

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0691

Date registered valid: 29 July 2024

Proposal: Discharge of Conditions 3 (Construction Management), 5a (contamination), 6 (drainage) and 20 (highways works) attached to planning permission 136978/FO/2023

Address: 16 - 18 Hyde Road, Manchester, M12 6BW

Ward(s): Ardwick Ward

Applicant: Crown Advisory Ltd

Agent (if any): Mr Julian Austin, Paul Butler Associates

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Split decision

Date of recommendation: 20 September 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 8 August 2024 Expired: 30 August 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:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

United Utilities - United Utilities has no objection to Condition 6 being discharged

Environmental Health - Condition 3 can be discharged.

Condition no.5a- The Phase II report is fine. The applicant will now need to submit the remediation strategy for the asbestos found on site and also the gas protection measure to be installed at the development.

Highways Services – 27.08.2024 In regard to Condition 3 (Construction Management) a Construction Management Plan has been submitted. MCCs Events and Network Management Team have been consulted and did not provide any comments.
As per Condition 3 it is requested that a dilapidation survey (including photographs and

commentary, on the condition of carriageway/footways of construction vehicle routes surrounding the site) is undertaken and submitted. On confirmation of the above the information would be sufficient to allow us to recommend the discharge of the condition from a Highways perspective.

In regard to Condition 20 (Highways) plans detailing the proposed works has been submitted. MCCs Statutory Approvals Team were consulted for comment. A Section 278 application for highways works has not yet been received, therefore Highways cannot currently support the discharge of this condition. This should be undertaken through the Manchester City Council Highways Statutory Approvals team so that a process can be determined and taken forward. The following link provides access:
https://www.manchester.gov.uk/directory_record/451887/permission_to_work_on_the_highways_-_section_278_agreements

Further Highways comments 18.09.2024

In regard to Condition 3 (Construction Management) a Construction Management Plan has been submitted. MCCs Events and Network Management Team have been consulted and did not provide any comments. The dilapidation survey has been noted and the information is sufficient to allow us to recommend the discharge of the condition from a Highways perspective.

FRM –

-Drawing no. 503-P01

– Drainage Layout has been provided for consideration.

-The proposed drawing does not indicate the attenuation tank easements from the proposed building and highway. Good practice is typically 2.5m easement from existing boundaries, 5m from any dwellings, to enable future maintenance access. If the above maintenance easements are not achievable the developer must provide a section through the attenuation tank including foundations, to ensure no impact on the zone of influence following completion.

-The exact location and depth of the culverted watercourse is “TBC”. The developer will need to determine the exact location, depth, water level, invert level, and condition at the point of connection.

-The ACO drain included in front of the attenuation tank has no outfall. -We would be unable to assess the proposed drainage layout further without the further information included within the condition clauses.

Standard comment: The applicant must present a consistent package to discharge this condition (Including all layouts and calculations). The layout and calculations must be jointly updated to account for any edits required. When preparing a resubmission, the applicant must ensure that the drainage layout and hydraulic calculations correspond, and that they can be cross-referenced for checks. This includes layout annotations and schedule printouts.

The developer has provided a “PHASE II GEO-ENVIRONMENTAL INVESTIGATION AND RISK ASSESSMENT”, which references completed boreholes. However, no borehole logs have been included within the report. The developer will need to submit the completed borehole logs and the mapped locations. It is noted, the report suggests soakaways ‘appear to be not feasible’. However, without the site-specific borehole logs, they will be unable to comment further.

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 decision

Article 35 Declaration

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

Condition no. 3 (CMP)

3) The Construction Management Plan rev.03 has been reviewed and is considered to be acceptable. On the basis that the development is implemented in accordance with Construction Management Plan rev.03, condition no.3 is discharged.

Condition no. 5a (contamination)

5a) The Phase II Geo-Environmental Investigation and Risk Assessment by Murray Rix Consultancy has been reviewed and is considered to be acceptable, however, a remediation strategy for the asbestos found on site and also the gas protection measures to be installed at the development is required before condition no.5a can be discharged. On this basis condition no.5a is not discharged at this time.

Condition no. 6 (drainage)

6) The details on the plans referenced below have been reviewed.
External Works Drainage Layout ref: 503 rev. P01

Drainage and contours sheet 1 of 2 plan ref: 23406-BSE-XX-XX-DR-C 501 rev.P01

Drainage and contours sheet 2 of 2 plan ref: 23406-BSE-XX-XX-DR-C 502 rev.P01

However , insufficient information has been provided for consideration , with further details required in relation to :

- the attenuation tank easements from the proposed building and highway;
- the exact location, depth, water level, invert level, and condition of the culverted watercourse at the point of connection;
- matters in relation to the ACO drain included in front of the attenuation tank having no outfall; and the borehole logs and the mapped locations being needed if the data is to support the statement in the submitted report suggesting that soakaways 'appear to be not feasible' on the site.

On this basis condition no.6 is not discharged at this time.

Condition no. 20 (highways works)

20) The details on the plans referenced below have been reviewed .

- External works standard details plan ref: 23406-BSE-XX-XX-DR-C-001 rev. P0
- External works General Arrangement plan ref: 23406-BSE-XX-XX-DR-C 101 rev.P01
- External works site clearance plan ref: 23406-BSE-XX-XX-DR-C 201 rev.P01
- Drainage and contours sheet 1 of 2 plan ref: 23406-BSE-XX-XX-DR-C 501 rev.P01
- Drainage and contours sheet 2 of 2 plan ref: 23406-BSE-XX-XX-DR-C 502 rev.P01
- External pavement and kerb layout plan ref: 23406-BSE-XX-XX-DR-C 701 rev.P01
- External works traffic signage and road markings plan ref: 23406-BSE-XX-XX-DR-C 1201 rev.P01

However, insufficient information has been provided for consideration. On this basis condition no.20 is not discharged at this time.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
United Utilities Water PLC

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
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
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA