MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/23/0591
Date registered valid:	31 August 2023
Proposal:	Discharge of conditions 3 (materials), 10 (CMP), 16 (ground conditions) 17 (drainage) and 27 (protected species) attached to planning permission referenced 136171/FO/2023.
Address:	Land Bounded By Brigham Street, Meech Street And The Rear Of Connie Street, Manchester, M11 2JJ
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:	Approved and refused
Date of recommendation:	11 March 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:
Printed: 23 October 2023 Expired: 13 November 2023

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

Flood Risk Management Team – Require further details regarding the detil of the proposed SUDs system.

Highway Services – No objection to the discharge of condition 10.

Environmental Health – No objection to the discharge of condition 10 or Part A of condition 16.

United Utilities Water PLC - No objection to the discharge of condition 17. UU standing advise has been forwarded separately to the applicant.

Greater Manchester Ecology Unit – No objection to the discharge of condition 27.

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 polices 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

3) The discharge of condition 3 (Materials) is approved on the basis that the development will be implemented in accordance with the following materials:

Brickwork – Blockleys Park Royal Michelmersh
Cladding – Marley Cedral slate grey
Roofing – Marley Edgemere anthracite roof tiles
Fascia and soffits – UPVC with RAL 7016 dark grey finish
Rainwater goods – Black finished half round guttering and square plastic down pies
Window frames – UPVC RAL 7016 dark grey finish
Doors – Composite doors with 7016 dark grey finish (external) and white finish (internal)
Driveways – Tarmac finish with pre-cast concrete flags to garden pathways.

10) The discharge of condition 10 (Construction Management Plan) is approved on the basis that the construction phase of the development is fully implemented in accordance with the details of document referenced: Construction Management Plan Project Brigham Street Openshaw by John Southworth Issue date15.08.23 Issue No 1.

16) The discharge of Part A of condition 16 (Ground conditions) is approved on the basis that the development is implemented in accordance with the following documents:
i. Brigham Street Phase 2 Ground Investigation: by Curti ns Ref: 081427-CUR-00-XX-RP-GE-00002 RevP02 dated 24 July 2023
ii. Letter from IGE dated 17 November 2023 Ref: Remediation Strategy – Land at Brigham Street Openshaw Ref: 4046-02/LM

iii. Gas monitor data Ref: GFM436 Final Inspection and Calibration Check Certificate dated 24.11.2022
iv. Gas and groundwater monitoring by IGE Ref: 4046.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before ethe development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

17) The discharge of condition 17 (Drainage) is refused as insufficient information has been provided. The following additional information would be required in relation to the discharge of condition 17:

a) A finalised drainage layout showing all components, outfalls, levels and connectivity with details of outfall IL to the south of the development.
b) Details of S106 (Drainage agreement) - Agreement in principle from United Utilities for the connection to the south and acceptance of proposed flows and/or new connection would be satisfactory.
c) Where a public sewer diversion is required, an agreement in principle from United Utilities is required, including easement and S185 approvals.
d) Details of S38 approval.
e) Dimensions from tank to plot. SW features should be 5 metres from a building or highway and 2.5 metres from a boundary. It will be necessary to ensure that the tank does not conflict with foundations and has suitable access and the ability to be maintained through its lifetime.
f) Construction details of SuDS elements not provided, i.e., Stormcells Geo cellular.
g) Overland flow routes should be provided.
h) A blockage risk assessment to be undertaken as part of the drainage strategy to support proposed flows less than 5 l/s. (2 separate flow controls).

27) The discharge of condition 27 (Protected species) is approved on the basis that the construction phase of the development is fully implemented in accordance with document referenced Safeguarding protected species Brigham Street Manchester Ref: Version 1 – 15.08.23 by John Southworth

Informatives

1) Condition 3 - The proposed glazing specification is not approved. The glazing specification to be achieved must be equivalent to level 5 on the Pilkington scale as specified by condition 9. If this specification is not achieved the details on condition 9 will need to be varied.

2) Condition 10 - The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need to be discussed and agreed with MCC Highways Applications and Highways Events and Network Management Team via e-mail - highwaylicences@manchester.gov.uk and highwaynetworkmanagement@manchester.gov.uk.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management
Highway Services
Environmental Health
Corporate Property
United Utilities Water PLC
Greater Manchester Ecology Unit

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
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA