MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/19/0606
Date registered valid:	15 July 2019
Proposal:	Discharge of conditions numbered 9 (highway works), 15 (drainage), 19 (contaminated land), 21 (bio-diversity) and 25 (boundary treatment) attached to planning permission ref: 123212/JO/2019
Address:	Land Bounded By Tram Street, Parkhouse Street, Greenside Street And South Street, Manchester
Ward(s):	Clayton & Openshaw Ward
Applicant:	Mrs Judy Noah ONE Manchester C/o Agent
Agent (if any):	Mr Brendan ODonovan AEW Architects The Zenith Building, Spring Gardens, Manchester, M2 1AB
Case officer:	Carl Glennon Tel: 0161 234 4530 Email: carl.glennon@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	28 November 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 31 July 2019 Expired: 21 August 2019

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

Highway Services

Environmental Health

MCC Flood Risk Management

Greater Manchester Ecology Unit

The above consultees have no objection to the conditions consulted upon subject to the implementation of the development in accordance with the approved details.

United Utilities Water PLC – No comments received.

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 polices 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: Approve

Article 35 Declaration

N/A

Condition(s) to be attached to decision for approval

9) The discharge of condition 9 (Off site highways work) is approved on the basis that the development has been implemented in accordance with the works detailed within the following drawings:

a. New Development South Street Openshaw:
b. General Arrangement Drawing No: 17.B.12001/10 Rev J
c. Highway Markings Drawing No: 17.B.12001/11 Rev C
d. S278 Red Line Plan Drawing No: 17.B.12001/12 Rev A
e. Highways Details Drawing No: 17.B.12001/14 Rev B

15) The discharge of condition 15 (Drainage) is approved on the basis that the development would be implemented in accordance with the following documents and drawings:

South Street – Openshaw Drainage maintenance plan dated April 2019 by Carley Daines & Partners Ltd;
Letter from Carley Daines & Partners Ltd dated 1 July 2019 confirming implementation of drainage works in accordance with drawings referenced: 17.B.12001/20 & 21;
Drawings:
Drainage plan Ref: 17.B.12001/20;
Modifications to UU.MH1502 Ref:17.B.12001/21;
Overland Flood Route Ref: 17.B.12001/22.

19) The discharge of condition 19 (Contaminated land) is approved on the basis that the development would be implemented in accordance with documents referenced:

Validation Report Land off South Street, Openshaw, Manchester, Report Ref: BEK-18388-2 dated July 2019 by BEK
Email from AEW dated 21 November 2019 confirming topsoil sourcing and waste transfer tickets
Email from AEW dated 7 April 2022
Email from AEW dated 27 April 2022

21) The discharge of condition 21 (Bio-diversity) is approved on the basis that the development is implemented in accordance with the following details:

a. Drawing Ref: South Street Openshaw Drawing No LAN281/561;
b. Drawing Ref: Location of Bat / Bird Boxes Drawing No S9680-AEW-XX-XX-DR-A-1006;
c. Ecological Constraints Appraisal, Site 1, South Street, Manchester, Ref: 103019EC1R1 by REC and dated August 2017.

The bat and bird boxes should be fitted to the dwelling as per drawing no S9680-AEW-XX-XX-DR-A-1006 dated 12/07/2019 prior to occupation and once in place the condition can be discharged in full.

25) The discharge of condition 25 (Boundary treatment) can be approved on the basis that the development is fully implemented in accordance with the details of the following drawing, including the attachment of a powder coated black metal litter plate to the base of the railing types F1, F4 and F5: South Street Boundary Details S9680-AEW-XX-XX-DR-A-119 P9.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
United Utilities Water PLC
Greater Manchester Ecology Unit

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH