

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0425

Date registered valid: 28 June 2022

Proposal: Discharge of conditions 3 (materials), 4 (gas membrane) 5 (CMP), 6 (ground works), 7 (drainage), 8 (tree protection) and 9 (boundary treatment) attached to planning permission referenced 129161/FH/2021

Address: 48 - 50 Wilton Road, Crumpsall, Manchester, M8 4EL

Ward(s): Crumpsall Ward

Applicant: Mr Zaheer Aslam 48 Wilton Road, Crumpsall, Manchester, M8 4EL

Agent (if any): Mr M. Amjad Hybrid Power Ltd 77 Fields New Road, Oldham, OL9 8BT

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

Recommendation: Approved and Refused

Date of recommendation: 11 August 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 30 June 2022 Expired: 21 July 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: No

Tree Preservation Order: No

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

1) The external materials shown on the submitted schedule, received by the City Council as Local Planning Authority on 28 June 2022, are acceptable. On this basis, condition 3 can be discharged.

2) The gas membrane details show on the drawing received by the City Council as Local Planning Authority on 22 June 2022, is acceptable. Subject to implementation of the agreed details, condition 4 can be discharged.

3) The submitted Construction Management Plan does not take cognisance of the proximity of the works to the Metrolink boundary and does not make reference to working safely near Metrolink or liaising with the Metrolink operator, to ensure the works do not require any permits from Metrolink. In addition, the following comments are made.

-The document refers to being produced to discharge Condition (not 5 as is the case with this site);

-The document refers to Broughton Street, not Wilton Road;

Until such time that satisfactory details of working safely adjacent to Metrolink are received and agreed, condition 5 cannot be discharged.

4) The submitted report affirms Metrolink's concerns regarding the potential for the Metrolink cutting slope to be adversely impacted by the works, but does not address how this will be mitigated and/or monitored. Additional information needs to be provided relating to the design and installation of the piles along with proposed vibration and settlement tolerances, that are deemed acceptable to retaining the stability of the cutting slope, and also how these will be monitored.

Until such time that all necessary additional information and assurances have been provided and agreed, condition 6 cannot be discharged.

5) The submitted document only indicates how waste water from the new bathroom will be connected into the sewer network, it does not address how rainwater run off from building and hardstanding areas will be captured, which is of concern to Metrolink. If water is not adequately captured and dealt with by whatever means, then there is scope that the water run off could impact the stability of the Metrolink cutting slope. Additional information as to how this will be addressed is required.

Until such time that satisfactory details to address the above points is received and agreed, condition 7 cannot be discharged.

6) The tree protection measures detailed within the submitted Site Tree Appraisal produced by Rowbottom's Tree Services (Ref: RTS/08042022 - Rev 001) received by the City Council as Local Planning Authority on 22 June 2022, are acceptable. Subject to implementation of the agreed measures, condition 8 can be discharged.

7) Metrolink requested that any changes to the boundary treatment are provided. There is clearly an existing boundary wall from the image provided in the geotechnical report, but the statement in the submitted discharge of conditions document states "A safety fence already exists between the home and tram track premises. An additional plywood over timber columns, boundary will be erected for additional safety"

This statement implies that the wall is to be demolished in favour of a plywood fence on the boundary. If that is the case, then details for the demolition of the wall and the details for the erection of the fence are required to be submitted and agreed. This boundary separates the property from Metrolink at the top of the cutting slope and the impacts of what this work could mean to the cutting slope needs to be considered.

Until such time that satisfactory details are received and agreed to address the above points, condition 9 cannot be discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
MCC Flood Risk Management
Transport For Greater Manchester
Metrolink

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