

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/25/0202

Date registered valid: 4 March 2025

Proposal: Discharge of conditions 4 (noise), 7 (ground conditions), 9 (CMP) and 11 (drainage) attached to planning permission referenced 134434/FO/2022

Address: 55 Slack Road, Manchester, M9 8NJ

Ward(s): Harpurhey Ward

Applicant: Mr Nurul Haque

Agent (if any): Mr D King NK Architectural

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Split- Approved and Refused

Date of recommendation: **25 April 2025**

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 11 March 2025 Expired: 1 April 2025

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 area

Description of development

Consultations & Notification Responses

Issues

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality

Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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: Split- Approved and Refused

Article 35 Declaration

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

4) The following information has been submitted in respect of planning condition 4 (noise) Part A:

- Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 4 March 2025.
- Noise Impact Assessment (Noise Air, report ref: P6558-R1-V1, dated 23 July 2023), stamped and received by the City Council as Local Planning Authority on 4 March 2025.

The above details are considered to be acceptable to discharge the condition 4 part A attached to planning permission referenced 134434/FO/2022 on the basis the development is fully implemented in accordance with the approved details.

b) Prior to first occupation of the residential units, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have 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.

7) The following information has been submitted in respect of planning condition 7 (ground conditions):

- Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 4 March 2025.

-Ground Survey- Phase 1 Desk Study Report (ref: 23-03-08 REV 0, dated March 2023), stamped and received by the City Council as Local Planning Authority on 4 March 2025.
-Ground Survey- Phase II Site Investigation Report (ref: 24-03009 REV 0, dated December 2024), stamped and received by the City Council as Local Planning Authority on 4 March 2025.

The information submitted to discharge condition 7 is not sufficient.

The outstanding evidence is required:

The findings and recommendations of the submitted Demeter Environmental Phase II Site Investigation Report, ref 24-03-09 Revision 0, dated December 2024, are generally accepted (Amber 1 ground gas protection measures to be installed), however, the conclusion that the site soils are suitable for use is accepted only on a chemical basis. The site soils are stated to consist mainly of Made Ground and therefore possibly do not provide a suitable growing medium. The developer's consultants should refer to MCC's guidance for further information on suitable soil depths for vegetation types, and testing requirements for imported materials, and the proposals should be included within a Remediation Strategy (referred to in the report as a Phase IIIa Implementation Plan) together with details of the proposed gas protection measures.

Part a) of condition 7 requires the approval of the Remediation Strategy, and part b) of the condition requires the approval of a Completion/Verification Report, therefore neither part can currently be recommended for discharge.

Until such details are received and agreed, condition 7 cannot be discharged.

9) The following information has been submitted in respect of planning condition 9 (CMP):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 4 March 2025.
-Supporting Information- Construction Management Plan (dated June 2024), stamped and received by the City Council as Local Planning Authority on 4 March 2025.

The information submitted to discharge condition 9 is not sufficient.

The outstanding evidence is required:

- It is requested that swept path analysis of the largest expected vehicle is provided to demonstrate how the vehicle will access/egress the site.
- A Traffic Management Plan is requested.
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within the site.
- Arrangements for the turning of vehicles.
- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available.
- Any necessary temporary traffic management measures.
- Measures to protect vulnerable road users (cyclists and pedestrians).

Until such details are received and agreed, condition 9 cannot be discharged.

11) The following information has been submitted in respect of planning condition 11 (drainage):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 4 March 2025.
-Drainage Information- Drawing, stamped and received by the City Council as Local Planning Authority on 4 March 2025.

-Drainage Information- Re Existing Drainage System, stamped and received by the City Council as Local Planning Authority on 4 March 2025.

The information submitted to discharge condition 11 is not sufficient.

The outstanding evidence is required:

- Provide information of permeable surfacing of driveways >5m² where feasible, in-line with government guidance.

- Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.

Until such details are received and agreed, condition 11 cannot be discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA