 2021.

The above information has been considered and is acceptable in order to discharge this planning condition. Condition 18 is therefore formally discharged.

21) The following information has been submitted in respect of this planning condition;

PL-003 Rev P9, stamped as received on the 15 January 2021.
PL-002 Rev 9, stamped as received on the 11 May 2021

The above information has been considered and is acceptable in order to discharge this planning condition. Condition 21 is therefore formally discharged.

Appendix 1 – List of consultees & neighbours notified

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

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1