MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/20/0290
Date registered valid:	28 April 2020
Proposal:	Discharge of planning conditions 2 (Materials) and 13 (Ground Conditions) associated with planning permission 116509/FO/2017
Address:	874 Rochdale Road, Manchester, M9 8AH
Ward(s):	Harpurhey Ward
Applicant:	Mr Colin Lowes 694 Wilmslow Road, Manchester, M20 2DN
Agent (if any):	Mr Kevin Rippingham One Architectural Design Group Limited 1 Marland Rise, Marland, Rochdale, OL11 4RH
Case officer:	Steven McCoombe Tel: 0161 234 4607 Email: s.mccoombe@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	17 September 2020

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:
Printed: 30 April 2020 Expired: 21 May 2020

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 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: Refused

Article 35 Declaration

Not Required.

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

1) The submitted information is inadequate. In order for the condition to be discharged, the following details need to be agreed by the City Council as Local Planning Authority.

- An updated Preliminary Risk Assessment (based on the correct controlled waters designation for the bedrock);
- A Site Investigation and Risk Assessment Report;
- A Remediation Strategy;
- After completion of site works, a Verification Report is required to validate that the work undertaken conforms to the remediation proposals received.

2) The submitted external material details are not considered to be of a sufficient quality that would lead to the satisfactory regeneration of the site, or lead to improvements to the visual appearance of the area, along a key arterial route. On this basis, Condition 2 cannot be discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

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 -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1