

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0013

Date registered valid: 18 January 2023

Proposal: Discharge of conditions 4 (CMP), 6 (ground conditions), 11 (drainage) and 23 (highway works) attached to planning permission referenced 127106/FO/2020

Address: 168-170 Bury Old Road, Manchester, M7 4QY

Ward(s): Crumpsall Ward

Applicant: Mr Falah Al-Khafaji Mayfair and Co Developments

Agent (if any): Ms Kim Ebling Corstorphine + Wright Architects

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 27 March 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 19 January 2023 Expired: 9 February 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: Crumpsall Lane Conservation Area 2004

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: Refuse

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

- 1) The submitted Construction Management Plan is not sufficient.

Before this condition can be discharged, the following information should be included within a revised Construction Management Plan.

- Access arrangements off Catherine Road and details of how parking along Catherine Road will be managed;
- Confirmation that Salford City Council have been consulted, as they manage the section of Bury Old Road to which the site relates;
- Hours of working;
- Details of how noise will be managed and mitigated for nearby residential occupiers.

Until such time that satisfactory details are received and agreed by the City Council as Local Planning Authority, condition 4 cannot be discharged.

- 2) The submitted Desk Study is over 5 years old and therefore out of date. A more recent study is required to assess current levels of potential ground contamination and any necessary remediation measures.

Until such time that satisfactory details are received and agreed by the City Council as Local Planning Authority, condition 6 cannot be discharged.

- 3) The submitted drainage details are not acceptable. Before this condition can be discharged, the following information is required:

- Surface water sewer in Catherine Road connecting to Singleton Brook. 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;
- Hydraulic calculations of the proposed drainage system;

- Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site;
- Hydraulic calculation of the existing and proposed drainage system;
- Construction details of flow control and SuDS elements.

Until such time that satisfactory details are received and agreed by the City Council as Local Planning Authority, condition 11 cannot be discharged.

4) Highways Services are not satisfied with the proposed highways works. A S.278 application does not appear to have been made and the drawings submitted are not sufficiently detailed to assess the alterations to the existing highway. Condition 23 cannot therefore be discharged at this time.

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Crumpsall Lane Conservation Area 2004
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA