

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0791

Date registered valid: 2 November 2022

Proposal: Discharge of conditions 4 (landscaping) and 6 (temporary signage) attached to planning permission referenced 133209/FO/2022

Address: Land At Clayton Vale Country Park, East Of Berry Brow, Manchester, M40 1GG

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Network Rail One Eversholt Street, London, NW1 2DN

Agent (if any): Mr Michael Gradwell Network Rail 1st Floor Square One, 4 Travis Street, Manchester, M1 2NY

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

Recommendation: Approved and Refused

Date of recommendation: 24 November 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 10 November 2022

Expired: 1 December 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: Approved and Refused

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

4) The information contained within the Landscape and Ecological Management Plan, stamped as received on the 2 November 2022 is sufficient to allow partial discharge of condition 4. To allow full discharge of condition 4 the issues below need to be addressed:

*The plan whilst referencing the need to control Himalayan balsam and Japanese knotweed and including treatment and monitoring in the timetable of works does not actually provide details on how the species will be controlled and on the prevention of spread as required by the condition and;

*The woodland planting mix includes species that are not locally native (though admittedly widely planted). I would prefer substitution of field maple and beech with species such as silver birch, downy birch or rowan.

With regards the habitat re-creation proposals and recommend amendments to the planting schedule and more detail on the bio security issues relating to Himalayan balsam and Japanese knotweed is required to fully satisfy condition 4.

6) The following information has been submitted in respect of this planning condition;

The information contained within the application form, stamped as received on the 2 November 2022.

The above information has been considered and is acceptable in order to discharge this planning condition. Condition 6 is therefore formally discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Greater Manchester Ecology Unit

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
Green Belt Land - Green Belt Area (LDF)
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA