

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0428

Date registered valid: 24 August 2022

Proposal: Discharge of conditions 2 (materials), 4 (CMP), 6 (drainage), 7 (drainage maintenance), 8 (security), 9 (boundary treatment), , 10 (landscaping), 11 (EV),12 (Environmental Standards Statement), 14 (ground conditions) and 15 (ground conditions verification) attached to planning permission 128160/FO/2020

Address: 4 Thirsfield Drive, Manchester, M11 4BF

Ward(s): Clayton & Openshaw Ward

Applicant: Mr Kamran Sheikh 73 Old Hall Lane, Longsight, Manchester, M13 0UJ

Agent (if any): M Farooq Building Design Services 6 Stock Close, Rochdale, OL12 8BB

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

Recommendation: Approved and Refused

Date of recommendation: 12 October 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 31 August 2022 Expired: 21 September 2022

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

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

2) The external materials detailed within the Condition Discharge Supporting Information document dated 4 May 2022 and received by the City Council as Local Planning Authority on 21 June 2022 are satisfactory. Subject to implementation of the agreed details, condition 2 can be discharged.

4) The details contained with the submitted Construction Management Plan, received by the City Council as Local Planning Authority on 24 August 2022 are satisfactory. Subject to implementation of the agreed details, condition 4 can be discharged.

6) The surface water drainage layout is not acceptable. Details of the final discharge point is required to show where the system will discharge to. Where applicable, please also submit evidence to confirm consent to connect surface water to the public sewer has been obtained from United Utilities.

Until such time that satisfactory details are received and agreed, condition 6 cannot be discharged.

7) No details have been received in relation to condition 7. The following is required:

A verification report providing photographic evidence of construction as per design drawings - not yet submitted and cannot be submitted until the dwellinghouse is built-out.

-As built construction drawings if different from design construction drawings; - not yet submitted and cannot be submitted until the dwellinghouse is built-out.

-Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. - not yet submitted.

Until such time that satisfactory details are received and agreed, condition 7 cannot be discharged.

8) The security measures detailed within the Condition Discharge Supporting Information document dated 4 May 2022 and received by the City Council as Local Planning Authority on 21 June 2022 are satisfactory. Subject to implementation of the agreed details, condition 8 can be discharged.

9) Insufficient details have been received in relation to the proposed boundary treatment. Details of any gates is required and the position of all boundary treatment should be clearly

demarcated on a plan. Until such time that satisfactory details are received and agreed, condition 9 cannot be discharged.

10) The landscaping scheme shown on drawing referenced 1909/5 received by the City Council as Local Planning Authority on 24 August 2022 is satisfactory. Subject to implementation of the agreed details, condition 10 can be discharged.

11) The details of the electric vehicle (EV) charging point detailed within the Condition Discharge Supporting Information document dated 4 May 2022 and received by the City Council as Local Planning Authority on 21 June 2022 is satisfactory. Subject to the EV point being place prior to first occupation of the dwellinghouse approved, condition 11 can be discharged.

12) The details of the environmental standards contained within the Condition Discharge Supporting Information document dated 4 May 2022 and received by the City Council as Local Planning Authority on 21 June 2022 are satisfactory. Subject to implementation of the agreed details, condition 12 can be discharged.

14) The submitted Condition Discharge Supporting Document states that a Site Investigation report has been commissioned and submitted as part of this application. The only report submitted is the MES Phase One Desk Study, ref. 2296-1 dated June 2022.

The following comments are made in relation to the Phase 1 report:

-The 'Site History Information' included in the Phase 1 report states that previous uses include a brickworks and clay pit, and the 'Recommendations' section states that " the site has been identified as being located on a former extraction pit/quarry". No indication is provided as to whether the clay pit was infilled. The Conceptual Model makes reference to potential " Infilled / made ground

" and concludes a 'Low' likelihood of gas migration into the building, but provides no clarification of the source of any such possible material or its gassing potential, and therefore no justification for the conclusion. It is understood that the previously demolished dwelling was part of a housing estate but there are no records of the original wider development or any remedial measures, and the site walkover or topographical surveys should provide an indication of whether the site lies on an infilled clay pit or within an excavated area. If the clay pit is infilled, then the potential for ground gas migration requires further consideration.

-The Site History Information indicates that the former dwelling was built/present during a period when asbestos containing materials were in use, and states that building rubble is present on site. The potential for asbestos being present, either within building rubble or Made Ground associated with the previous structure or any historic infilling, should be addressed.

-The report states that "The current owners are unaware of any issues on site which could have led to contamination and the site has been used as a garden since the property was purchased. " The site walkover photographs indicate that the site is not in current use as a garden and this statement cannot be accepted as evidence of no contamination.

-The report proposes options of either "soil analysis of the site' or number of mitigation measures including gas membrane, 600mm of clean cover in gardens and barrier water supply pipework. Due to the above stated issues neither option is currently acceptable; either additional Phase 1 information should be submitted to address the points raised or an intrusive site investigation undertaken in accordance with MCC guidance, including the submission of its scope for our approval.

Until such time that satisfactory details are received and agreed, condition 14 cannot be discharged.

15) No verification report has been submitted. As the development has not been completed and the site investigation report and remediation strategy has not yet been agreed, it is not yet possible to discharge this condition. Condition 15 is not therefore discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
MCC Flood Risk Management
United Utilities Water PLC

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