

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0745

Date registered valid: 19 October 2022

Proposal: Discharge of condition 13 (Risk Assessment Report) attached to application ref no 132780/JO/2022

Address: Former Workshop, Arkady Industrial Estate, Briscoe Lane, Manchester, M40 2XG

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Naphtaly Stamler Cassel & Fletcher Ltd Auldbank House, 424 Bury Old Road, Manchester, M24 1PR

Agent (if any): Mr Richard Shuttleworth Equilibrium Architects Ltd Bank Chambers, Bank Street, BL9 0DL

Case officer: Gerry Reilly
Tel: 0161 234 4163
Email: gerry.reilly@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 3 January 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 31 October 2022 Expired: 21 November 2022

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

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 following information has been submitted in respect of planning condition 13

Received by the Planning Service as Local Planning Authority on 19th October 2022

PFAS Risk Assessment Report by Sub Surface Report no. 6921H dated Report No. 6921H October 2022

Received by the Planning Service as Local Planning Authority on 7th November 2022

Certificate of Analysis report number 587810

Certificate of Analysis report number 585842

Enquiry boundary by Ordnance Survey

Desk Study with Walkover Survey by Sub Surface Report No. 6921 March 2020

Geological and Mining Appraisal by Sub Surface Report No. 6921A April 2020

Ground Investigation Report by Sub Surface Report No. 6921C March 2021

Ground Investigation Report by Sub Surface Report No. 6921F October 2021

The document by Mini Soil Surveys Job No. NTH 2707 dated 2/3/20

The above information has been considered by the Environment Agency.

They have reviewed Report no. 6921h dated October 2022 by Sub-Surface (North-West) Ltd to understand the issue of PFAS contamination on site which was identified in a previous submission.

They note that development has commenced in advance of the discharge of this condition. They also note that the laying of new floor slabs for the development appears to have impeded the ground investigations and the assessment and conclusions may have been affected by this.

Notwithstanding this, the most recent ground investigations have confirmed the presence of PFAS contamination at the site in the shallow groundwaters. The Environment Agency agree that the profile of different types of PFAS contamination present supports the report's conclusion

that the likely source is from the fire at the site. The presence of PFPA, PFHxA, PFHpA and PFBA further supports this assessment.

These contaminants are known to be highly mobile and significantly persistent in the environment. They therefore do not accept that no further action is necessary to discharge condition 13. They consider that the evidence presented has identified risks which require further consideration.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Environment Agency

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
HSE COMAH Zone - H1485 OZ - Bradford Road Holder Station (East) Outer Zone
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL