

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0943

Date registered valid: 7 October 2024

Proposal: Discharge of Conditions 3 (Materials), 4 (Reveals), 6 (Construction Management Plan), 8 (Waste Management), 12a (Noise), 13a (Contamination), 16 (Landscaping) and 22 (Affordable Housing) attached to planning permission 137764/FO/2023

Address: Land Between Simister Street And Jonas Street Princedom Street, Manchester, M9 4JL

Ward(s): Harpurhey Ward

Applicant: Mr Steven Brown John Southworth

Agent (if any): Mr Daniel Tomlinson GWP Architecture

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

Recommendation: Split- Approved and Refused

Date of recommendation: **23 December 2024**

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 11 October 2024 Expired: 1 November 2024

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

The initial application sought the discharge of condition 19 (Environmental standards statement). However, this condition requests the development is done in accordance with the approved documents and a post construction review certificate/statement shall be submitted for approval. As construction has not started on site, the agent requested condition 19 is removed from the current CDN application. The agent also requested to change some of the wording of the condition and this cannot be dealt with via this application type and should instead be done by a variation of condition application. The agent confirmed they wished for condition 19 to be

removed from the application in writing on 27 November 2024 and the description of development omits reference to condition 19.

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

3) The following information has been submitted in respect of planning condition 3 (Materials):
-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.
-Supporting Information- External Finishes, numbered REV C, stamped and received by the City Council as Local Planning Authority on 16 December 2024.
-Drawing- Proposed- Brick Detail Panel 3b4p 1 of 2, numbered (515)2421-GWP-ZZ-ZZ-D-A-(20)-0035 REV P02, stamped and received by the City Council as Local Planning Authority on 10 December 2024.
-Drawing- Proposed- Brick Detail Panel 3b4p 2 of 2, numbered (515)2421-GWP-ZZ-ZZ-D-A-(20)-0036 REV P02, stamped and received by the City Council as Local Planning Authority on 10 December 2024.

The above details are considered to be acceptable to discharge the condition 3 attached to planning permission referenced 137764/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

4) The following information has been submitted in respect of planning condition 4 (Reveals):
-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.
-Drawing- Proposed- Typical Window Cill and Head Detail, numbered (515)2421-GWP-01-XX-D-A-(100)-0019 REV P02, stamped and received by the City Council as Local Planning Authority on 10 December 2024.

The above details are considered to be acceptable to discharge the condition 4 attached to planning permission referenced 137764/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

For the avoidance of doubt, the window reveal should have a 195mm depth for all windows.

6) The following information has been submitted in respect of planning condition 6 (Construction Management Plan):

-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.
-Supporting Information- Construction Management Plan, issue no.2, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

The above details are considered to be acceptable to discharge the condition 6 attached to planning permission referenced 137764/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

8) The following information has been submitted in respect of planning condition 8 (Waste Management):

-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.
-Waste Management, numbered 12192 -AEW -XX -XX -DR - A -0507, stamped and received by the City Council as Local Planning Authority on 7 October 2024.
-Supporting Information- Kitchen, numbered (515)2421-GWP-ZZ-ZZ-D-A-(70)-0005 REV P01, stamped and received by the City Council as Local Planning Authority on 10 December 2024.

The above details are considered to be acceptable to discharge the condition 8 attached to planning permission referenced 137764/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

12a) The following information has been submitted in respect of planning condition 12a (Noise):
-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Noise Assessment- Eco Technology (DMG-240924, dated 26 September 2024), stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Supporting Information- Images from the Modelling, stamped and received by the City Council as Local Planning Authority on 27 November 2024.

-Noise Information- Addendum Report, Dated 4 December 2024, stamped and received by the City Council as Local Planning Authority on 10 December 2024.

-Correspondence- Acoustic Consultant Response following EH comments, stamped and received by the City Council as Local Planning Authority on 19 December 2024.

The information submitted to discharge condition 12a is not sufficient.

The outstanding evidence is required:

In the absence of direct measurement and considering the potential noise types from typical garage activities, it's not an unreasonable approach to apply the two rating penalties for tonality and intermittency. The acoustician states that there's ample headroom to apply the corrections. Confirmation of such corrections should be supplied in email form.

Until such details are received and agreed, condition 12a cannot be discharged.

b) Prior to first occupation of the residential units, a verification report shall 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.

13a) The following information has been submitted in respect of planning condition 13a (Contamination):

-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Supporting Information- Remedial Strategy Report (4048-01, REV A- Report and Appendices 1-4), stamped and received by the City Council as Local Planning Authority on 16 December 2024.

The above details are considered to be acceptable to discharge the condition 13a attached to planning permission referenced 137764/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and prior to occupation a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development in each phase is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

16) The following information has been submitted in respect of planning condition 16 (Landscaping):

-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Drawing- Proposed- Landscape Plan, numbered 7568.01, stamped and received by the City Council as Local Planning Authority on 7 October 2024.
-Supporting Information- External Finishes, numbered REV C, stamped and received by the City Council as Local Planning Authority on 16 December 2024.

The above details are considered to be acceptable to discharge the condition 16 attached to planning permission referenced 137764/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

22) The following information has been submitted in respect of planning condition 22 (Affordable Housing):

-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.
-Affordable Housing Statement, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

The above details are considered to be acceptable to discharge the condition 22 attached to planning permission referenced 137764/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

iv. The approved affordable housing scheme shall be implemented as part of the development and thereafter observed in perpetuity subject to the exclusions and exemptions set out in the approved affordable housing scheme.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)

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