

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0586

Date registered valid: 25 August 2023

Proposal: Application to discharge condition 5 (materials), 6 (highways works), 8 (cycle storage), 10 (EV charging points), 16B (noise attenuation), 17 (refuse storage), 27 (tree protection) and 34 (boundary treatment) attached to planning permission 134775/FO/2022

Address: Land Off Louisa Street, Manchester

Ward(s): Clayton & Openshaw Ward

Applicant: Mr Steven Ludlam Westchurch Homes Ltd

Agent (if any):

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

Recommendation: Approve

Date of recommendation: **4th January 2024**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 6 September 2023

Expired: 27 September 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:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Highways Services – 13.09.2023

Condition 6) 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/287709/permission_to_work_on_the_highways_-_section_278_agreements/category/355/highways_and_pavements

Condition 8) The submitted information is sufficient to allow them to recommend the discharge of this condition from a Highways perspective.

Condition 10) The submitted information is sufficient to allow them to recommend the discharge of this condition from a Highways perspective.

Condition 17) The submitted information is sufficient to allow them to recommend the discharge of this condition from a Highways perspective.

Condition 34) The submitted information is sufficient to allow them to recommend the discharge of this condition from a Highways perspective.

Environmental Health – 15.09.2023

Condition 10 (EV charging points) -No objection to discharge.

Condition 16B (noise attenuation) There are 2-part b's to this condition as per the CDN screenshot below. They have no objection to the discharge of the first part b concerning the acoustic barrier, but the second part b requiring a verification report has not yet been complied with therefore the condition cannot be fully discharged. They note that an application does not appear to have been submitted to discharge part a but can confirm that the recommendations set out in the submitted Hepworth Acoustics Noise Impact Assessment, ref. P22-313-R01v2 dated August 2022, provide compliance with part a of the condition.

Condition 17 (refuse storage) Please can recycling details be provided for the apartments - the submitted information (drawing: Timber Refuse Store: 1020-TRS01 Rev A) just indicates Eurobins, but doesn't specify the waste streams.

Further comments 20.12.2023

"Subject to the Applicant continuing ongoing discussions with the MCC Highways team regarding the Highways Works and Section 278 agreement (pursuant to the Highways Act 1980), condition 6 can be discharged."

Arboricultural officer - can confirm that the applicant has provided photos of the erected fencing with signage and therefore they would have no further comment to add from an arboricultural perspective.

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 5 (materials)

5) The details in the Illustrated Materials Schedule rev. A received 02.01.2024 in the locations on Materials Plan. 1020-MAT01. Rev F, together with the Landscape Proposals Scheme. (Including Hard Surfaces) plan ref: 6989.01 Rev L received 4th January 2024 have been examined and are considered to be acceptable. On the basis that the development is implemented in accordance with materials specified within the documents and plans referred to above, condition no.5 is discharged.

Condition no. 6 (highways works)

6) The information shown on the plans below has been examined and is considered to be acceptable subject to the Applicant continuing ongoing discussions with the MCC Highways team regarding the Highways Works and Section 278 agreement (pursuant to the Highways Act 1980).

Section 38 Agreement Plan - 23102-BGC-D-100S38

Adoptable Surfacing and Kerbing Plan - 23102-BGC-D-121

Highway Contours and Chainages Plan - 23102-BGC-D-141

Highway Gulley Catchment Plan - 23102-BGC-D-151

Adoptable Highways & Drainage Longitudinal Sections and MH Schedule Plan - 23102-BGC-D-201 A

Adoptable Carriageway Construction Detail Plan - 23102-BGC-D-301 A

Road Safety Audit - 2023/WH/1867

Swept Path Analysis MCC Specification Refuse Collection Vehicle - SK22231-005

Street Lighting Layout - SHD758-SHD-HLG-LOUI-DR-EO-Lighting Layout-R0

Build Route (Showing proposed sequence of occupations)- 1020-CBR01-C

On the basis that the development is implemented in accordance with the details set out on the plans referenced above and that the Applicant continues to have ongoing discussions with the MCC Highways team regarding the Highways Works and Section 278 agreement, condition no.6 is discharged.

Condition no. 8 (cycle storage)

The details shown on plan ref: Timber Cycle Store – 1020-TCS001 for the cycle storage associated with the apartment element of the proposed development, and the cycle storage structures shown in the visual submitted on 02.01.2024 (which would be located within rear garden area of each dwelling) are considered to be satisfactory.

On the basis the cycle storage structures shown in the visual submitted, are located within rear garden area of each dwelling on plot nos.1 to 29 (all) and the cycle store on plan ref: Timber Cycle Store – 1020-TCS001 to serve the apartments, are implemented and all the agreed works completed prior to the proposed accommodation being brought into use, and be retained thereafter, condition no.8 is discharged.

Condition no.10 (EV charging points)

10)The information shown on the plans below has been examined and is considered to be acceptable

-Electric Vehicle Charging Point Plan:

-1020-EVCP01. Rev F. ROLEC QUANTUM: EV Open charge Type 2 Unit. Specification Information.

-ROLEC: EV WALLPOD Charging Unit. Specification Information.

On the basis that the development is implemented in accordance with the details set out on the plans referenced above, prior to that accommodation being occupied, and is thereafter managed and maintained in accordance with the approved details condition no.10 is discharged.

Condition no 16B (noise attenuation)

16b) The information shown on the plans and documentation referenced below has been examined and is considered to be acceptable:

-Acoustic Details: Boundary Treatment Plan: 1020-BT01 Rev J.

-Acoustic Fence Details: 1020-AF01. Hepworth Acoustics: Acoustic Fence Requirements. Hepworth Acoustics:

- Noise Impact Statement: Proposed Residential Development at Former Louisa Street works, Openshaw

On the basis that the development is implemented in accordance with the details set out on the plans referenced above, prior to that accommodation being occupied, , condition no.16b is discharged.

Condition no.17 (refuse storage)

17) The information shown on the plan ref:Timber Refuse Store: 1020-TRS01 Rev A has been considered in conjunction with the content of the Agent email dated 21.12.2023 confirming the bin store to serve each of the proposed apartments would have 3 x general waste 1100litres; 1 x x pulvable waste 1100litres;1 x cojoined waste 1100litres and in addition to the above there will be 2no. Green Waste Bins.

It is noted that the bins for the dwellinghouses would all be in rear gardens on flagged areas would not be housed in refuse storage structures.

The above information and plans are considered to be acceptable, and condition no.17 is discharged on the basis that the refuse provision for both the apartments and dwellinghouses is implemented as part of the development prior to the occupation of the residential accommodation, and shall remain in situ whilst the dwellings and apartments are occupied

Condition no.27 (tree protection)

27) The Tree Works and Tree Protection details shown on:

Photo 1 – Warning Signage – 14.7.23

Photo 2 – Installed Tree Protection Fencing – 14.7.23

have been noted together with the dates which demonstrate the implementation prior to any works commencing on the site. The submitted information is considered to be satisfactory and on the basis that the fencing remains in site for the duration of the construction period, I can confirm that condition 27 part c has been complied.

However, condition no.27 cannot be formally discharged as parts a and b have on-going requirements for the duration of the time period specified in the condition.

Condition no.34 (boundary treatment)

34) The boundary treatment information shown on plan refs Boundary Treatments Plan: 1020-BT01 Rev J received 02.01.2024;

Acoustic Fence Details: 1020-AF01. Standard Detail: 1800mm Timber Access Gate: B-12.2-08
Standard Detail: 1800mm Concrete Post & Feather Edge Panel Fence, with Kick Board: B-12.2-14.

It is noted that the boundary treatment to the northern boundary with the industrial unit has been revised in height from a 1.8m to a 3m acoustic timber fence, and where acoustic fencing runs along the end of Ferris Street to the back of pavement on Louisa Street it would be increased in height from 1.8m to 2.2m to meet requirements of condition no.16b in regard to noise attenuation.

On the basis that the development is implemented in accordance with the details on the plans referenced above, condition no.34 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Environmental Health

Neighbourhood Team Leader (Arboriculture)

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3

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 -

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH AREA