

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0220

Date registered valid: 29 March 2023

Proposal: Discharge of condition 11 (ground conditions) attached to planning permission referenced 134484/FO/2022

Address: 332 Cheetham Hill Road, Manchester, M8 0PL

Ward(s): Cheetham Ward

Applicant: Miss Rebecca Yates E G Group

Agent (if any):

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

Recommendation: Refuse

Date of recommendation: 12 October 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 14 April 2023 Expired: 5 May 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

1) The information from Geo2 Remediation Ltd Phase I and Phase II Environmental Site Assessment was submitted to discharge condition 11 Ground Conditions . The following comment relate to discharging condition 11;:

1. Only the ground referred to as Area A (the PFS) has been investigated so far. The report will need to be updated once the ground referred to as Area B (retail building) is accessible and intrusive ground investigation of this area has been completed.
2. Further ground water sampling is to be undertaken to demonstrate that underlying contamination from fuel storage or distribution infrastructure hasn't migrated vertically or horizontally
3. Suitable PPE should be provided for all construction workers and standard health & safety procedures adhered to following risk assessments by employers in accordance with Construction Design Management (CDM) Regulations, 2015 and with reference to the environmental testing results presented within the report and within Appendix E. The contractors risk assessment should be submitted for review
4. We will need to see an asbestos management plan to demonstrate how asbestos impacted soils will be removed, stored and disposed of.
5. Ground gas monitoring and gas risk assessment will need to be provided

6. A remediation strategy will need to be supplied once the above points and additional investigation has been completed

7. A UK water supplier risk assessment will also need to be provided to confirm the details of the water supply pipe to be installed.

Until the above information has been provided. Condition 11 is not discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Environment Agency

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
Area Team Boundary - Name: NORTH AREA