MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	142838/NMC/2025
Date registered valid:	29 April 2025
Proposal:	Non Material Amendment to planning permission referenced 138437/FO/2023 to amend wording to condition 25 (ground conditions verification)
Address:	Land Adjacent to the Footpath at the terminus Of Kenyon Lane and Duncombe Drive, Manchester
Ward(s):	Moston Ward
Applicant:	Mr Joshua Hart, Jigsaw Homes North
Agent (if any):	Miss Hannah Graves, Bernard Taylor Partnership Limited
Case officer:	Steven McCoombe Tel: 0161 234 4607 Email: steven.mccoombe@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	8 May 2025

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Standard consultations:
No consultations have been printed and sent.

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

The application site is located off Kenyon Lane and is roughly triangular in shape, measuring 0.38 hectares in area. The site now forms a development site with development having now commenced in connection with planning permission referenced 138437/FO/2023 for the erection of 9 dwellinghouses.

The site can be accessed from both Kenyon Lane and from the terminus of Dunscombe Drive. The site is currently vacant and comprises an open grassed are enclosed by low-level, post and rail fencing.

The site is bounded to the north by the road frontage of Kenyon Lane and two storey houses opposite, the gable ends of residential properties along Kenyon Lane and Duncombe drive and the rear of residential properties along Faversham Street to the west and open space and tree coverage to the east, associated with Lightbowne Country Park. Further to the east is Newton Heath Train Maintenance Depot.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area is characterised by a mixture of two storey terraced and semi-detached dwellinghouses. To the west lies an area of natural or semi-natural open space associated with Lightbowne Country Park.

Description of development

Non-Material Amendment to planning permission referenced 138437/FO/2023 which allowed for the erection of 9 dwellinghouses (Class C3) with associated landscaping, car parking and access road.

In this case the amendment relates to the rewording of condition 25 to reference that the ground conditions remediation has been agreed and to mirror the wording of discharge of condition application referenced CDN/24/1024 which agreed the ground conditions reports as part of a subsequent S.73 application - 142051/JO/2025.

Consultations & Notification Responses

None Required.

Issues

The proposed amendment does not raise any new issues and would align with the conclusions of technical assessments previously agreed as part of an earlier discharge of condition application. On this, basis, the proposed alteration is considered to be of a non-material nature.

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 polices 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

The proposed amendments relates to the rewording of condition 25 to align with the wording of discharge of condition application referenced CDN/24/1024 for which the remediation strategy has been fully agreed.

Following an assessment of the details submitted, I can confirm that the proposed amendment is considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will not result in any significant or material alterations to the host planning permission.

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

25) The development shall only be implemented in accordance with the following ground remediation details, as agreed as part of discharge of condition application referenced CDN/24/1024:

-Curtins Phase 1 Preliminary Risk Assessment (Ref: 077873-CUR-00-XX-RPGE-019, Dated: 10 May 2021);

-E3P Phase II Geoenvironmental Site Assessment (Ref: 16-717-R1-1, Dated September 2023);

-E3P Ground Gas Addendum Report (Ref: 16-717-R2, Dated: November 2023);

-Remedial Strategy Report produced by IGE Consulting (Ref: 4260-01) dated October 2024, received by the City Council as Local Planning Authority on 5 November 2024;

-E-mail from John Southworth dated 20 December 2024 confirming the woodland area is not to be developed.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA