Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/25/0507
Date registered valid:	4 June 2025
Proposal:	Discharge of conditions 7b (ground conditions verification) and 17 (SBD) attached to planning permission referenced 141366/JO/2024.
Address:	63 -67 Upper Chorlton Road, Manchester, M16 7RQ
Ward(s):	Whalley Range Ward
Applicant:	Mr Julian Hoe J Greenwood Ltd
Agent (if any):	Mr Mark Harrison TADW Ltd
Case officer:	Sue Wills Tel: 0161 234 4524 Email: sue.wills@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	31 July 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 10 June 2025 Expired: 1 July 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: Whalley Range Conservation Area 1992

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Environmental Health – 27.06.2025 – Advice condition no.7b cannot be discharged as the submission consists of a statement that says the work has been carried out in accordance with the remediation strategy.

A full site completion report validating the cover system and showing it has been installed as per the approved remediation strategy (photographic evidence be included in the report) will be nneeded, together with the results of the cover system in-situ sampling.

Further comments 18.07.2025

The depth validation of the clean cover system is accepted. However, the report states that the chemical soil validation was done from a stockpile. They usually ask that in-situ soil sampling is

completed, but after checking the remediation strategy it doesn't specifically say that in-situ sampling will be done within the gardens. The applicant needs to confirm where the stockpile sampling was done, at source, or on the site before this can be accepted.

Further comments318.07.2025
The Contaminated Land condition can now be discharged.

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 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

Condition no. 7b (ground conditions verification)

7b) The content of the Site Completion Report ref: LKC 23 1395 dated 30th May 2025 received 4th June 2025 and email dated 22nd July 2025 from J Greenwood (Builders) Limited confirming that the samples were taken from material that was on site that was stockpiled prior to

spreading has been reviewed. On the basis of the documentation referenced above, condition no.7b is discharged.

Condition no. 17 (Secure By Design)

17)The Secured by Design award dated 1st May 2025 has been noted. On the basis of the award which has been issued, condition no.17 is 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
Conservation Area - Whalley Range Conservation Area 1992
Hazard - Major Accident Hazard Pipeline - Upper Chorlton Road
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA