

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** CDN/25/0858

**Date registered valid:** 10 September 2025

**Proposal:** Discharge of Conditions 6 (Highways Works), 36 (RAMS) and 38 (piling works) attached to planning permission 137751/MO/2023

**Address:** Land Opposite 83-87 Vine Street, Manchester, M18 8SR,

**Ward(s):** Gorton & Abbey Hey Ward

**Applicant:** Kirkland Developments

**Agent (if any):** Miss Ailsa Goudie, NJL Consulting

**Case officer:** Sue Wills  
Tel: 0161 234 4524  
Email: sue.wills@manchester.gov.uk

**Recommendation:** Approve

**Date of recommendation:** 27 October 2025

## **Application details**

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

**Development type:** Notifications

### **Standard consultations:**

Printed: 17 September 2025

Expired: 8 October 2025

### **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**

Network Rail – 17.09.2025

Standard comments in relation to the requirement for a Basic Asset Protection Agreement (BAPA).

Further comments 01.10.2025

ASPRO are currently managing the associated scheme via a Basic Asset Protection Agreement.

The Basic Asset Protection Agreement will allow us to suitably review and agree methodologies and mitigation of risk associated with the referenced conditions.

Further comments 23.10.2025

Confirm the existing BAPA allows them to manage the associated information relative to satisfy the pre commencement conditions (36 (RAMS) and 38 (piling works) ).

Highway Services 26.09.2025

In regard to Condition 6 (Highways work) a S278/S38 Application has not yet been submitted.

o The applicant can apply online via the following link::

[https://www.manchester.gov.uk/directory\\_record/451887/permission\\_to\\_work\\_on\\_the\\_highways\\_-\\_section\\_278\\_agreements](https://www.manchester.gov.uk/directory_record/451887/permission_to_work_on_the_highways_-_section_278_agreements).

o The applicant should note that Highways will only recommend condition discharge following securement of cash bond or surety provision of the total costs of the associated highways works as provided by the statutory approvals team. Evidence of this should be provided with the condition discharge documents.

Further comments 24.10.2025

The plans submitted under the CDN application –generally align with the original proposals and the agreed tweaks in the vicinity of the turning-head within the site. The only aspect to note is that TRO lining doesn't appear to have been correctly shown.

As discussed, please could the decision include wording that this does not infer approval from a section 278(Highways Act) and/or traffic regulation order perspective.

## **Issues**

### **Other Legislative Requirements**

#### **Equality Act 2010**

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

#### **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:** Approve

#### **Article 35 Declaration**

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

**Condition no. 6 (Highways Works)**

6) The information shown on the plans and in the document referenced below have been reviewed.

- Section 78 General Arrangement plan ref: VSG-RDG-015 rev.P03
- Section 278 works Kerbing and Surfacing plan ref: VSG-RDG-016 rev.P03
- Section 38 Proposed levels and Long Section plan ref: VSG-RDG-303 rev.P01
- Section 38 Construction Details plan ref: VSG-RDG-304 rev.P01
- Vehicle Tracking Refuse Vehicle plan ref: VSG-RDG-306 rev.P01
- Content of the email from Kirkland Developments related to the submission of a hybrid s38/s278 agreement dated 15<sup>th</sup> October 2025.

On the basis of the content of the document and plans referenced above being implemented and all the agreed works being completed prior to the proposed dwellinghouses being occupied, and thereafter retained and maintained in situ, condition no.6 is discharged. This discharge of condition consent, however, does not infer approval from a section 278(Highways Act) and/or traffic regulation order perspective.

**Condition no. 36 (RAMS)**

36) The content of the documentation below has been examined.

- Method Statement ref: E23181-SPUK-MS-EJ-001-Rev.0
  - Risk Assessment dated 10<sup>th</sup> December 2024 ref: E23181
  - Working Platform Certificate Guidance ref: E23181
  - Temporary Works Slope Stability Assessment dated November 2024 ref: 11634-001-R-01-1
- On the basis that the development is implemented in accordance with the content of the documentation referenced above, condition no.36 is discharged.

**Condition no. 38 (piling works)**

38) The content of the documentation below has been examined.

- Method Statement ref: E23181-SPUK-MS-EJ-001-Rev.0
- Risk Assessment dated 10<sup>th</sup> December 2024 ref: E23181
- Vibration Assessment and Monitoring report rev. B dated 9<sup>th</sup> July 2025
- Monitoring GA and Specification plan ref: 2664/DWG/001 rev. B dated 9<sup>th</sup> July 2025

On the basis that the development is implemented in accordance with the content of the documentation referenced above, condition no.38 is discharged.

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

Highway Services  
Environmental Health  
Network Rail

## **Appendix 2 – Planning constraints**

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4  
Coal Authority - Development Low Risk - Name: DEVELOPMENT\_LOW\_RISK\_AREA  
Historic Landfill Site 50m Buffer -  
Susceptible to Surf Water Flood (Less) -  
Susceptible to Surf Water Flood (Middle) -  
Susceptible to Surf Water Flood (More) -  
Area Team Boundary - Name: NORTH AREA