

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0373

Date registered valid: 8 June 2022

Proposal: Discharge of conditions 3 (Materials), 5 (Construction Management Plan), 12 (Waste management), 15 (Off-site highways works), 22 (SUDS layout), 23 (Drainage management) and 24A (Contaminated land) attached to planning permission ref: 128112/FO/2020

Address: Land Adjacent To Bertha Street And Ashton Old Road, Manchester, M11 2NA

Ward(s): Clayton & Openshaw Ward

Applicant: Bailey 33 Bankfield Road, Nabwood, Bradford, BD18 4AJ

Agent (if any): Mr Michael Ainsworth MADP 11 Woodvale Crescent, Bingley, Keighley, BD16 4AJ

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 2 August 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

Printed: 10 June 2022 Expired: 1 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

Consultation Responses

1. Highways comments.

1.1 Condition 5 - The submitted Construction Management Plan (CMP) is not sufficient to allow us to recommend the discharge of this condition from a highway perspective. It is stated in the CMP that access will be provided from Ashton Old Road and in this regard, we have concerns given the lack of vehicle crossover and proximity to traffic signals. The arrangements for pedestrian movement around the development also needs to be considered particularly on Ashton Old Road. It is recommended that the applicant engages with the MCC Highways Events and Coordination Team to discuss and agree the traffic management proposals. It is also recommended that a traffic management plan and compound layout plan is provided by the developer to aid discussion.

1.2 Condition 15 - Highways records indicate that a S278 application has not yet been made and the discharge of this condition therefore cannot be supported. Tactile paving will need to be provided at vehicle entry points and footways on Welcomb Street and Bertha Street will need to be resurfaced along the entirety of the footway adjacent to the development. A traffic regulation order is also required on the west side of Bertha Street prohibiting waiting and loading at any time

2. Environmental Health

2.1 Condition 5 (Construction Management Plan) – Request that the submitted Construction Management Plan (Rev B) should confirm the proposed working days in accordance with Council guidance and that an emergency contact number will be displayed.

2.2 Condition 12 (Waste management) – The details need to be considered alongside a request for the discharge of condition 10.

2.3. Condition 24A (Contaminated land) - The submitted ERGO Environmental Phase I report, Ref: 22-1146-PI, dated April 2022, recommends the following:

‘A detailed Phase II intrusive Geo-Environmental Ground Investigation should be undertaken in order to confirm the findings of the initial conceptual site model and value engineer a development solution.’

The Phase II report needs to be submitted for assessment and prior to the discharge of condition 24A.

3. Flood Risk Management Team

3.1 Condition 22 – The following additional details are required:

- i. A drainage layout for the final revised masterplan (showing all components, levels and connectivity).
- ii. Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during the critical 1 in 100 year rainfall event with allowance for 40% climate change in any part of a building.
- iii. Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site. The overland flow routes drawing should include both internal and external elevations so an assessment of the flow routes can be clearly identified.
- iv. Hydraulic calculation of the proposed drainage system.
- v. Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.
- vi. Invert level of connecting UU combined manhole - to ensure that a gravity connection to this outfall can be achieved.
- vii. Construction details of petrol interceptor.

4.2 Condition 23 The following additional details are required:

- i. 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. - Please update the maintenance plan to identify the party responsible for maintenance and resubmit.
- ii. The following detail is outstanding and can only be provided post-completion:

- Verification report providing photographic evidence of construction as per design drawings;
- As built construction drawings if different from design construction drawings.

5. United Utilities – Recommend that condition 22 is not discharged as:

- i. The submitted proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.
- ii. The submission does not include robust evidence to demonstrate that the drainage hierarchy has been thoroughly investigated.

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: Refuse

Article 35 Declaration

N/A

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

3) The following material specifications submitted in relation to the discharge of condition 3 (Materials) are approved:

Walls

Quad Core Trapezoidal Wall Panel (RW) KS1000 RW - Gull Grey RAL 240 80 05 BS 18B17

Roof

Quad Core - RW Trapezoidal Roof Panel Goosewing Grey RAL 080 70 05 BS 10A05

Doors

Aluminium Roller Shutter doors with internal housing boxes.

Windows

The window construction will accord with the detail shown on approved drawing ref: Proposed Elevations Ref: 1075 / 202F and comprise black aluminium frames.

As stamped as received by the City Council as local planning authority on 8 June 2022.

However, in reviewing the approved drawings, it has been noted that the lower section of the building comprised brickwork to a height of 4550 mm above ground level. Confirmation of the brick type and its colour and specification is required as part of the discharge of Condition 3. Confirmation is also required that the proposed roller shutters will be powder coated to an appropriate colour specification.

Notwithstanding the above details and specification received on 8 June 2022 relating to boundary walls and fencing are not approved. The approval of details relating to the boundary treatment is specifically related to condition 17. These details should include specifications of walls and railings to the Ashton Old Road boundary and returning to Welcomb Street and Bertha Street before transition into the wall and weld mesh fencing details.

For the avoidance of doubt condition 3 (Materials) cannot be discharge until all satisfactory material specifications have been submitted.

5) The discharge Condition 5 (Construction Management Plan(CMP)) is refused as the detail of the submitted document ref: Construction Management Plan Rev B by MADP received 8 June 2022 is insufficient for the following reasons:

- i. The CMP incorporates inappropriate access and crossover arrangements for construction vehicles via Ashton Old Road, which would potentially compromising pedestrian and highways safety in close proximity to traffic signals.
- ii. Further consideration should be given to arrangements for pedestrian movement around the development site and measures to reduce highways impacts on Ashton Old Road.
- iii. A traffic management plan and compound layout plan also needs to be submitted for approval together with arrangements for the display of emergency contact numbers around the construction site perimeter.

12) The discharge of Condition 12 (Waste management) is refused as the specification proposed waste and recycling enclosures need to be considered alongside the details of bin capacities and segregated storage as required by condition 10 (Waste management).

15) The discharge of condition 15 (Off-site Highways works) is refused on the basis that insufficient details have been submitted. The following additional details are required:

- i. Confirmation of the required legal agreements relating to the implementation of off-site highways works and provision of related approved drawings;
- ii. The submission of details confirming the provision of:
 - Tactile paving will need to be provided at vehicle entry points and footways on Welcomb Street and Bertha Street associated resurfacing works adjacent to the development;
 - A traffic regulation order is also required on the west side of Bertha Street prohibiting waiting and loading at any time.

22) The discharge of condition 22 (SUDS layout) is refused on the basis that the submitted proposals do not accord with the Non-Statutory Technical Standards for Sustainable Drainage Systems and include robust evidence to demonstrate that the drainage hierarchy has been thoroughly investigated. The following additional details are required:

- i. A drainage layout for the final revised masterplan (showing all components, levels and connectivity);
- ii. Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during the critical 1 in 100 year rainfall event with allowance for 40% climate change in any part of a building;

- iii. Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site. The overland flow routes drawing should include both internal and external elevations so an assessment of the flow routes can be clearly identified;
- iv. Hydraulic calculation of the proposed drainage system;
- v. Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice;
- vi. Invert level of connecting UU combined manhole - to ensure that a gravity connection to this outfall can be achieved;
- vii. Construction details of petrol interceptor.

23) The discharge of condition 23 (Drainage management) is refused on the basis that insufficient details have been submitted. The following additional details are required:

- i. 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. The maintenance plan should identify the party responsible for maintenance;
- ii. The following post-completion details will be required:
 - Verification report providing photographic evidence of construction in accordance with design drawings;
 - As built construction drawings if different from design construction drawings.

24) The discharge of condition 24A (Contaminated land) is refused on the basis that insufficient information has been provided. The submitted ERGO Environmental Phase I report, Ref: 22-1146-PI, dated April 2022 needs to be accompanied with a related Phase II report.

Informatives

1) It is recommended that the detail of the construction management is informed by discussions with the Council Highways Events and Coordination Team and agreed the traffic management arrangements.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
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
Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
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) -
Area Team Boundary - Name: NORTH

