

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0500

Date registered valid: 26 July 2022

Proposal: Discharge of conditions 2 (materials), 4 (CMP), 7 (Servicing), 9 (external equipment), 11 (boundary treatment), 12 (roller shutters), 13 (ground conditions), 14 and (ground conditons verification), 15 (drainage), 16 (cycle parking), 18 (EV) and 20 (travel plan) attached to planning permission 127962/FO/2020

Address: 804 - 806 Oldham Road, Manchester, M40 2AB

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Gary Armstrong Wiplow Ltd

Agent (if any): Mr Jason Dugdale Wiplow Ltd

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

Recommendation: Approved and Refused

Date of recommendation: 28 March 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 8 February 2023 Expired: 1 March 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

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

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

1) The following external materials are considered acceptable:

- Reaburn red multi facing brick;
- Black aluminium window frames;
- Dark black-grey mortar (Marshall M12 PM96)

The proposed roofing material is not however considered acceptable in this location and does not represent a sufficiently high-quality roofing solution. As such, condition 2 cannot be discharged until such time that appropriate roof treatment is submitted and agreed by the City Council as Local Planning Authority.

2) The details contained within the Construction and Environmental Management Plan received by the City Council as Local Planning Authority on 22 July 2022 are acceptable. Subject to implementation of the agreed details, condition 4 can be discharged.

3) The operational/servicing statement outlined within the covering letter received by the City Council as Local Planning Authority on 26 July 2022 is acceptable. Subject to implementation of the agreed details, condition 7 can be discharged.

4) No details relating to external equipment have been provided. As such, condition 9 cannot be discharged at this time.

5) Insufficient details of the proposed boundary treatment have been received. Further details are required in relation to the product specification of the proposed fencing. Until such time that details are received and agreed, condition 11 cannot be discharged.

6) Insufficient details have been provided in relation to the proposed roller shutter. The following details are required:

- Colour and product specification;

- Level of any perforation;
- Details of the relevant security standards.

Until such time that satisfactory details are received and agreed, condition 12 cannot be discharged.

7) Insufficient details have been received. The PRA referred to in the e-mail dated 7 July 2022 from Arley Consulting Company Ltd has not been submitted. Until such time that acceptable details are submitted and agreed, condition 13 cannot be discharged.

8) Condition 14 requires a Verification Report to be submitted once the approved development has been implemented in accordance with a previously agreed Remediation Strategy. It is therefore premature to apply for this condition to be discharged. Condition 14 is not therefore discharged.

9) The submitted drainage information is inadequate. In order for condition 15 to be discharged, the following, outstanding evidence is required:

- A finalised drainage layout showing all components, outfalls, levels and connectivity;
- A blockage risk assessment to support proposed flows less than 5 l/s. If the risk cannot be adequately managed, a higher minimum discharge rate should be considered / agreed with relevant parties.
- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 45% climate change;
- 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 calculation of the 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 15 cannot be discharged.

10) The details of the cycle parking shown on drawing referenced GDA/01/B and photograph of the cycle store, received by the City Council as Local Planning Authority on 26 July 2022. is satisfactory. Subject to implementation of the agreed details prior to occupation of the development, condition 16 can be discharged.

11) No information has been provided in relation to electric vehicle charging points. As such, insufficient information has been submitted to allow the discharge of this condition. Condition 18 is not therefore discharged at this time.

12) The submitted Travel Plan received by the City Council as Local Planning Authority on 26 July 2022, is acceptable. Subject to implementation of the agreed plan, condition 20 can be discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA