

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0250

Date registered valid: 17 April 2023

Proposal: Discharge of condition 3 (land restoration) attached to temporary planning permission referenced 124955/VO/2019.

Address: Abraham Moss Centre , 140 Crescent Road, Manchester, M8 5UF

Ward(s): Crumpsall Ward

Applicant: Mr Neil Fairlamb Manchester City Council

Agent (if any): Mr Michael Kavanagh Ellis Williams Architects

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 26 February 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 17 July 2023 Expired: 7 August 2023

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

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: Refuse

Article 35 Declaration

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

3) The following information has been submitted to discharge the land restoration condition 3, LP44107-EWA-T01-ZZ-DR-A-91005, stamped as received on the 17 April 2023.

RAM-XX-XX-DR-GE-0001 102,

Borehole Photographs WS01, WS02, WS03,

Analytical Report from i2 Analytical Engineers, stamped as received on the 29 August 2023.

In order to fully discharge the condition the following details need to be provided.

0 details of what the topsoil is placed on to off and confirmation it is a suitable growing medium.

0 confirmation that 900 mm soil would be used to plant the proposed tree roots.

0 Provide Sample of the soil baseline prior to replacing the clean soil.

Therefore, the land restoration condition cannot be discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Highway Services

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA