

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0055

Date registered valid: 1 February 2022

Proposal: Discharge of planning conditions 3 (Materials), 5 (Drainage), 6a (Ground Conditions), 10 (Environmental Standards) and 11 (Boundary Treatment) associated with planning permission 129142/FO/2021

Address: 227 Moston Lane East, Manchester, M40 3HY

Ward(s): Moston Ward

Applicant: Mr. Joshua Heavens 227 Moston Lane East, Manchester, M40 3HY

Agent (if any): Mr Gregory Oldham Spence & Oldham Architects Ltd 25 Cosgrove Crescent, Manchester, M35 0JX

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: SPLIT- Approved and Refused

Date of recommendation: 3 May 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

Printed: 8 February 2022 Expired: 1 March 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:

Tree Preservation Order:

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: SPLIT- Approved and Refused

Article 35 Declaration

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

3) The following information has been submitted in respect of planning condition 3 (Materials):
-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 1 February 2022.
-Correspondence- Covering Letter (Condition 3), stamped and received by the City Council as Local Planning Authority on 26 April 2022.

The above details are considered to be acceptable and condition 3 attached to planning permission referenced 129142/FO/2021 is formally discharged on the basis the development is fully implemented in accordance with the approved details.

5) Drainage:

The information submitted to discharge condition 5 is not sufficient.

The outstanding evidence is required: Evidence of acceptance of proposed flow/connection point by United Utilities. An email confirming acceptance in principle will suffice.

Until such details are received and agreed, condition 5 cannot be discharged.

6a) The following information has been submitted in respect of planning condition 6a (Ground Conditions):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 1 February 2022.
-Ground Survey- Phase 1 Geo-Environmental Desk Study, stamped and received by the City Council as Local Planning Authority on 1 February 2022.

The above details are considered to be acceptable and condition 6a attached to planning permission referenced 129142/FO/2021 is formally discharged on the basis the development is fully implemented in accordance with the approved details.

10) The following information has been submitted in respect of planning condition 10 (Environmental Standards):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 1 February 2022.

-Supporting Information- Environmental Standards Statement Rev B, stamped and received by the City Council as Local Planning Authority on 29 April 2022.

The above details are considered to be acceptable and condition 10 attached to planning permission referenced 129142/FO/2021 is formally discharged on the basis the development is fully implemented in accordance with the approved details.

11) The following information has been submitted in respect of planning condition 11 (Boundary Treatment):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 1 February 2022.

-Drawing- Proposed- Boundary Treatments Plan, numbered (02)004A, stamped and received by the City Council as Local Planning Authority on 26 April 2022.

The above details are considered to be acceptable and condition 11 attached to planning permission referenced 129142/FO/2021 is formally discharged on the basis the development is fully implemented in accordance with the approved details.

Informatives

1) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
MCC Flood Risk Management
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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH1