

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0497

Date registered valid: 6 June 2024

Proposal: Discharge of Condition 23 (Birds) and 24 (Hedgehogs) attached to planning permission 138482/FO/2023

Address: Land To The South East Of The Junction Of Devonshire Street And Coverdale Street, Manchester

Ward(s): Ardwick Ward

Applicant: Jigsaw Homes North Ltd

Agent (if any): Nicole Roe Eden Planning & Development Ltd

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

Recommendation: Approve

Date of recommendation: 26 June 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 13 June 2024 Expired: 4 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

Greater Manchester Ecology Unit –
Condition 23 – Nesting birds

A bird nest check was carried out. Assuming the site was then cleared of trees, the condition can be regarded as met. If the trees are still present, they would no longer regard the survey as valid and would recommend a further check or presence of the ecological clerk of works during the tree removal.

Condition 24 – Reasonable Avoidance Measures for Hedgehog and other Wildlife

An ecological clerk of works will be present to supervise site clearance and to check the site for hedgehog and amphibians. They are satisfied that these measures are adequate to reduce the low risk of harm. They therefore have no objection to the discharge of the prior to part of condition 24.

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.23

23) The Report of Nesting Bird Survey dated 6 June 2024 (produced by Arbtech) has been reviewed, and it is noted that there was no evidence of nesting birds found on site at the time of the survey. Furthermore, it is understood that the trees were subsequently removed.

On the basis of the Report of Nesting Bird Survey and that the trees have been subsequently removed, condition no.23 is discharged.

an active nest is found during work, the nest will be retained and at least a 5m buffer will be created between any machinery and active nests until the young have fledged

Condition no.24

24) The Ecological Management Plan dated 25 April 2024 (produced by Arbtech) has been reviewed, and the measures to mitigate against potential harm to hedgehogs, badgers and other mammalian fauna during the development work are considered to be satisfactory. On the basis that the development is implemented in accordance with the measures set out in the Ecological Management Plan , condition no.24 is discharged.

Appendix 1 – List of consultees & neighbours notified

Greater Manchester Ecology Unit

Appendix 2 – Planning constraints

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
Area Team Boundary - Name: NORTH AREA