

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0426

Date registered valid: 26 June 2023

Proposal: Discharge of conditions 3 (CMP), 19 (Archaeology), 25 (Badger and Hedgehog RAMS), 37 (Bats) referenced 134775/FO/2022

Address: Land Off Louisa Street, Manchester

Ward(s): Clayton & Openshaw Ward

Applicant: Mr Steven Ludlam Westchurch Homes Ltd

Agent (if any):

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

Recommendation: Approve

Date of recommendation: 18 July 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 4 July 2023 Expired: 25 July 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: Not applicable

Tree Preservation Order: Not applicable

Description of area

Description of development

Consultations & Notification Responses

Environmental Health - Have no objections to the discharge of condition no,3 on the basis of the Construction Management Plan. inc. Noise Reduction and Condition Survey.- CEMP and Appendices Document. Rev C.

GMAAS - The application is supported by a Written Scheme of Investigation (WSI) prepared by Lanpro in consultation with GMAAS in June2023. GMAAS is pleased to approve the WSI, which sets out an appropriate programme of historic building investigation and initial intrusive investigation of the site, in line with the requirements of Condition 19, and satisfies the pre-commence of the condition wording.

GMAAS is pleased to recommend a partial discharge of the condition. Full discharge of the condition can be recommended in due course once all the required elements of fieldwork have been completed, together with post-excavation analysis and reporting, the deposition of a project archive and an appropriate level of dissemination.

GMEU - Based on the information provided, have no objections to the discharge of condition no.37. Since the RAMs required for Condition 25 relates predominantly to the need to avoid any harm to bats, they also have no objections to the discharge of condition no. 25.

Highway Services - The submitted Construction Plan is considered sufficient to discharge the associated condition.

It is confirmed that all parking demands, servicing and deliveries are to be accommodated within the curtilage of the site.

The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Network Management teams via Email -highwaylicences@manchester.gov.uk
highwaynetworkmanagement@manchester.gov.uk

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. 3 – CMP

3. The Construction Environmental and Waste Management Plan Rev C dated 23.06.2023 (including Noise Reduction and Condition Survey and Appendices) has been examined and is considered to be acceptable.

On the basis that the development is carried out in accordance with the approved construction management plan for the duration of the construction period , condition no.3 is discharged.

Condition no. 19 Archaeology

Condition no.19 requires that the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority. Furthermore , that the WSI covers the following:

1. A phased programme and methodology of investigation and recording to include:
 - (i) historic building investigation (Level 2 / 3);
 - (ii) archaeological evaluation trenching;
 - (iii) pending the results of the above, a targeted open-area excavation.
2. A programme for post-investigation assessment to include:
 - production of a final report on the results of the investigations and their significance.
3. Deposition of the final report with the Greater Manchester Historic Environment Record.
4. Dissemination of the results of the archaeological investigations commensurate with their significance.
5. Provision for archive deposition of the report and records of the site investigation.
6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

The submitted Written Scheme of Investigation for Historic Building Recording and Archaeological Evaluation ref: 4627 dated June 2023 has been examined .

I can confirm that the submitted Written Scheme of Investigation (WSI) dated June 2023, which sets out an appropriate programme of historic building investigation and initial intrusive investigation of the site, is acceptable . On this basis parts 1(i) and 1 (ii) of condition no. 19 are discharged , and construction works can progress without any further archaeological investigation.

However, condition no.19 cannot be formally discharged until parts 2 to 6 of the condition requiring a report presenting the results of the investigations and their significance have been prepared and deposited with the Historic Environment Record, followed by an appropriate level of dissemination (Part 4) and deposition of the project archive have been actioned.

Condition no. 25 Badger and Hedgehog RAMS

The Reasonable Avoidance Measures Method Statement for the protection of wildlife ref: 2023 - 107b dated June 2023 has been examined and is considered to be satisfactory .

On the basis that the measures in the Reasonable Avoidance Measures Method Statement for the protection of wildlife ref: 2023 -107b are fully implemented prior to the commencement of works at the site and that the measures are retained for the duration of the construction period, condition no.25 can be discharged.

Condition no. 37 Bats

The following information has been examined :

- Email from applicant with attached confirmation of the registration of the Bat License from Natural England dated 5th July 2023
- Email from ERAP to applicant dated 7th July 2023 in relation to bats

-Natural England email to Bat consultant dated 21st June 2023.

On the basis of the information referenced above , condition no.37 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Archaeological Advisory Service
Greater Manchester Ecology Unit

Appendix 2 – Planning constraints

[illegible]