

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0574

Date registered valid: 12 August 2022

Proposal: Discharge of condition 5 (nesting birds) attached to planning permission ref: 131344/FO/2021

Address: Shell Uk Ltd , 1081 Stockport Road, Manchester, M19 2RE

Ward(s): Levenshulme Ward

Applicant: Motor Fuel Group Gladstone Place, 36-38 Upper Marlborough Road, St. Albans, AL1 3UU

Agent (if any): N Strydom MBH Design Studio Ltd Rosemount House, Rosemount Avenue, West Byfleet, KT14 6LB

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

Recommendation: Approve

Date of recommendation: 1 September 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 18 August 2022 Expired: 8 September 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

GMEU - The survey was carried out last June. Therefore, if the trees were still standing it would no longer be valid. The survey was carried out last June. Therefore, if the trees were still standing it would no longer be valid. .However, we are now outside the bird nesting season as of today. Therefore, felling can now occur.

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:

Article 35 Declaration

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

Condition no.5 Bird Nesting Season

The content of the submitted Nesting Bird Check Report Ref;404.000022.00001 which was undertaken on 29th June 2022 have been examined and it is noted that no nesting birds were recorded. Whilst it has not been confirmed that the trees were subsequently removed within the time scales recommended, as bird nesting season is now over, I can confirm that provided that the trees identified as red outlines on the site layout plan ref: 13644-P02-304 rev.D are removed between the date of this decision and the 1st March 2023, condition no.5 is discharged

Appendix 1 – List of consultees & neighbours notified

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 Zone - All Exceeding 90M

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: NORTH AREA