

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0350

Date registered valid: 30 April 2024

Proposal: Discharge of Condition 15 (Highways), 16 (Cycle Enclosure), 17 (Boundary Treatment), 24a (Contaminated Land) and Condition 26 (EV Charging) attached to planning permission 128112/FO/2020

Address: Land Adjacent To Bertha Street And Ashton Old Road, Manchester,

Ward(s): Clayton & Openshaw Ward

Applicant: Bailey

Agent (if any): Miss Leah Dixon, MADP

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

Recommendation: Approve

Date of recommendation: 18 June 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

Printed: 13 May 2024 Expired: 4 June 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: No

Tree Preservation Order: No

Consultations & Notification Responses

Highway Services – No objection to the discharge of conditions 16, 17 and 26. The discharge of condition 15 is recommended on the submitted details and the implementation of works in collaboration with the Council as highways authority.

Environmental Health – No objection to the discharge of conditions 24A and 26 following the submission of additional details.

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

N/A

Condition(s) to be attached to decision for approval

15) The discharge of Condition 15 (Highways) is approved on the basis that the development is implemented in accordance with the works detailed on drawing referenced: Layout and construction – J1081 access and construction fig.1 Rev. C dated 16 February 2024 and approved in email from Highways (Statutory Approvals) dated 16 February 2024. The works shall be undertaken with on-going engagement with the Council as local highways authority and completed before the occupation of the development.

16) The discharge of condition 16 (Cycle Enclosure) is approved on the basis that the development is implemented in accordance with cycle storage details referenced: Cedar cycle locker Ref: BXMW/CED with capacity for 4 cycles by Broxap. The approved details shall be fully implemented before the occupation of the development and maintained in situ thereafter.

17) The discharge of condition 17 (Boundary Treatment) is approved on the basis that the development is implemented in accordance with the details of drawing referenced: Proposed – Condition 17 Ref: 1075/501A attached to MADP email dated 11 June 2024. The brick plinth at the base of the approved fencing shall be constructed in Forterra Old Trafford Red wire cut facing brick (65mm x 215 mm). The approved details shall be fully implemented before the occupation of the development and maintained in situ thereafter.

24) The discharge of condition 24a (Contaminated Land) is approved on the basis that the development is implemented in accordance with the following documents:

Remediation Statement letter Ref:21-1146-RS – Land at Ashton Old Road (including appendices) dated 27 February 2023 by Ergo Ltd

Gas Monitoring Report Proposed development at Ashton Old Road Manchester dated April 2024 by Geo-Ventures (UK) Ltd

Groundwater samples and gas monitoring Ref: DPD 1789 by DP Drilling

When the development within each phase commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development in each phase is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

26) The discharge of condition 26 (EV Charging) is approved on the basis that the development is implemented in accordance with the detail of drawing referenced Proposed block and site plan Ref: 1075/2011 and email from MADP dated 30 May 2024 confirming the provision of three EV charging pedestal in accordance with the manufacturer details referenced Rolec EV Basic Charge. The approved details shall be fully implemented before the occupation of the development and maintained in situ thereafter. Notwithstanding the detail of drawing ref: Proposed block and site plan Ref: 1075/2011, permission is not granted for the indicated installation of future EV charging points positioned adjacent to the site boundary.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

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
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA