

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0279

Date registered valid: 2 June 2023

Proposal: Discharge of conditions 3 (materials), 4 (CMP), 5 (ground conditions), 6 (drainage) and 17 (cycle store) attached to planning permission 128773/FO/2020

Address: 2 Highfield Road, Manchester, M19 3JX

Ward(s): Levenshulme Ward

Applicant: Mr. Athar Iqbal

Agent (if any): Mr. Niamat Ali, NA Design

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

Recommendation: Approved & Refused

Date of recommendation: 21 July 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

Printed: 7 June 2023 Expired: 28 June 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

Environmental Health –

- i. Condition 4 (CMP) – No objection to its discharge,
- ii. Condition 5 (Ground conditions) – Its discharge is not recommended as the submitted details do not accord with requirement of the previously assessed Phase 1 report.

Floor Risk Management Team – Drainage information has not been provided and condition 6 therefore cannot be discharged.

Highways – It is recommended that conditions 4 (CMP) and 17 (Cycle storage) are discharged on the basis of the development.

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 & 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 refused as satisfactory details have not been received in relation to roof tile and window frame specification.

The implementation of the development in accordance with the following materials is considered to be acceptable:

Brickwork - Michelmersh – Hadley Red Smooth brick

Rainwater goods – Black UPVC rainwater goods

4) The discharge of condition 4 (Construction Management Plan) is approved on the basis that the development is implemented in accordance with document referenced: Construction Method Statement 2 Highfield Road, Manchester M19 3JX stamped as received by the City Council as local planning authority on 2 May 2023.

5) The discharge of condition 5 (Ground conditions) is refused as submitted document referenced : Phase 3 Remediation Strategy and Verification Plan for Mr Athar Iqbal on the site of 4 Highfield Road, Manchester M19 3JX5 Dated: 22 February 2023 Ref: 3462K P3 Iqbal – Manchester (Final Report) by Castledine Environmental does not accord with the required measures specified within previously assessed document referenced Phase 1 Desk Study (Advance Consulting Engineers Ref: C20185-ADV-RP-DS-3000(A) Date: 18/12/2020), including recommendations for an intrusive investigation for soil contamination.

6) The discharge of condition 6 (Drainage) is refused as satisfactory site drainage information has not been submitted.

17) The discharge of condition 17 (Cycle store) is approved on the basis that the development is implemented in accordance with the following details: Tiger Pent timber cycle store (2050mm x 1150 mm). The cycle storage arrangements should be implemented prior to the occupation of the development and in accordance with the siting details shown on the approved drawing ref: Ground and first floor plans as proposed Ref: 01C.

Informatives

1) The applicant is advised to contact MCC Highways Applications and Network Resilience team regarding any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements via

highwaylicences@manchester.gov.uk

highwaynetworkmanagement@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

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