

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0671

Date registered valid: 6 October 2023

Proposal: Discharge of conditions 5 (parts b to f) (archaeology), 8b (ground conditions verification)(plots 1-8, 46-50), 28a (off site highway works) attached to planning permission referenced 122042/00/2018

Address: Land Off Cringle Road, Levenshulme, Manchester

Ward(s): Levenshulme Ward

Applicant: Towerhouse Systems Ltd

Agent (if any): Mr Julian Austin Paul Butler Associates

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

Recommendation: Approve

Date of recommendation: 25 October 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 11 October 2023 Expired: 1 November 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

GMAAS - Advise that Paul Butler Associates have prepared a final report on the results of an archaeological watching brief, undertaken in accordance with a WSI, as required by condition 5 of permission 122042/00/2018. A draft of the report was shared with GMAAS back in June 2023 and we had no comment to make, approving it as submitted.

A copy of the report has been lodged with the GM Historic Environment Record and a copy will be made publicly available on the Archaeological Data Service Website (ADS). In this instance this meets the requirement of dissemination set out in the condition.

As such, GMAAS recommend that Condition 5 can now be fully discharged.

Environmental Health - have considered the GeoAssist Verification Report for Plots 1 to 8 and 46 to 50, Ref: 6048/VCR V1.00PVR, dated Oct 2023, submitted for the above CDN application and can provide the following comments:

Section 4 Remediation / 4.1 Methodology states that testing of subsoil for the cover system is to be at a rate of 1 sample per 200m³. This is not in accordance with the approved remediation strategy or MCC's guidance. It is however noted that only plots 6, 7 and 8 required clean cover and adequately tested topsoil was used in these plots, therefore this point will not be pursued at this time but future reports should be corrected.

Section 6 refers to "*Insitu testing of imported soils*", however section 5.2 confirms that no materials have as yet been imported. Again, this does not affect the works in question, but future reports should be corrected.

Section 5.4 states that gas protection measures (GPM) were installed in plots 7 and 8. As per section 4.1, GPM are required for plots 8 to 25 inclusive, and were therefore only required for plot 8 of this CDN application batch. The Building control inspection report also refers to GPM installed at a number of plots not required. However this is only an observation and again doesn't affect the works in question.

Notwithstanding the above points we would have no objection to the phased discharge of condition 8b for Plots 1 to 8 and 46 to 50.

Highway Services - In regard to Condition 28, Subject to the Applicant continuing ongoing discussions with the MCC Highways team regarding the Highways Works and Section 278 agreement (pursuant to the Highways Act 1980), the condition can be discharged.

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. 5 (parts b to f) (archaeology)

5) The Archaeological watching brief report ref: PBA 23.06.2023 has been examined and is considered to be satisfactory . I can therefore confirm that parts b ,c, d, e and f of condition no.5 are discharged .

Condition no. 8b (ground conditions verification)(plots 1-8, 46-50),

8b) The Verification Report for Plots 1 to 8 and 46 to 50 (Geo Assist, October 23) Site ref: 6048/VCR V1.00 PVR, has been examined and is considered to be acceptable. On the basis of the content of Verification Report for Plots 1 to 8 and 46 to 50 (Geo Assist, October 23), condition no. 8b is discharged in respect of plot nos. 1-8 and 46-50 only .

Condition no.28a (off site highway works)

28a) The submitted scheme of highway works shown on the plans referenced below have been examined, and are considered to be satisfactory.

- S.38 Works General Arrangement Sheet 1 of 2 ref: LM20066-DYSE-XX-ZZ-DR-C-1111 P09 (DYSE).
- S.38 Works General Arrangement Sheet 2 of 2 plan ref: LM20066-DYSE-XX-ZZ-DR-C-1112 P09 (DYSE).
- S.278 General Arrangement and Details Sheet 1 of 2 plan ref: LM20066-DYSE-XX-ZZ-DR-C-1117 P06 (DYSE).
- S.278 General Arrangement and Details Sheet 2 of 2 plan ref: LM20066-DYSE-XX-ZZ-DR-C-1138 P06 (DYSE).
- S.38 S.278 Legal Plan Sheet 1 of 2 plan ref: LM20066-DYSE-XX-ZZ-DR-C-1139 P10 (DYSE).
- S.38 S.278 Legal Plan Sheet 2 of 2 plan ref: LM20066-DYSE-XX-ZZ-DR-C-1140 P10 (DYSE).
- S.38 Works Traffic Signs and Road Markings plan ref: LM20066-DYSE-XX-ZZ-DR-C-1141 P07 (DYSE).
- Traffic Regulation Orders plan ref: LM20066-DYSE-XX-ZZ-DR-C-1143 P05 (DYSE).
- Site Layout S38 Phasing plan ref: L(-1)021 Rev 03 (ARCD).
- Correspondence with Colin Cromar at MCC Highways confirming acceptability of the s.278 works and completion by December 2025.

I can therefore confirm that the elements of condition no.28 requiring the submission of highways works (including traffic calming measures, access arrangements from Cringle Road , 20mph speed limit for the new access road, and junction protection measures) have been complied with, and the discharge of these elements of condition no.28 are approved.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
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 Zone - All Exceeding 90M

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -