

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/21/0868

Date registered valid: 6 January 2022

Proposal: Discharge of conditions 3 (Landscaping), 4 (Boundary treatment), 5 (Screening), 9 (Ground Conditions), 10 (Materials) 11 (Obscured Glazing), 12 (Acoustic Insulation) and 13 (Waste Management) attached to planning permission referenced 106570/FO/2014/N1.

Address: 29 Berry Brow, Manchester, M40 1GR

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Gerrard Stelfox 29 Berry Brow, Manchester, M40 1GR

Agent (if any): Bradley Clarke Clarkes Bespoke Design Ltd 83 Ducie Street, Manchester, M1 2JQ

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

Recommendation: Approved and Refused

Date of recommendation: 16 May 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 6 January 2022 Expired: 27 January 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

3) Insufficient information has been received in relation to landscaping used for the development. Therefore, condition 3 cannot be discharged.

4) Insufficient information has been received in relation to the boundary treatment used for the development. Therefore, condition 4 cannot be discharged.

5) Insufficient information has been received in relation to screening used for the development. Therefore, condition 5 cannot be discharged.

9) Insufficient information has been received to fully discharge condition 9 (Ground Contamination). The following information is required to satisfy condition 9 :

- * a remediation strategy has not been submitted or approved.
- * 150 mm top soil and 450 sub soil and a capping layer, and pictures to show this has been done.
- * information regarding delineation of the hot spot
- * verification data from the imported soil
- * pictures of the Gas membrane being laid, including the technical drawings.

Therefore, condition 9 has been partially discharged and shall be carried out in accordance with the RGS Phase 4 Validation Report, stamped as received on the 16 September and the RGS Environmental Report Phase 2, stamped as received on the 14 February 2021.

10) Insufficient information has been received in relation to the materials used on the development. Therefore, condition 3 cannot be discharged.

11) Insufficient information has been received in relation to obscure glazing on the development. Therefore, condition 11 cannot be discharged.

12) Condition 14 can be partially discharged subject to being carried out in accordance the Acoustic Information submitted by AB Acoustic , stamped as received on the 16 September 2021. To fully discharge the condition the mechanical ventilation details are needed. Therefore, condition 14 is partially discharged.

13) Insufficient information has been received in relation to waste management arrangements for the development. Therefore, condition 13 cannot be discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

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
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1