

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142530/JO/2025

Date registered valid: 26 March 2025

Proposal: Variation of condition number 15 (acoustic insulation) attached to planning permission referenced 137733/FO/2023 to allow for the acoustic insulation scheme to be submitted prior to occupation.

Address: Land On the Corner of Old Market Street and Domett Street, Manchester

Ward(s): Harpurhey Ward

Applicant: Joshua Hart, Jigsaw Homes Group

Agent (if any): Jessica Ward, Bernard Taylor Partnership Limited

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

Recommendation: Approve

Date of recommendation: 12 May 2025

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Dwellings

Standard consultations:

Printed: 8 April 2025 Expired: 1 May 2025

Neighbour notifications

Printed: 8 April 2025 Expired: 1 May 2025

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

The site is made up of a grassed area situated on the corner of Domett Street and Old Market Street. Beyond the south boundary are further grassed area and public pathways, as well as large clusters of trees. There are surrounding two storey terraces properties adjacent to the site and a substantial residential scheme under construction on the adjacent plot.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The development will entail a total of 4no. 1-bedroom 2-person cottage flats. This scheme will provide housing on currently vacant land and contribute towards the high demand for housing in the Moston area of Manchester. The site is located in within the boundary of the Harpurhey ward of the Manchester city region, to the north-east of the city centre. The site is well connected with bus stops, and amenities on Old Market Street, which runs along the north boundary of the site. The site is made up of a grassed area on the corner of Domett Street and Old Market Street. Beyond the sites south boundary is further grassed area and public pathways, in addition to large clusters of trees. There are surrounding two storey terraces properties adjacent to the site and a substantial residential scheme under construction on the adjacent plot.

Description of development

Variation of condition number 15 (acoustic insulation) attached to planning permission referenced 137733/FO/2023 which allowed for erection of 4no. dwellings (cottage flats) (Class C3) with associated landscaping and car parking.

In this case it is proposed to alter the wording of condition 15 (acoustic insulation)_to allow for the acoustic insulation scheme to be submitted prior to occupation and for its partial discharge.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – The updated report provided by the architects (Hepworth Acoustics, ref. P25-136-R01v2, dated 01.05.2024) is acceptable with respect to discharging the first part of condition 15. The condition also requires a verification report to be submitted for approval prior to first occupation of the development.

Issues

Principle

The proposed amendment to the wording to allow for the report to be finalised prior to first occupation rather than the commencement of development would not have any material impact to the principle of the agreed scheme or raise any new technical considerations.

The applicant has submitted a report which addressed the issues raised by the first part of the condition, leaving only the requirement of a verification report upon completion of the development.

On this basis, the proposal is acceptable and would still be compliant with all relevant development policy and guidance.

Condition have been updated to take account of previously agreed discharge of condition applications and a non-material amendment.

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: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Alterations to the scale, siting and appearance of the proposed dwellings have been sought through the course of the application. The proposal is considered to be in accordance with the Development Plan and therefore determined in a timely manner.

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

- 1) The development must be begun not later than 21 December 2026.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- o DS-BTP-00-SP-DR-A-3784_105.15 - Proposed Site Plan NMA
- o DS-BTP-00-E-DR-A-3784_107.7 - Proposed Street Elevations NMA
- o DS-BTP-00-SP-DR-A-3784_108.8 - Site Boundary Plan NMA
- o DS-BTP-00-SP-DR-A-3784_109.5 - Waste Management Plan NMA
- o DS-BTP-00-SP-DR-A-3784_110.2 - EV Charging Plan NMA
- o DS-BTP-01-ZZ-DR-A-3784_170.7 - House Type 5 Proposed Plans 00 NMA
- o DS-BTP-01-E-DR-A-3784_171.7 - House Type 5 Proposed Elevations 00 NMA
- o DS-BTP-01-ZZ-DR-A-3784_172.6 - House Type 5 Proposed Plans 01 NMA

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies DM1, SP1 and EN1 of the Manchester Core Strategy and JP-P1 of Places for Everyone.

- 3) The development hereby approved shall only be implemented in accordance with the external materials listed in the submitted document, agreed as part of discharge of condition application referenced CDN/24/1205, as detailed below:

SUPPORTING INFORMATION - EXTERNAL FINISHES -24 DECEMBER 2024.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Manchester Core Strategy.

- 4) The development hereby approved shall only be implemented in accordance with the waste management strategy, agreed as part of discharge of condition application referenced CDN/24/1205, as detailed below:

SUPPORTING INFORMATION - WASTE MANAGEMENT PLAN - 24 DECEMBER 2024.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

5) 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 Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

6) The car parking areas indicated on drawing numbered DS-BTP-00-SP-DR-A-3784_105.8, received by the City Council as Local Planning Authority on the 1 August 2023, shall be surfaced, demarcated and made available for use prior to any of the residential units hereby approved being occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to policies DM1, T2 and SP1 of the Manchester Core Strategy.

7) No part of the development shall be occupied until space and facilities for bicycle parking within the sheds, have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

8) Notwithstanding details submitted, prior to the first occupation of the residential development hereby approved, full details of electric car charging points shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved details shall then be implemented as part of the development and be in place prior to the first occupation of any of the residential units.

Reason - In the interest of air quality, pursuant to policy EN16 of the Manchester Core Strategy.

9) The development hereby approved shall only be implemented in accordance with the boundary treatment, agreed as part of discharge of condition application referenced CDN/24/1205, as detailed below:

SUPPORTING INFORMATION - BOUNDARY SITE PLAN - 24 DECEMBER 2024.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

10) The development hereby approved shall only be implemented in accordance with the landscaping scheme, agreed as part of discharge of condition application referenced CDN/24/1205, as detailed below:

SUPPORTING INFORMATION - LANDSCAPE PROPOSALS - 24 DECEMBER 2024.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Manchester Core Strategy.

11) The development hereby approved shall only be implemented in accordance with the Construction Management Plan, agreed as part of discharge of condition application referenced CDN/24/1205, as detailed below:

SUPPORTING INFORMATION - CMP - 19 FEBRUARY 2025.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

12) The consent hereby approved shall be carried out in accordance with the Biodiversity Net Gain Assessment by LM Ecology, stamped as received on the 1 August 2023. The proposal shall include compliance with:

- * Clearance of the site should follow the Reasonable Avoidance Measures for hedgehog (and other small animals) detailed in paragraphs 50 and 51 of the ecology report.

- * Resolving the biodiversity unit loss on site, the species enhancements recommended in paragraph 56 of the Biodiversity Net Gain Assessment

Reason - To ensure the protection of wildlife habitats in the locality, pursuant to policy EN15 of the Core Strategy for Manchester.

13) The development hereby approved shall only be implemented with the following drainage documents, agreed as part of discharge of condition application referenced CDN/25/0106:

- 222-100 Domett S.W Calculations, received by the City Council as Local Planning Authority on 6 February 2025;

- Soil Infiltration Testing Letter (Jan 2025) prepared by IGE Consulting, received by the City Council as Local Planning Authority on 6 February 2025;

- Drawing referenced DSM AJP ZZ 00 DR C - 0900 P04 (drainage strategy), received by the City Council as Local Planning Authority on 17 April 2025;

- Suds Management and Maintenance plan prepared by AJP Consulting Engineers (Ref: DOM-AJP-ZZ-XX-RP-C-3050-P01), received by the City Council as Local Planning Authority on 23 April 2025.

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 Manchester Core Strategy.

14) The consent hereby granted shall be carried out in accordance with the Environmental Standards Statement titled, 'Energy Council Energy Statement Ref: Z57880 Document, stamped as received on the 1 August 2023 to ensure detail energy efficiency and carbon reduction measures to be incorporated within the development. The development shall only be implemented in accordance with the agreed details.

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 and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

15) The development hereby approved shall only be implemented in accordance with the details contained within the Noise Mitigation Scheme prepared by Hepworth Acoustics (Ref: P25-136-R01v2) dated 1 May 2025, received by the City Council as Local Planning Authority on 2 May 2025. The approved noise insulation scheme shall be completed before any of the residential units are occupied.

Upon completion of the development and prior to first occupation of the apartments hereby approved, a verification report shall be submitted to and approved in writing by the City Council as Local Planning Authority in order to validate the works undertaken conform to the recommendations and requirements contained within the report. The report should contain details of 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.

Reason - To safeguard the amenities of existing and future occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1, H1 and DM1 of the Manchester Core Strategy.

16) The development hereby approved shall only be implemented in accordance with the ground conditions remediation strategy, agreed as part of discharge of condition application referenced CDN/24/1205, as detailed below:

SUPPORTING INFORMATION - REMEDIAL STRATEGY REPORT 24 DECEMBER 2024.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Manchester Core Strategy.

17) 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) none of the apartments hereby approved 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 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 policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

18) 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 windows or doors shall be inserted into the elevations of the extension hereby approved other than those shown on the approved drawings.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 Core Strategy for the City of Manchester.

19) The development hereby approved shall only be implemented in accordance with the obscure glazing details, agreed as part of discharge of condition application referenced CDN/24/1205, as detailed below:

SUPPORTING INFORMATION - EXTERNAL FINISHES - 24 DECEMBER 2024.

Reason - To protect the amenity and living conditions of adjacent properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

20) The development hereby approved shall only be implemented in accordance with the following highway work details, agreed as part of condition discharge application referenced CDN/24/1205:

- SUPPORTING INFORMATION - FINISHED LEVELS AND RETAINING WALLS - 24 DEC 2024;
- SUPPORTING INFORMATION - S278 ADOPTION LAYOUT - 24 DEC 2024;
- SUPPORTING INFORMATION - S278 CONSTRUCTION DETAILS - 24 DEC 2024;
- SUPPORTING INFORMATION - SURFACING AND KERBING LAYOUT - 24 DEC 2024;
- SUPPORTING INFORMATION - CMP - 19 FEB 2025.

Reason - In the interests of highway safety, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

21) The development hereby approved shall only be implemented in accordance with the window reveal details, agreed as part of discharge of condition application referenced CDN/24/1205, as detailed below:

SUPPORTING INFORMATION - TYPICAL WINDOW DETAIL - 24 DECEMBER 2024.

Reason - In the interest of visual amenity pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Flat 18, 1 Domett Street, Manchester, M9 8DF
Flat 17, 1 Domett Street, Manchester, M9 8DF
Flat 16, 1 Domett Street, Manchester, M9 8DF
Flat 15, 1 Domett Street, Manchester, M9 8DF
Flat 14, 1 Domett Street, Manchester, M9 8DF
Flat 13, 1 Domett Street, Manchester, M9 8DF
Flat 12, 1 Domett Street, Manchester, M9 8DF
Flat 11, 1 Domett Street, Manchester, M9 8DF
Flat 10, 1 Domett Street, Manchester, M9 8DF
Flat 9, 1 Domett Street, Manchester, M9 8DF
Flat 8, 1 Domett Street, Manchester, M9 8DF
Flat 7, 1 Domett Street, Manchester, M9 8DF
Flat 6, 1 Domett Street, Manchester, M9 8DF
Flat 5, 1 Domett Street, Manchester, M9 8DF
Flat 4, 1 Domett Street, Manchester, M9 8DF
Flat 3, 1 Domett Street, Manchester, M9 8DF
Flat 2, 1 Domett Street, Manchester, M9 8DF
Flat 1, 1 Domett Street, Manchester, M9 8DF
2 Gilman Close, Manchester, M9 8DG
11 Domett Street, Manchester, M9 8DF
45 Hexagon Close, Manchester, M9 8RN
43 Hexagon Close, Manchester, M9 8RN
41 Hexagon Close, Manchester, M9 8RN
39 Hexagon Close, Manchester, M9 8RN
Flat 5, 73 Old Market Street, Manchester, M9 8DX
Flat 4, 73 Old Market Street, Manchester, M9 8DX
Flat 3, 73 Old Market Street, Manchester, M9 8DX
Flat 2, 73 Old Market Street, Manchester, M9 8DX
Flat 1, 73 Old Market Street, Manchester, M9 8DX
Unit 6, 73 Old Market Street, Manchester, M9 8DX
Unit 5, 73 Old Market Street, Manchester, M9 8DX
Unit 4, 73 Old Market Street, Manchester, M9 8DX
Unit 3, 73 Old Market Street, Manchester, M9 8DX
Unit 2, 73 Old Market Street, Manchester, M9 8DX
Unit 1, 73 Old Market Street, Manchester, M9 8DX
4 Gilman Close, Manchester, M9 8DG
9 Domett Street, Manchester, M9 8DF

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 -
Area Team Boundary - Name: NORTH AREA