MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/21/0664
Date registered valid:	10 September 2021
Proposal:	Discharge of Condition 5b (ground conditions) and 18 (Invasive Species protocol) attached to planning permission ref: 129876/FO/2021
Address:	Land North To The Junction Of Gorton Lane And Pottery Lane, Manchester, M12 5DF
Ward(s):	Gorton & Abbey Hey Ward
Applicant:	Pauline Terry One Manchester Lovell House, 6 Archway, Manchester, M15 5RN
Agent (if any):	Mr Stuart McGrath OMI Architects 31 Blackfriars Road, Salford, M3 7AQ
Case officer:	Sue Wills Tel: 0161 234 4524 Email: sue.wills@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	24 November 2021

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 5 October 2021 Expired: 26 October 2021

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

Environmental Health- 22.10.2021 The Phase II report for the above application is satisfactory, but with regard to the remediation strategy, the clean cover for the front residential gardens is insufficient. This should be a minimum 600mm, as proposed for rear gardens. The Greater Manchester Contaminated Land Officer Group (GM CLOG) has recently discussed cover systems with the intention of developing consistency. It was confirmed that cover systems in private residential gardens should be a minimum of 600mm. Where contamination is deemed to be significant then additional cover and/or separation (e.g. hard-to-dig layer / high visibility geotextile / capillary break) may be needed. This will apply to the whole of the garden area

including hard standing that can easily be removed. It will also be necessary for plots with Astroturf.
23.11.2021 - the information submitted is sufficient so they will just need the validation and completion report when it becomes available.

GMEU - Condition 18 - The information submitted is satisfactory. They therefore recommend that the first part of the condition, as it relates to the submission and approval of the protocol, be discharged.

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 polices 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

Article 35 Declaration

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

5) The following information has been examined and considered :
-Remediation Strategy Gorton Lane - Remediation Strategy document ref:067694-CUR-00-XX-RP-GE-001-V03 Issue date 05 November 2021
- Phase 2 Site Investigation Gorton Lane document ref:068244-CUR-00-XX-RP-GE-001-V03 Issue date 09 September 2021

On the basis that the development is implemented in accordance with the measures in Remediation Strategy Issue date 05 November 2021 (including the increased capping layer to front gardens) , and Phase 2 Site Investigation Gorton Lane document Issue date 09 September 2021, I can confirm that condition 5b is discharged.

However, in the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be

occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.
A validation and completion report will be needed in order to discharge condition 5c when it becomes available.

18) The content of the submitted Method Statement for Cotoneaster at Groton Road AUG21 - Invasive Species Protocol by JKC Limited document ref: QR112.12 v6 has been examined, and is considered to be satisfactory .
On the basis that the measures are carried out in accordance with the approved scheme, condition no.18 is discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Ecology Unit

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 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) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH2