

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0451

Date registered valid: 24 May 2024

Proposal: Discharge of conditions 4 (Materials), 8 (Highways works), 10 (Surface water drainage), 12a (Ground conditions) and 17a (External Lighting) attached to planning permission 138482/FO/2023

Address: Land At Junction Of Devonshire Street & Coverdale Crescent, Manchester

Ward(s): Ardwick Ward

Applicant: Mr Chris Hayward RP Tyson Construction Ltd

Agent (if any): Mr Nicholas Steele DK-Architects

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

Recommendation: Split Decision

Date of recommendation: **17th July 2024**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 5 June 2024 Expired: 26 June 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 – Have no objection to condition no.10 (Drainage) being discharged.

Highways Services 12.06.2024- MCCs Statutory Approvals Team have reviewed the submitted information and confirmed that the S278 has been received. However, the design has not been technically approved yet and therefore they are unable to discharge this condition at this time.

FURTHER COMMENTS 26.06.2024

MCCs Statutory Approvals Team have reviewed the submitted information and confirmed that the S278 has been received. The information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

Environmental Health 27.06.2024 - The information submitted to discharge condition 12a is sufficient.

With regard to condition 17 (lighting) it is unclear if there is glare and overspill into the properties at 16/18 Coverdale Crescent. The submitted drawing appears to show some light spilling over the boundary and the applicant should provide further comment on this.

FURTHER COMMENTS 16.07.2024

The updated information is sufficient. The applicant should submit the verification report when available.

LLFA –08.07.2024 Construction details of flow control and SuDS elements are still required.

FURTHER COMMENTS 17.07.2024

The condition can be discharged.

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. 4 (Materials)

4) The materials shown on the Materials Palette Rev.B document dated July 2024 and which are specified below have been reviewed.

Wienerberger – Kassandra with natural colour mortar

Reconstituted Art stone head and cill panels Terracotta (1 Piece of Artstone per cill and header) by Taylor Art Stone – Halifax

Marley Birkdale 600mm x 300mm Fibre cement Slates Colour: Blue/Black with riven edges

Trims and Capping Aluminium Capping Colour: RAL 9011

Guttering and Rainwater Goods Lindab Steel Half Round Guttering 190mm x 3m Colour - Galvanised Majestic

Continuous Dry Verge Trim Cembrit Continuous dry verge trim Colour: RAL 9011

Aluminium Fascia RAL 9001 - Powdercoated aluminium Materials Palette

Windows VELFAC Composite Windows top hung casement RAL 9011

On the basis that the development is implemented using the materials referenced above, and that the Reconstituted Art stone head and cill panels comprise 1 Piece of Reconstituted Artstone, condition no.4 is discharged.

Condition no.8 (Highways works)

8) The information shown on Section 278 Agreement plan ref: 33494-SUT-ZZ-XX-DR-C-6600-T02 has been reviewed, and is considered to be acceptable. On the basis that the development is implemented in accordance with the details on Section 278 Agreement plan ref: 33494-SUT-ZZ-XX-DR-C-6600-T02, condition no.8 is discharged.

Condition no. 10 (Surface water drainage)

10) The information shown on V plan ref: 33494-SUT-ZZ-XX-DR-C-6200-T01 and 33494 Devonshire Street Surface Water Calcs 3 received 24th May 2024, has been considered in conjunction with the further details shown on the ACO QBrake Detail MH314 plan ref: 33494-SUT-ZZ-XX-DR-C-6310 rev.P01, External Works Details 33494-SUT-ZZ-XX-DR-C-6800 rev.T01 received on 10th July 2024. On the basis that the scheme is implemented in accordance with the details on the plans referenced above condition no.10 is discharged.

Condition no.12a (Ground conditions)

12a) The content of the Agent email dated 5th June 2024 confirming approval is only sought for part a of condition 12, has been reviewed on conjunction with the Phase II Interpretative Ground Assessment Reference: 33494-SUT-ZZ-00-RP-G-7202 rev. P01 Date: April 2024 and the Phase III Remediation & Validation Strategy Proposals Reference: 33494-SUT-ZZ-00-RP-G-7301 rev.P02 Date: April 2024. On the basis of the information in the email and reports referenced above condition no 12a is discharged.

Condition no.17a (External Lighting)

17a) The information shown on Lighting design plan ref: D52742 /RD/B received 10th July 2024 has been reviewed, and is considered to be acceptable. On the basis that the development is implemented in accordance with the details on Lighting design plan ref: D52742 /RD/B condition no.17a is discharged.

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 - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: NORTH AREA