

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/1152

Date registered valid: 10 December 2024

Proposal: Discharge of conditions¹⁴ (Contaminated land), 15 (Demolition & Construction Management Plan), 16 (Air Quality) and 18 (Surface Water Drainage) attached to planning permission 136026/FO/2022.

Address: 342 Slade Lane, Manchester, M19 2BX

Ward(s): Burnage Ward

Applicant: Mr Javed Shah

Agent (if any): Mr Ahmed Choudhry Nada Architects

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approved and Refused

Date of recommendation: 4 February 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

Printed: 19 December 2024

Expired: 12 January 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: No

Tree Preservation Order: No

Consultations & Notification Responses

Highway Services – The following comments have been received:

i. Condition 15 (CMP) – A plan relating to demolition has been provided. The plan should also relate to construction and should be related to all the detailed required by condition 15. The discharge of condition 15 is not recommended.

Environmental Health – The following comments have been received:

i. Condition 14 A(Contaminated land) – The detail of the submitted Phase 1 report is generally acceptable, but a detailed remediation strategy needs to be submitted in response to potential risk from historic land contamination. Part B of condition 14 will need to be discharged separately. Part A cannot, therefore, be discharged.

ii. Condition 15 (CMP) - The submitted plan relates demolition and needs to be expanded to include the construction phase of the development. The discharge of condition 15 is not recommended.

iii. Condition 16 (Air Quality) – The detail of the air a quality assessment id considered to be acceptable.

Flood Risk Management Team – Detailed comments have been providing indicating that the submitted document has not demonstrated that satisfactory drainage details would be delivered as part of the development. It is recommended that condition 18 (Surface Water Drainage) is not discharged.

United Utilities Water PLC – No comments received.

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: Approved and Refused

Article 35 Declaration

N/A

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

14) The discharge of conditions 14A (Contaminated land) is refused as the submitted document, referenced Contaminated Land Phase One Desk Study for proposed residential development on land at 342 Slade Lane Manchester M19 2BX by Martin Environmental Solutions Ltd dated May 2024 Ref: 2715-1, does not incorporate a detailed remediation strategy to mitigate against potential historic land contamination.

15) The discharge of condition 15 (Demolition & Construction Management Plan) is refused as the submitted document, referenced Demolition Method Statement fails to provide details of the management of the construction phase of the development as required by condition 15.

16) The discharge of condition 16 (Air Quality) is approved on the basis that the demolition, construction and operational phases of the development is undertaken in accordance with document referenced: Air Quality Assessment for a proposed residential development on land at 342 Slade Lane Manchester M19 2BX by Martin Environmental Solutions Ltd dated May 2024 Ref: 2716-1.

Prior to occupation of the development the agreed mitigation measures shall be implemented and verified as such in writing by the City Council as local planning authority and shall remain in situ whilst the use or development is in operation.

18) The discharge of condition 18 (Surface Water Drainage) is refused as submitted drawings referenced

Proposed below ground drainage Ref: 10199/MAY100 Rev. C1

Proposed and existing drainage catchments Ref: 10199/MAY101 Rev. C1

Drainage Detail 1 Ref: 10199/MAY102 Rev. C1

Drainage Detail 2 Ref: 10199/MAY102 Rev. C1

have not demonstrated that satisfactory drainage arrangement would be delivered as part of the development.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
United Utilities Water PLC

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface

Area Team Boundary - Name: SOUTH AREA