

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0779

Date registered valid: 24 January 2024

Proposal: Discharge of conditions 2 (specified plans), 3 (materials), 4 (noise), 5 (waste), 6 (air quality) 7 (ground conditions), 8 (cycle storage), 9 (CMP), 10 (EV), 11 (drainage), 12, (landscaping), 13 (boundary treatment), and 14 (ES) and attached to planning permission referenced 134434/FO/2022.

Address: 55 Slack Road, Manchester, M9 8NJ

Ward(s): Harpurhey Ward

Applicant: Mr Nurul Haque

Agent (if any): Mr D King NK Architectural

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approved and Refused

Date of recommendation: 20 March 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 1 February 2024 Expired: 22 February 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

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: Approved and Refused

Article 35 Declaration

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

3) The details of the materials shown on the following drawings is satisfactory:

A100 and A103, Stamped as received on the 15 November 2023,

Ibstock Calderstone Russett Brick data and Marley Concrete Tiles Data, stamped as received on the 24 January 2024,

Subject to implementation of the agreed details, condition 3 can be discharged.

4) The conclusions and recommendations of the submitted Noise Air Noise Impact Assessment Report, Ref: P6558-R1-V1, dated 23rd July 2023, are accepted, namely that the following acoustic glazing and trickle ventilators are proposed:

* Glazing 38 dB Rw+Ctr

* Trickle Ventilators 38 dB Dne,w+Ctr

The proposed scheme satisfies part a) of condition 4, however verification is required for part b) in order to fully discharge the condition.

5) The details of the waste arrangements shown on the following drawings is satisfactory:

A100 and A103, Stamped as received on the 15 November 2023,

Subject to implementation of the agreed details, condition 5 can be discharged.

6) The details of air quality shown on the following drawings is satisfactory:

The Air Quality Assessment by Noise Air Acoustics and Air Quality, stamped as received on the 15 November 2023 and the Tethered Charger Data sheet, stamped as received on the 24 January 2024.

Subject to implementation of the agreed details, condition 6 can be discharged.

7) The findings and recommendations of the submitted Demeter Environmental Phase I Desk Study (Ref: 23-03-08 Revision 0, dated March 2023) are accepted, namely that an intrusive investigation and ground gas monitoring be undertaken as per the details included in Table 14 and Appendix D (Drawing 4) of that report, and that the relevant risk assessments are undertaken and any necessary remedial measures submitted for approval (the Site Investigation Report, and Remediation Strategy where necessary).

Part a) of condition 7 requires the approval of the Site Investigation Report and/or Remediation Strategy, and part b) of the condition requires the approval of a Completion/Verification Report, therefore neither part can currently be recommended for discharge.

8) The details of cycle storage shown on the following drawings is satisfactory:

A100 and A103, Stamped as received on the 15 November 2023,

Subject to implementation of the agreed details, condition 8 can be discharged.

9) The contractor should be made aware that, rather than being a greenfield site as stated in the submitted CMP, the site has been previously developed and is situated within the curtilage of a former chemical works, as detailed in the submitted Phase I Desk Study. As per the

recommendations of the Phase I report, construction workers should be advised to take any necessary precautions in the event of encountering ground contamination during site works.

Site contact details should also be displayed at the site for use by the general public if necessary.

Due to these outstanding issues the construction Management plan, condition 9 cannot be discharged.

10) The details of electrical car charging shown on the following drawings is satisfactory:

Tethered Charger Data sheet, stamped as received on the 24 January 2024.

Subject to implementation of the agreed details, condition 10 can be discharged.

11) In order to consider discharging condition 11, please see our LLFA comments highlighted in red below:

- A finalised drainage layout showing all components, outfalls, levels, finished floor levels, and connectivity.
- Permeable surfacing of driveways >5m² where feasible, in-line with government guidance.
- Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.

Considering the above the drainage condition cannot be discharged.

12) The details of landscaping shown on the following drawings is satisfactory:

A100 and A103, Stamped as received on the 15 November 2023,

Subject to implementation of the agreed details, condition 12 can be discharged.

13) The details of the boundary treatment shown on the following drawings is satisfactory:

A100 and A103, Stamped as received on the 15 November 2023,

Subject to implementation of the agreed details, condition 13 can be discharged.

14) The details of the environmental standards shown on the following drawings is satisfactory:

Environmental Standards Statement by Element Sustainability, stamped as received on the 24 January 2024 and Tethered Charger Data sheet, stamped as received on the 24 January 2024.

Subject to implementation of the agreed details, condition 14 can be 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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA