

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0835

Date registered valid: 17 November 2022

Proposal: Discharge of Conditions 3 (materials), 4 (Construction Management Plan), 8 (Electric car charging points), 11 (External Plant), 13 (Contaminated Land) and 14 (Drainage) attached to planning permission 131985/FO/2021

Address: Land At Moss Lane East And Broadfield Road, Manchester, M14 4WB

Ward(s): Moss Side Ward

Applicant: Mr Ibraheem AL-Bayati MAI Construction

Agent (if any):

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approved and Refused

Date of recommendation: 3 April 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: none required

Standard consultations:

Printed: 25 November 2022

Expired: 16 December 2022

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: not applicable

Tree Preservation Order: not applicable

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: Approved and Refused

Article 35 Declaration

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

3) The information submitted for the palette of materials to be used on the external elevations as shown in the Materials used for external building schedule are considered acceptable. The proposed materials are:

The bricks used will be a red brick called 'Bradgate Claret'

Mortar to be used-Terracotta Dark Coloured mortar for the ground floor and Black Dark Coloured mortar for the first and second floors.

The Fibre Cement Board that will be used will be 'Viroc by Investwood'

All windows and doors will have an Aluminium frame and will be double glazed. The colour of the window frames will be Grey colour RAL 7045.

The roof windows will have a grey standard exterior finish.

Dark grey tiles will be used for the roof. Western Slate Roof Tiles Range from Mannok (mannokbuild.com)

Gutters and downpipes used will be UPVC in a black finish.

The coping around the flat roof parapet walls and the head detail over some of the windows on the front façade will be a pre-cast semi dry concrete made to resemble natural stone. It will also be a natural stone colour of off-white.

Condition 3 materials is considered discharged so long as implemented in accordance with the approved details.

4) In regard to Condition 4 (CMP) the information provided by the applicant in regards to the hoarding, marshalling, deliveries together with confirmation that Salisbury Street will not be required to close is sufficient to allow the full discharge of the condition.

8) Based upon the information provided on plan 'MLE/PL/101' The condition is considered discharged so long as implemented in accordance with the approved plan.

11) Condition 11 (External Plant) - As no external plant is proposed this condition is considered discharged (as per CDN/24/0328).

13) The local planning authority are in receipt of a SI and RS by Earth Environmental and Geotechnical. It is considered unacceptable that most of the investigations took part in a small area of the land that will not be used as rear gardens. The investigations would need to be a better spread.

Any future validation reports are to include:

Removal of asbestos

Waste transfer notes

Validation of new soil

Validation of depth and capping layer

Validation of Naphthalene delineation.

Based on the above Condition 13 Contaminated Land cannot be discharged.

14) Based upon the following information submitted for the discharge of Condition 14 Drainage:
10417-1001 Rev P01 Drainage Design Details
WML Consulting-Storm Sewer Design Criteria 10417-WML-00-XX-CA-C-0002 received 6th April 2023
WML Consulting-Drainage Design GA 10417-1000 Rev T1 received 6th April 2023.

The condition is considered fully discharged:

Appendix 1 – List of consultees.

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
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA