

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/25/0102

Date registered valid: 5 February 2025

Proposal: Discharge of conditions 28 (RAMS) and 29 (HMMP) attached to planning permission referenced 139997/FO/2024

Address: Land At Welcomb Street, Manchester

Ward(s): Clayton & Openshaw Ward

Applicant: Mr Joe Burnett NSJV Ltd

Agent (if any): Mr Patrick Stone, Spawforths

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

Recommendation: Approve

Date of recommendation: **24th March 2025**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 7 February 2025 Expired: 28 February 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

Greater Manchester Ecology Unit –

Condition 28 - Comment

The reasonable avoidance measures provided are suitable to discharge this condition.

Condition 29- Comment

The HMMP that has been submitted is fairly basic in its content. However given the low complexity of the proposed habitats to be created on the site (urban trees, small area of other neutral grassland in fairly poor condition), it is acceptable to discharge this condition, in this instance.

Although not relating to these two conditions – sought confirmation that the planning agent or applicant are currently discharging the Biodiversity Gain Plan condition (this is a deemed condition applied to every planning application), or that the applicant is aware they need to do this, and is progressing this.

Planning agent sent on email on 20th March 2025 confirming their client is aware of the requirements to discharge the Biodiversity Gain Plan condition, and that the BNG will be delivered on site.

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. 28 (RAMS)

28) The contents of the Reasonable Avoidance Measures Statement ref: RAMS v1 dated 10.01.2025 have been reviewed and are considered to be acceptable. On the basis that the development is carried out in accordance with the measures in the Reasonable Avoidance Measures Statement ref: RAMS v1, condition no.28 is discharged.

Condition no. 29 (HMMP)

29) The contents of the Habitat Management and Monitoring Plan ref: 12436 HMMP-SB – V1 10.01.2025 have been reviewed and are considered to be acceptable. On the basis that the

development is carried out in accordance with the measures in the Habitat Management and Monitoring Plan ref: 12436 HMMP-SB – V1 10.01.2025, condition no.29 is discharged.

Appendix 1 – List of consultees & neighbours notified

Greater Manchester Ecology Unit

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3

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 250m Buffer -

Area Team Boundary - Name: NORTH AREA