

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0577

Date registered valid: 27 June 2024

Proposal: Discharge of Conditions 11 (EV Charging), 13 (Bin Storage), 14 (Cycle Storage), 15 (Noise), 20 (Off Site Highways Works), 23 (Ecology), 25 (Landscaping) and 30 (Boundary Treatment) attached to planning permission 136171/FO/2023

Address: Land Bounded By Brigham Street, Meech Street And The Rear Of Connie Street, Manchester,

Ward(s): Clayton & Openshaw Ward

Applicant: Mr Steven Brown John Southworth

Agent (if any): Mr Mark Trayhorn Triangle Architects

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 13 August 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

Printed: 10 July 2024 Expired: 31 July 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

Consultations & Notification Responses

Highway Services – No objection to the discharge of conditions 11, 13, 14, 20 and 30.

Environmental Health – No objection to the discharge of conditions 11 and 15.

Arboricultural Officer – No comments received.

Greater Manchester Ecology Unit – The following comments have been received:

- i. Condition 23 – The details of bird and bat box provision and permeability measures for hedgehogs are appropriate and it is recommended that condition 23 is discharged.
- ii. Condition 25 – The proposed landscaping scheme includes native trees, hedgerow and grassland and are satisfactory.

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

Article 35 Declaration

N/A

Condition(s) to be attached to decision for approval

11. The discharge of condition 11 (EV Charging) is approved on the basis that the development is implemented in accordance with the submitted electric vehicle charging point specifications referenced: EVA-075 -SE: 7.3 kW Earth Wall AC charger single gun [32A single phase] by Project EV (wall mounted) and Apex – 7.3 fast AC single out 7.3 kW chargers by Project EV (post mounted) to be located in the positions shown on drawings ref: Proposed site plan Ref: 20_05/02 Rev A; and the approved details are implemented before the occupation of the development and maintained in situ thereafter.

13. The discharge of condition 13 (Bin Storage) is approved on the basis that the development is implemented:

- i. Proposed Site Plan Ref: 20_051/02 Rev A (amended by drawing ref: 20-051 Southern Boundary Clarification attached to email from Triangle Architects dated 31 July 2024).
- ii. Brigham Street Development. Openshaw, Waste Management Strategy, Brigham Street Development, Openshaw - Waste Management Strategy by Triangle Architects received 17 February 2023;
- iii. Waste Management Proforma Ref: 136171/FO/2023 dated 6 February 2023.

And the approved details are implemented in full prior to the first occupation of the development and maintained in situ thereafter.

14. The discharge of condition 14 (Cycle Storage) is approved on the basis that the development is implemented in accordance with the specifications of the submitted timber cycle storage enclosure details including the referenced padlocking arrangements as detailed in document referenced Condition 14 Cycle Storage by John Southworth in the locations on plan ref: Proposed Site Plan Ref: 20_051/02 Rev A. The approved details shall be implemented before the occupation of the development and maintained in situ thereafter.

15. The discharge of condition 15 (Noise) is approved on the basis that the development is implemented in accordance with the document referenced Brigham Street Openshaw Discharge of Condition 15 Noise Impact Assessment Report Project No 0972023 dated 5 October 2023 amended by email from JPM Acoustics dated 7 August 2024.

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.

20. The discharge of condition 20 (Off Site Highways Works) is approved on the basis that the development is implemented in accordance with the submitted drawings referenced:

Standard Road Construction Details Ref: 21.B.13127-SD01 Rev. B
Proposed Highways Adoption and Legal Plan Ref: 21.B.13127-30 Rev. F
Section 278 General Arrangement Ref: 21.B.13127 – 33 Rev. F
Section 278 Surfacing and Kerbing Layout Ref: 21.B.13127 – 34 Rev. C
Section 278 Site Clearance Plan Ref: 21.B.13127 – 35.

The approved works shall be implemented before the occupation of the development.

23. The discharge of condition 23 (Ecology) is approved on the basis that the development is implemented in accordance with:

- i. Document referenced: Preliminary Ecological Appraisal: Land at Brigham Street Manchester M11 2JH Ref: P.1592.22 dated 3 November 2022 (including recommendations detailed in section 5.3 Enhancements) by Ascerta.
- ii. The specification for bat and bird boxes detailed in document referenced Condition 23 – Ecology by John Southworth.
- iii. The positions of bat and bird boxes and fencing gaps for hedgehog movement as shown on annotated drawing received on 27 June 2024.

The development shall be undertaken in accordance with the approved details before the occupation of the apartments and maintained in situ thereafter.

25. The discharge of condition 25 (Landscaping) is approved on the basis that the development is implemented in accordance with the detail of drawing referenced: Landscape Proposals Ref: 7509.01.

The approved landscaping scheme shall be fully implemented during the first full planting scheme following the occupation of the development and maintained in situ thereafter in accordance with the approved landscape maintenance scheme. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of

the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

30. The discharge of condition 30 (Boundary Treatment) is approved on the basis that the development is implemented in accordance with the following drawings:

- i. Proposed Site Plan Ref: 20_051/02 Rev A (amended by drawing ref: 20-051 Southern Boundary Clarification attached to email from Triangle Architects dated 31 July 2024).
- ii. Boundary Treatment Details Ref: 20-051 Rev 30.

The approved details shall be implemented before the first occupation the development and maintained in situ thereafter.

Informative

- 1) It is recommended ensure that on-going dialogue is maintained with the Council as local highways authority during the implementation of off-site highways works.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Ecology Unit

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