

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0470

Date registered valid: 4 July 2022

Proposal: Discharge of condition number 6 (Construction Management Plan) from planning approval reference 130856/FO/2021

Address: 129 Manchester Road, Manchester, M21 9PG

Ward(s): Chorlton Ward

Applicant: Yu Shing Property Limited, 129 Manchester Road, Manchester, M21 9PG

Agent (if any): Mr Gooding, LDM Surveyors, LDM House, 46 Great Ancoats Street, Manchester, M4 5AB

Case officer: Constance Phillips
Tel: 0161 234 5792
Email: constance.phillips@manchester.gov.uk

Recommendation: Approve

Date of recommendation: **26 September 2022**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: 11 August 2022

Standard consultations: Printed: 13 July 2022 Expired: 3 August 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: Not applicable

Tree Preservation Order: Not applicable

The application relates to a two storey end-terrace of red brick and slate with a commercial (class E) unit at ground floor. The previous approval granted permission for a part single, part three storey extension and side dormer in association with the conversion of the first and second floors to two residential flats above an extended shop.

Description of area

Manchester Road lies within Chorlton District Centre, north of the four bank crossroads. The site is located on the corner of Cheltenham Road, a residential street of terraced family dwellinghouses. The area benefits from its proximity to shops, eateries, bars and services such as the metrolink and major bus routes.

Description of development

The applicant is seeking to discharge condition 6 (pre-com) relating to the construction management plan requested by Highways and Environmental Health. It was noted on the site visit that works had started prior to this application.

Consultations & Notification Responses

Highway Services – Initial response in July:

For condition 6, the submitted information is not sufficient to allow us to recommend the discharge of this condition from a highway perspective. A CDM document has been submitted but it is required that a Construction Management Plan is provided which makes specific

reference to the items identified in the condition. Of particular relevance to MCC Highways is the following:

- What measures are proposed to limit the impact of contractor parking on surrounding roads
- What routes are proposed for construction-related traffic and where and how will site deliveries be managed
- How will mud and debris generated by the site be dealt with.

Revised response in September:

If they remove the skip from the footway then we have no objection to the discharge of the condition.

Environmental Health – Initial response in August:

I have looked at the above and I cannot recommend discharge of condition 6 for the following reasons:

- It lacks specific detail on environmental controls such as noise, vibration and dust and makes no reference to British Standards or relevant guidance
- It contains a lot of unknowns with regards to site contacts
- It does not include a communications strategy or complaints procedure for local residents/businesses who may need to contact the site.

I also note that their proposed construction dates are between May and July this year so I am not sure if the works have already been completed and therefore if it is too late to get the CMP amended anyway.

Revised response in August:

I have looked at the updated CMP and it is much better.

They just need to make sure that they comply with BS5228 with regards to noise and vibration and not just the noise at work standards.

Once they confirm this I can recommend discharge of the condition.

Assessment

Condition 6 – Construction Management Plan

A pre-commencement condition was attached to the initial approval, stating:

No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period....Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

Initially both Environmental Health and Highway Services objected, stating that the submitted CMP did not meet their criteria or did not contain the right information. The document has since been revised in line with their feedback and the resulting plan has been deemed acceptable by both consultees. Condition 6 can therefore formally be discharged, in accordance with the submitted details.

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: Approve

Condition(s) to be attached to decision for approval

6) Condition 6 - The revised 'Construction & Environment Management Plan', stamped as received on the 23rd September 2022, is considered to be acceptable. Therefore, providing that the development is completed in accordance with the approved details, this formally discharges Condition 6 of planning approval 130856/FO/2021.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

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
Area Team Boundary - Name: SOUTH AREA