

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0254

Date registered valid: 4 April 2024

Proposal: Discharge of conditions 3 (Construction Management Plan), 4 (Materials), 5 (Highways works), 11a (Ground Contamination), 12 (Unexploded Ordnance), 15 (Surface water drainage), 22 (Landscaping) and 33 (Window reveal) attached to planning permission 138436/FO/2023

Address: Land Bounded By Blackwin Street And Valance Close Adjacent To Gorton Clinic, Manchester, M12 5JY

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr Steven Brown John Southworth

Agent (if any): Mr Mark Trayhorn Triangle Architects

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

Recommendation:

Date of recommendation: 23rd May 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 16 April 2024 Expired: 8 May 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

Highway Services –

Condition no. 3) The information provided in the submitted Construction Management Plan is sufficient to allow them to recommend the discharge of this condition from a Highways perspective.

The contractor should liaise with the MCC Highways Network Teams, to discuss any associated hoardings/fencing/skips highway licences and any temporary traffic regulation orders including any closures of the footway/highway/Section 50, contact via Email - highwaylicences@manchester.gov.uk highwaynetworkmanagement@manchester.gov.uk

Condition no.5) 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 comments 16.05.2024

The Highways Statutory Approvals team have stated the following:

As the formal S278 application was only received on 14/5/24 and the Statutory Approval Engineer has not received the detailed design plans from the developer for consideration or approval, the condition cannot be discharged at this time.

Environmental Health –

Condition 3 can be discharged based on the information submitted.

The remediation strategy submitted is sufficient to address the relevant part of condition 11. The validation and completion report will need to be submitted when available.

Further comments 15.05.2024

Condition no. 22 UXO -The information submitted is fine. The applicant must ensure site specific awareness briefings are provided to all personnel carrying out intrusive work at the site. A watching brief must also be maintained at the site throughout the work.

United Utilities – Have reviewed the submitted documents, Drawing 21.B.13126-200, Rev A - Dated Nov 22, and have no objection to condition 15 being discharged.

LLFA -13.05.2024 The only document available on MCC website is as follows: 13126 - BLACKWIN STREET -OPENSHAW SuDS SUITABILITY ASSESSMENT.

On this basis they advise they have been unable to conduct a detailed review of condition 15, and recommend condition no.15 is not discharged.

Further comments received 30.05.2024, advising that that further information is required in relation to:

- Finalised surface water drainage layout including all components, levels, connectivity and proposed overland flow routes for extreme events.
- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 45% climate change in any part of a building;
- Hydraulic calculations to support the drainage proposal.
- Details of how the scheme shall be maintained and managed after completion.

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:

Article 35 Declaration

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

Condition no.3 (Construction Management Plan)

3) The content of the Construction Management Plan Issue date 11.12.23 Issue no.1 has been reviewed. On the basis that the development is implemented in accordance with measures within the Construction Management Plan Issue date 11.12.23 Issue no.1 for the duration of the construction period, condition no.3 is discharged.

Condition no. 4 (Materials)

4)The materials to be used on all external elevations of the development as set out below are considered to be acceptable.

Brickwork – Blockleys Park Royal Michelmersh

Marley Edgemere Anthracite Roof Tiles

Fascias and Soffits - Soffits and Fascia's UPVC finished in RAL 7016

Guttering- Guttering to be black deep flow half round with square plastic down pipes

Windows – UPVC RAL 7016 Dark Grey external with White internal

Front Doors / Rear Doors Front door to be composite, rear door to be UPVC. Externally RAL 7016 dark grey, internally white

On the basis that the development is implemented in accordance with the materials referenced above, condition no.4 is discharged.

Condition no.5 (Highways works),

5) The details on the Highway Details plan ref: 22-B-13126/100 have been noted , however, as the finalised detailed design plans to form the section 278 submission (including any Traffic Regulation Orders, dropped crossings, tactile paving)have yet to be submitted for consideration or approval, condition no.5 cannot be discharged at this time.

Condition no.11a (Ground Contamination)

11a) The Remedial Strategy report ref: 4134-01 dated March 2024 (received 4th April 2024) has been examined, together with the plan showing site investigation locations and Phase 2 Ground Investigation Curtins Ref: 081862-CUR-XX-XX-RP-GE-00003 Revision: P02 Issue Date: 24th July 2023 received 22.05.2024 and is considered to be satisfactory. On the basis that the measures within the report are implemented, condition no.11a is discharged.

Condition no. 12 (Unexploded Ordnance)

12) The Operational Unexploded Ordnance (UXO) Emergency Response Plan ref: Project No.11095 dated 4th March 2024 Version 1 report has been examined. On the basis that the development is carried out in accordance with the measures in the document referenced above, and that the applicant ensures site specific awareness briefings are provided to all personnel carrying out intrusive work at the site, and that a watching brief is maintained at the site throughout the work, condition no.12 is discharged.

Condition no. 15 (Surface Water Drainage)

15) The drainage details submitted for consideration are not sufficient to enable the discharge of condition no.15. On this basis condition no.15 is not discharged.

Condition no. 22 a (Landscaping)

22a) The details on Landscape Proposals plan ref: 7446.01 rev.B received 28th May 2024 have been reviewed and are considered to be acceptable. On the basis that the development is implemented in accordance with Landscape Proposals plan ref: 7446.01 rev.B condition no.22a is discharged.

Condition no. 33 (Window reveal)

33) The details shown on the Window reveal Details plan ref: 20-050 rev. 40 have been reviewed and are considered to be acceptable on the basis of the annotated setback of 80mm-90mm. On the basis that windows are implemented in accordance with the details on Window reveal Details plan ref: 20-050 rev. 40 (annotated setback of 80mm-90mm), condition no.33 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Neighbourhood Team Leader (Arboriculture)
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

Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: NORTH AREA