

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0471

Date registered valid: 3 June 2024

Proposal: Discharge of Condition 40 parts 1 and 6 (Archaeology) attached to planning 131895/JO/2021

Address: Coleshill Street, Manchester, M40 8HH

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Christopher Langdon EQUANS Services Ltd & Landcare (East Manchester) Ltd

Agent (if any):

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

Recommendation: Approve

Date of recommendation: 19 June 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 10 June 2024 Expired: 1 July 2024

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

GMAAS- The application is supported by an approved Written Scheme of Investigation (WSI) for an archaeological watching brief prepared by Wessex Archaeology in May 2023 and an addendum to that document produced in April 2024. The addendum summarises the approach for the archaeological works as agreed between Wessex Archaeology, GMAAS and Manchester City Council (MCC) in June/July 2023, with the addition of details of a 'toolbox talk' to be issued to and agreed with all groundworkers prior to commencement of on-site works.

The addendum does not change GMAAS' position with regard to a recommendation for partial discharge, as outlined in a 'Delegated Officer Report' produced in summary on the 6th July 2023 (GMAAS additions underlined and in squared brackets):

The Written Scheme of Investigation for the Archaeological Watching Brief Document Ref.: 224301.01 May 2023 Version 4 and the addendum dated April 2024, Document Ref: 261481.1 has been examined and is considered to be satisfactory in regard to matters required to be submitted for consideration at the pre-commencement stage of the development, and point nos.1.and 6 set out in the condition, on the basis that the development is undertaken in accordance the phased programme and methodology of investigation and recording, and that the watching brief is undertaken alongside remediation in the agreed areas.

As such, although the condition cannot be formally discharged until matters required in point nos.2, 3, 4, and 5 have been completed, I can confirm that you have satisfactorily complied with the pre-commencement elements of condition no.40.

As before, the condition cannot be fully discharged until all stages set in the condition have been completed.

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

40) The Written Scheme of Investigation for the Archaeological Watching Brief Document Ref.: 224301.01 May 2023 Version 4 and the Addendum to the Written Scheme of Investigation for Archaeological Watching Brief Document Ref: 261481.2 dated April 2024, have been examined and are considered to be satisfactory in regard to matters required to be submitted for consideration at the pre-commencement stage of the development, and point nos.1.and 6 set out in the condition, on the basis that the development is undertaken in accordance the phased programme and methodology of investigation and recording, and that the watching brief is undertaken alongside remediation in the agreed areas.

On the basis of the measures within the documents referenced above, that the development is undertaken in accordance the phased programme and methodology of investigation and recording, and that the watching brief is undertaken alongside remediation in the agreed areas, I can confirm that you have satisfactorily complied with the pre-commencement elements of condition no.40 , and points nos. 1 and 6 of condition no.40 are discharged.

However, condition no.40 cannot be fully discharged until matters required in point nos.2, 3, 4, and 5 have been completed.

Appendix 1 – List of consultees & neighbours notified

Greater Manchester Archaeological Advisory Service

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

Site of Biological Interest - Name: Rochdale Canal, Stott's Lane - Ducie Street Basin

Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

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

HSE COMAH Zone - H1485 OZ - Bradford Road Holder Station (East) Outer Zone

HSE COMAH Zone - H1485 MZ - Bradford Road Holder Station (East) Middle Zone

HSE COMAH Zone - H3595 OZ - Bradford Road Holder Station (West) Outer Zone

Hazard - Degussa Limited

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

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Susceptible to Surf Water Flood (Less) -

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: NORTH AREA