

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** CDN/22/0540

**Date registered valid:** 5 August 2022

**Proposal:** Discharge of condition 3 (SBD), 15c (ground condition verification), 21 (Environmental statement), 26 (street furniture), 27 (open space maintenance), 30 (acoustics) and 31 (Coal Mining legacy) attached to planning permission 129912/JO/2021

**Address:** Land Adjacent To Mayton Street, Manchester, M11 2AN

**Ward(s):** Clayton & Openshaw Ward

**Applicant:** Ms Victoria Young One Manchester Lovell House, 6 Archway, Manchester, M15 5RN

**Agent (if any):** Mr Daniel Tomlinson GWP Architecture 1 Lidgett Lane, Leeds, LS8 1PQ

**Case officer:** Carl Glennon  
Tel: 0161 234 4530  
Email: [carl.glennon@manchester.gov.uk](mailto:carl.glennon@manchester.gov.uk)

**Recommendation:** Approved

**Date of recommendation:** 5 October 2022

## **Application details**

**Type of application:** Approval of condition application

**Development type:** Notifications

**Date of site visit:** N/A

### **Standard consultations:**

Printed: 18 August 2022    Expired: 8 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:** No

**Tree Preservation Order:** No

## **Consultation**

Highway Services – No objection to the discharge of condition 26.

Environmental Health – No information has been provided with regard to condition 15(B) (watching brief). The revised remediation strategy is considered to be acceptable and the discharge of Condition 15(C) is recommended.

Condition 30 (acoustics)

The submitted Druk noise report, Ref. DRUK/ACC/RS/JSBMSOM/3059, dated 10th June 2022, has been assessed and the report fully satisfies the requirements of Condition 30. No objection to the discharge of condition 30.

Neighbourhood Team Leader (Arboriculture) – No comments received.

Greater Manchester Police Design for Security – No objection to the discharge of condition 3.

The Coal Authority – Has previously advised it had no objection to the discharge of the coal mining legacy condition (32A attached to planning permission 1254747/FO/2019). The further details submitted in relation to condition 31 (attached to ref: 129912/JO/2019) is considered to be acceptable and no further verification reports are required.

## **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**

### **Article 35 Declaration**

N/A

### **Condition(s) to be attached to decision for approval**

#### **3. Condition 3 (SBD)**

The discharge of Condition 3 (Secured by Design) is approved on the basis of written confirmation of the attainment of a Secure by Design Gold Award Reference: 2019/0470/SBD/01 dated 3 August 2022 stamped as received by the City Council as local planning authority on 5 August 2022.

#### **15. Condition 15c (Ground condition verification)**

The discharge of condition 15(c) is approved on the basis that the development has been implemented in accordance with document referenced: Validation Completion Report for a site at Mayton Street, Openshaw Ref: 8755G-WML-XX-ZZ RP-G-0004B dated June 2022 Revision B (dated 30 October 2022) by WML Consulting.

#### **21. Condition 21 (Environmental statement)**

The discharge of condition 21 (Environmental statement) is approved on the basis that:

- i. The development has been carried out in accordance with document ref: Energy Statement, Mayton, PA1422 Rev A dated November 2019 by TACE and stamped as received by the City Council, as Local Planning Authority on 15 November 2019.
- ii. The implemented development shall be maintained in accordance with the post construction review documented detailing attained environmental performance by Anderson Goddard Ltd dated 7 May 2022 and email from GWP Architecture confirming the attainment of a 12.03% reduction in carbon emissions over Part L of the Building Regulations.

#### **26. Condition 26 (Street furniture)**

The discharge of condition 26 (Street furniture) is approved on the basis that street furniture and lighting installed as part of the development is maintained in accordance with details of document referenced: Mayton Street Landscape / Street Furniture Maintenance plan by One Manchester and stamped as received by the City Council as local planning authority on 5 August 2022. The approved plan shall be implemented upon occupation of the development and retained in situ at all times thereafter. For the avoidance of doubt relates to the details specified on the following approved drawings:

Site Landscaping - 1914-GWP-01-01-DR-A-(PA)-0006 Rev P03

Proposed Landscape and Urban Realm Improvements - 1914-GWP-01-01-DR-A-(PA)-0013 Rev P04

Street Lighting - 1914-GWP-01-01-DR-A-(PA)-0014 Rev P01

Proposed Landscape / Urban Realm - 1914-GWP-01-01-DR-A-(SK)-(SK)75 Rev.WIP/S.

#### 27. Condition 27 (Open space maintenance)

The discharge of condition 27 (Open space maintenance) is approved on the basis that open space, footpaths, tree planting and landscaping from part of the development is maintained in accordance with details of document referenced: Mayton Street Landscape / Street Furniture Maintenance plan by One Manchester and stamped as received by the City Council as local planning authority on 5 August 2022. The approved plan shall be implemented upon occupation of the development and retained in situ at all times thereafter. For the avoidance of doubt, the authorised maintenance plan relates to the open space, footpaths, tree planting and landscaping as specified on drawing referenced: Site Landscaping - 1914-GWP-01-01-DR-A-(PA)-0006 Rev P03 External Space / Landscaping - 1914-GWP-01-01-DR-A-(PA)-0009 Rev P04.

The approved landscaping scheme shall be fully implemented during the first full planting scheme following the occupation of the development and maintained in situ thereafter in accordance with the approved landscape maintenance scheme. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

#### 30. Condition 30 (Acoustics)

The discharge of condition 30 (Acoustics) is approved on the basis that the development has been implemented in accordance with the detail of the verification report referenced: Assessment of the Internal Noise Climate within the New Housing Development at Mayton Street, Openshaw, Manchester by Druk Limited Ref: DRUK/ACC/RS/JSBMSOM/3059 and dated 10 June 2022. The development shall be maintained at all times in accordance with the approved report.

#### 31. Condition 31 (Coal mining legacy)

The discharge of condition 31 (Coal mining legacy) is approved on the basis that the development has been implemented in accordance with the following documents:

- i. Phase 2 Geo-Environmental Investigation & Assessment for Mayton Street, Openshaw undertaken on behalf of Eco-Res LLP by WML Consulting Ltd Report No. 8755G-WML-00-XX RP-G-0002 dated July 2020.

ii. : Validation Completion Report for a site at Mayton Street, Openshaw Ref: 8755G-WML-XX-ZZ RP-G-0004B dated June 2022 Revision B (dated 30 October 2022) by WML Consulting (with regard to its assessment of coal mining legacy).

### **Appendix 1 – List of consultees & neighbours notified**

The Coal Authority  
Highway Services  
Environmental Health  
Neighbourhood Team Leader (Arboriculture)  
Greater Manchester Police

### **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 High Risk - Name: DEVELOPMENT\_HIGH\_RISK\_AREA  
Coal Authority - Development Low Risk - Name: DEVELOPMENT\_LOW\_RISK\_AREA  
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface  
Flood Zones Type 2 (low to medium risk) -  
Flood Zones Type 3 (high risk) -  
Susceptible to Surf Water Flood (Less) -  
Susceptible to Surf Water Flood (Middle) -  
Area Team Boundary - Name: NORTH AREA