

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** CDN/25/0130

**Date registered valid:** 12 February 2025

**Proposal:** Discharge of condition number 6b (ground conditions) from planning approval reference 126674/FO/2020 (Plots 23-24, 25-26, 27-28, 29 - 30, Plots 213-214 and 215-216)

**Address:** Land Off Edge Lane, Manchester

**Ward(s):** Clayton & Openshaw Ward

**Applicant:** Miss Hannah Thorpe, Lovell Partnership Ltd

**Agent (if any):** Miss Hannah Thorpe, Lovell Partnership Ltd

**Case officer:** Sue Wills  
Tel: 0161 234 4524  
Email: [sue.wills@manchester.gov.uk](mailto:sue.wills@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 1 April 2025

## Application details

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

**Development type:** Notifications

### Standard consultations:

Printed: 19 February 2025 Expired: 12 March 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:** Not applicable

**Tree Preservation Order:** Not applicable

## Description of area

## Description of development

## Consultations & Notification Responses

Environmental Health – 03.03.2025

have considered the information submitted for the above CDN application and can provide the following comments:

The information submitted for the following plots is acceptable and they would have no objection to the discharge of condition 6b for these plots:

26

27

29

30

213

216

For the following plots, whilst the imported material chemical validation is acceptable, the photographic evidence provided of a geotextile membrane, which should be in place at the base of the 600mm clean cover system, is inadequate:

23  
24  
25  
28  
214  
215

As an aide memoire, they have had everything they need now for the below plots:

19-22  
26  
27  
29  
30  
88-119  
148-159  
190-193  
213  
216

For the remaining plots they require cover system validations.

#### FURTHER COMMENTS 01.04.2025

The additional information provided is acceptable and they would have no objection to the discharge of condition 6b for Plots 23-24, 25-26, 27-28, 29-30, 213-214 and 215-216.

As an aide memoire, they have had everything they need now for the below plots:

19-30  
88-119  
148-159  
190-193  
213-216

For the remaining plots they require cover system validations.

## 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. 6b (ground conditions) in relation to plot nos.23-24, 25-26, 27-28, 29 - 30, 213 – 214 and 215-216.

6b) The following information has been considered in respect of plots 23-24, 25-26, 27-28, 29 – 30, 213 – 214 and 215-216.

Soil Cover System Assessment -plots 29-30 dated 31<sup>st</sup> October 2024 ref:

21LPL083/SV/GC/39\_Rev\_01

Received 12<sup>th</sup> February 2025

Email from applicant dated 7<sup>th</sup> March 2025 regarding plots nos. 23-24,25,28,214 and 215.

Soil Cover System Assessment -plots 23-24 dated 6<sup>th</sup> March 2025 ref:

21LPL083/SV/GC/41\_Rev\_01

Soil Cover System Assessment -plots 25-26 dated 6<sup>th</sup> March 2025 ref:

21LPL083/SV/GC/41\_Rev\_01

Soil Cover System Assessment -plots 27-28 dated 6<sup>th</sup> March 2025 ref:

21LPL083/SV/GC/40\_Rev\_01

Soil Cover System Assessment -plots 213-214 dated 6<sup>th</sup> March 2025 ref:

21LPL083/SV/GC/38\_Rev\_01

Soil Cover System Assessment -plots 215-216 dated 6<sup>th</sup> March 2025 ref:  
21LPL083/SV/GC/42\_Rev\_01

Received 7<sup>th</sup> March 2025

The above information has been considered and is acceptable in respect of plots 23-24, 25-26, 27-28, 29 – 30, 213 – 214 and 215-216.  
Condition 6b is discharged for these plots only.

## **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

Coal Authority - Development Low Risk - Name: DEVELOPMENT\_LOW\_RISK\_AREA

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: NORTH AREA