

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0197

Date registered valid: 18 March 2024

Proposal: Application to discharge conditions 3 (materials), 8 (obscure glazing), 9 (construction management plan), 10 (bin store) and 16 (cycle store) attached to planning permission 136470/FO/2023

Address: Land At Junction Of Brogan Street And Garlick Street, Manchester

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr. Sunny

Agent (if any): Mr Muthahar Khan Studio Tashkeel Architecture

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

Recommendation: Approved and Refused

Date of recommendation: 13 May 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

Printed: 27 March 2024 Expired: 19 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: No

Tree Preservation Order: No

Consultations & Notification Responses

Environmental Health – No objection to the discharge of condition 9.

Highways – The following comments have been received:

No objection to the discharge of conditions 10 and 16.

Condition 10 (CMP) – The discharge of this condition is not supported.

- i. Vehicular access to the delivery bay requires a Section 50 licence for temporary vehicle crossing at this location, which has not been applied for.
- ii. The routes of vehicle paths (associated with the delivery bay) should be related to appropriate vehicle tracking and this information has not been provided. Details should be provided relating to the quantum vehicle movement and vehicle types should be provided, Reversing of construction vehicles into Garlick Street via Wellington Road should be confirmed.

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 and Refused

Article 35 Declaration

N/A

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

3) The discharge of condition 3 (Materials) is approved on the basis that the development is undertaken in accordance with the following materials, which shall be maintained in situ thereafter:

Sandtoft Wienerberger Calderdale Edge roof tile
Terca Sunset Red multi brick
Dry cast reconstituted stone chamfered window head H010C
Type 14 Stone slip window sill 110-60 mm x 225 mm
Grey upvc top hung windows
Grey upvc French (double doors) with mid rail
Dark grey upvc front door
Hudson fence panel with dark grey fencing slats and timber fencing posts painted black
Alu Swift aluminium down pipe 75mm (black)

8) The discharge of condition 8 (Obscured glazing) is approved on the basis that:

- i. The development is implemented in accordance with the detail of drawings referenced GA Proposed Elevation PL-104
- ii. The installed glazing achieves level 5 on the Pilkington glass scale or equivalent (rather than a similar specification as indicated on the submitted drawing).

9) The discharge of condition 9 (Construction Management Plan) is refused as the submitted document referenced: Construction Environmental Management Plan Brogan Street Manchester M18 8UU dated 9 February 2024 has not demonstrated:

- i. The frequency and type of construction vehicles undertaking deliveries to and collections from the application site.
- ii. That identified construction vehicles can satisfactorily access and egress the site, including the supervised manoeuvring of vehicles serving the site with access in reverse gear into Garlick Street via Wellington Road.
- iii. Highways agreements are in place to secure temporary vehicle crossing via Garlick Street facilitating access to the site compound.

10) The discharge of condition 10 (Bin storage) is approved on the basis that the bin store indicated in drawing referenced GA Proposed bin and cycle plan PL_107 Rev A (with a four bin capacity) is installed before the occupation of the development and maintained in situ thereafter.

16) The discharge of condition 16 (Cycle storage) is refused. Whilst the design and specification of the cycle store have been provided appropriate means of securing the cycle store have not been provided.

Informative

1) Condition 12A Contaminated land – This is a pre-commencement condition, and its discharge should be sought. Please advise regarding the required submission of a related discharge of condition request.

2) Condition 14 (Level thresholds) – Details of level thresholds have been submitted but cannot be considered as the discharge of condition 14 has not been referenced in the submitted application forms.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

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