

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0214

Date registered valid: 20 March 2024

Proposal: Application to discharge conditions 3 (Construction Management Plan), 4 (Materials), 8a (Contaminated Land), 9a (Acoustic Insulation), 10 (External Plant), 12 (Ecology) and 23 (Windows and Reveals) attached to planning permission 138589/FO/2023

Address: 63 - 65 Upper Chorlton Road, Manchester, M16 7RQ

Ward(s): Whalley Range Ward

Applicant: Mr Richard Ingram Great Places Housing Group

Agent (if any): Mr Mark Harrison TADW Ltd

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

Recommendation: Split Decision

Date of recommendation: **21.05.2024**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 3 April 2024 Expired: 24 April 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: Whalley Range Conservation Area 1992

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Highway Services – 16.04.2024 In regard to Condition 3 (Construction Management Plan) a Construction Management Plan has been submitted. The information is sufficient to allow us to recommend the discharge of the condition from a Highways perspective.

Further comments 10.05.2024

Have reviewed the updated CMP, and confirmed that their previous comments are still applicable, and they are satisfied with the CMP.

GMEU – 22.04.2024 Advise that they have restricted their response to condition 12

Condition 12 – Bat License

Evidence has been provided that a bat license has been provided. They advise they would normally prefer to see an actual copy of the license as the license is usually subject to time constraints and on occasion expired i.e. no longer valid and on one occasion for a different site.

Given however that the email was for March this year and for the correct address, they are satisfied that the condition is discharged subject to works occurring in-line with the wording on the license.

Environmental Health – 25.04.2024

Condition 3 (Construction Management Plan)

There is not enough information on how the contractor will control noise and dust emissions from the site. This cannot be discharged.

Condition 4 (Materials) - No comments

Condition 8 (Contaminated Land)

The applicant has said that a 450mm cover system will be installed over a geotextile membrane. The rooting depths recommended by BS3882 are given in Table 1 of the MCC Planning Guidance related to ground contamination and although a 450mm cover is sufficient for grassed areas and plants, a 600mm cover layer is recommended for areas containing shrubs.

A UU risk assessment is required for the Potable Water supply.

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.

Condition 9 (Acoustic Insulation)

The RS Acoustics report Reference: RSA440/2023 dated 04 October 2023 is accepted as is the Great Places Overheating report dated 22 February 2024. The applicant will be fitting a MVHR system. Part a of the condition can be discharged. The noise levels within the property must still meet the MCC internal noise criteria with the MVHR system running. Compliance should be demonstrated upon completion of the work in the validation report required to discharge Part b of the condition.

Condition 10 (External Plant) - This can be discharged as the applicant has confirmed there will be no external plant.

Condition 12 (Ecology) - No comments

Condition 23 (Windows) - No Comments

Further comments 10.05.2024

Condition no.3 Need more detail on how they will control noise and dust from the site before the condition can be discharged.

Condition no.8 - The only amendment in the Phase 2 report is to update section 9.1.1 to change the soil depth in areas with shrubs, so as long as this is the only change then this is now accepted.

With regard to the water pipeline assessment, it may not be completed by UU, but it said in section 9.1.2 "If new potable water supply proposed as part of the development, a Water Pipeline Assessment should be undertaken once the location and depth of potable water pipes are known. It is unlikely that barrier pipe will be required.

If barrier pipe is required, validation of pipeline installation should include delivery notes of pipe materials, photographs of installed pipe and confirmation of connections."

If this has not been done yet, that is fine, but they should include this information in the validation report.

Condition 8a can now be discharged. A validation report will need to be submitted upon completion of the work to discharge condition 8b.

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. 3 (Construction Management Plan)

3. The updated Construction Management Plan dated May 2024 rev .B received 01.05.2024 has been reviewed, and is considered to be acceptable. On the basis that the development is implemented in accordance with the measures within Construction Management Plan dated May 2024 rev.B for the duration of the construction period , condition no.3 is discharged .

Condition no. 4 (Materials)

4. The samples of Oakwood multi brickwork (Wienburger) and reclaimed Grey Welsh Slate have been considered in conjunction with the use of natural mortar (confirmed in agent email 09.04.2024 , and the agent's confirmation that the cills would be artstone cills to match the existing cills. This is considered to be acceptable. On the basis that the development is implemented in accordance with the materials referenced above condition no.4 is discharged.

Condition no.8a (contaminated land)

8a. The Phase 2 Geo-Environmental Investigation Risk Assessment and Remediation Strategy doc ref: LKC 23 1395 dated November 2023 has been reviewed . On that basis that the development is implemented in accordance with measures within the Phase 2 Geo-Environmental Investigation Risk Assessment and Remediation Strategy doc ref: LKC 23 1395 dated November 2023, condition no.8a is discharged.

Condition no. 9a (acoustic insulation)

9a. The Covering Note Relating to Application to Discharge Condition 9 – Noise and Overheating, and Noise Assessment Report Project Reference: RSA440/202 dated 4th October 2023 version 1 have been examined and reviewed. On that basis that the development is implemented in accordance with measures within the document and report referenced above, condition no.9a is discharged.

Condition no.10 (external plant)

10. The confirmation that no noise generating external plant will be installed as part of the works received 20th March 2024 has been noted. On this basis no further action is required in regard to the discharge of condition no.10.

Condition no.12 (ecology)

12. The content of the Covering Note Relating to Application to Discharge Condition 12 – Ecological License has been examined and is considered to be satisfactory. On the basis that the works are undertaken in accordance with the wording on the license, condition no.12 is discharged.

Condition no. 23 (Windows)

23. The revised window cross section detail showing an 80mm reveal received on 21.05.2024 is considered to be acceptable. However, further consideration needs to be given the use of conservation style slim framed windows to the proposed extension, and in regard to any replacement windows. Confirmation of the colouration of the proposed window frames (both outer face and inner face) will be required, together with submission of further plans showing the use of a conservation style slim window frame.

Due to the additional information and specifications which are needed condition no.23 cannot be discharged at this time.

