

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/25/0339

Date registered valid: 10 April 2025

Proposal: Discharge of Conditions 4b (contaminated land), 13 (landscaping), 20b (Sustainability), 21 (crime impact statement) and 29d (archaeology) attached to planning permission 122160/FO/2018.

Address: Belle Vue Greyhound Stadium, Kirkmanshulme Lane, Manchester, M18 7BD

Ward(s): Longsight Ward

Applicant: Miss Rebecca Sowerbutts, Vistry Group

Agent (if any):

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

Recommendation: Split Decision

Date of recommendation: 01 July 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 25 April 2025 Expired: 17 May 2025

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

Consultations & Notification Responses

Highway Services – 01.05.2025 Condition 13 - The applicant states the following within the submitted documents: "We have discussed the issues around the relocation of the highway trees and it was determined that relocation within the site would be the best option, given the issues we are having with services and infrastructure in the footpath/pavement". Highways request that information and plans are provided to confirm the reason for the relocation of the trees. Highways cannot currently support the discharge of this condition until that information has been received.

02.05.2025 - Highways were asked to clarify if the request for information and plans to be provided to confirm the reason for the relocation of the trees, was due to a preference to retain the street trees, rather than the replacement trees being within the apartments amenity space.

Highway Services (section 278 team) responded advising that they were not advocating either way for the street trees to be reinstated or not, but that there was a need to provide evidence as to why the street trees could not be reinstated; i.e. what options for tree pits were looked at and why they were discounted etc.

Further comments 28.05.2025

Highway Services advise that information has been submitted by the applicant to confirm that the trees cannot be installed within the footpath/pavement due to services and infrastructure.

In principle, they can recommend the discharge of this condition from a Highways perspective. It should be ensured that the trees are installed in appropriate locations within the site. The trees should not be located on footways or impinge visibility splays of pedestrians and vehicles. It should be ensured that an appropriate maintenance agreement is in place.

Environmental Health – 15.05.2025 Have considered the information submitted for the above CDN application (E3P Validation Completion Report, Ref: 12-123-R6-1, dated 09 April 2025) and can provide the following comments.

- 1.The agreed Remediation Strategy (E3P Remediation & Enabling Works Strategy, Ref: 12-123-R2 Rev 4, dated June 2021) should be specifically referenced within the Validation Report (VR), and a summary of the required works provided (it is acknowledged that the gas and vapour protection measures are included within section 4.1).
- 2.Section 1.1 of the VR states that "*Interim validation letters ... have been produced previously*", and that this report relates to "*all outstanding information*". Table 2.1 'Summary of Garden Validations' provides report references; these reports are required before we can comment further on the VR.
- 3.Section 4.2 states that the ground gas membrane validations are included within individual letters issued, and that "*All gas membrane validation certificates are available on request*". Again, these reports are required.

Due to the above outstanding information, they cannot currently recommend the discharge of Condition 4b.

Further comments 25.06.2025

The following initial comment on the revised E3P Validation Completion Report (ref. 12-123-R6-2, dated 22/05/2025) which needs addressing before they can consider the submitted reports further:

The approved E3P Remediation & Enabling Works Strategy (ref. 12-123-R2 Rev 4, dated June 2021) included the following remedial action for the initial / enabling phase of works within TABLE 3.1 ENABLING WORKS SCHEDULE:

RE-8: Delineation, Excavation, Treatment & Disposal of Volatile Impacted Material:

- *Elevated concentrations of semi-volatile / soluble hydrocarbon compounds and naphthalene have been identified in TP106, TP215 (0.70 m) and TP303 (0.30 m) and will need to be excavated and delineated to remove the source material is removed, to ensure that there is no unacceptable risk to human health.*
- *Elevated concentrations of non-volatile TPH has been identified within TP215, TP309. Impacted material should be removed at each location, where these soils may be chemically validated to assess chemical suitability for retention on site in an area of no future sensitivity.*
- *Elevated total mercury was identified during supplementary investigation carried out in November 2020 at TP215 (0.70 m bgl). During remediation, speciated mercury analysis should be completed to assess whether elemental mercury is present which may pose a risk to future site users through vapour inhalation. If elemental mercury is identified, it may be necessary to delineate and excavate the soils as a hotspot and place in an area of low sensitivity such as POS. Alternatively, if it is proven that there is no elemental mercury, a clean cover system will be sufficient.*

Could you please ask if there's a report I'm not aware of (or have overlooked) with the results of this delineation exercise and validation testing? The Validation Completion Report states: "*Due to further testing on site highlighting exceedances of naphthalene and other SVOCs, specialist vapour resistant membranes were required within Apartment Block 2 (Plots 62-85), Plots 86-98 and 204-214, as shown on Drawing 12-123-011 (Appendix III).*" It therefore appears that further testing was undertaken but I don't think we've seen the results/report for this.

Further comments 30.06.2025

Further to the previous email below they the contents of the Covering Letter but it contained no relevant details, and I therefore have the following additional comments:

1. As per my email of 25th June, there appears to be a gap in information as to how the decision was arrived at that HC vapour resistant membranes were required within the plots

listed in the Validation Completion Report (VR): Apartment Block 2, and Dwelling Plots 86-98 and 204-214.

2. Plot 214 is not marked on the drawing referenced within the VR as requiring a vapour membrane although the gas validation certificate states that one was installed.
3. The gas membrane validation certificates for Apartment Block 2, and Stairwell for Apartment Block 2 (certificate titled 'Block 1 x 2 Stairwell'), do not confirm that a vapour membrane was installed.

They advise they can't see the gas membrane validation certificates for the following plots:

- 106-107
- 130-133
- 136-139
- 141-149
- 169
- 171-172
- 188-190
- 220-222

5. They also seem to missing the cover system validation for the following plots:
 - 148-149 (VR - Table 2.1 Summary of Garden Validations: lists the relevant report as dated 25th August 2022, Ref. V8)

GMASS – 16.05.2025 - The only outstanding element of the condition is the preparation and installation of a permanent information panel that explains and celebrates the rich history of the site, and specifically the former Belle Vue stadium and pleasure gardens. However, none of the documents submitted in support of the application for condition discharge refer to this information panel, although a draft copy of illustrated text was shared with GMAAS for comment in early April 2025. They attached a copy for information, although GMAAS returned a few minor comments so the attached is not a finalised version.

In the absence of a press-ready digital file of the finalised information panel, GMAAS is not yet in a position to advise that Condition 29d can be discharged in full.

Further comments 17.06.2025

Part d is the final element of Condition 29 to be addressed. This requires the preparation and installation of a permanent information panel that explains and celebrates the rich history of the development site, and specifically the former Belle Vue stadium and pleasure gardens.

The application is supported by a press-ready digital file of the finalised information panel, which explains the remarkable history of the former Belle Vue Botanical Gardens and presents some wonderful historic images. The net result is an attractive, well-balanced and informative panel that meets the requirements of Condition 29d.

Assuming that there is a commitment to physically installing the information panel on site, GMAAS is pleased to advise that Condition 29d can now be discharged in full.

Arboriculturalist - Confirmed that they would have no objection to the proposed numbers and species proposals for this site.

Plant Schedule

Trees RB=Rootball x=times transplanted

Abbreviation	Species	Girth	Specification	Pot Size	Number of Plan
AmRH	Amelanchier arborea 'Robin Hill'	14-16cm	Extra Heavy Standard: 3x :Height 4.25-6M :Clear Stem min. 200cm :Full crown	RB	7 -
PAm	Prunus 'Amanogawa'	14-16cm	Extra Heavy Standard: 3x :Height 4.25-6M :Clear Stem min. 200cm :Full crown	RB	3 -
PSB	Prunus 'Sunset Boulevard'	14-16cm	Extra Heavy Standard: 3x :Height 4.25-6M :Clear Stem min. 200cm :Full crown	RB	3 -
PcC	Pyrus calleryana 'Chanticleer'	14-16cm	Extra Heavy Standard: 3x :Height 4.25-6M :Clear Stem min. 200cm :Full crown	RB	9 -
SOJR	Sorbus 'Joseph Rock'	14-16cm	Extra Heavy Standard: 3x :Height 4.25-6M :Clear Stem min. 200cm :Full crown	RB	9 -
Salu	Sorbus aria 'Lutescens'	14-16cm	Extra Heavy Standard: 3x :Height 4.25-6M :Clear Stem min. 200cm :Full crown	RB	5 -
ACST	Acer campestre 'Street Wise'	20-25cm	Semi Mature :Height min 5.0M :Clear Stem min. 200cm :Full crown	RB	12 -
BTPA	Betula pendula	20-25cm	Semi Mature :Height min 5.0M :Clear Stem min. 200cm :Full crown	RB	16 -
Pav	Prunus avium	20-25cm	Semi Mature :Height min 5.0M :Clear Stem min. 200cm :Full crown	RB	5 -
SOAL	Sorbus aria 'Lutescens'	20-25cm	Semi Mature :Height min 5.0M :Clear Stem min. 200cm :Full crown	RB	9 -
Sau	Sorbus aucuparia	20-25cm	Semi Mature :Height min 5.0M :Clear Stem min. 200cm :Full crown	RB	3 -
					Total :81 -

However, they request that in the open grassed areas (that are not in the immediate vicinity of one of the units), these areas are re-assessed with the mindset of planting a larger growing specimen, such as an Oak, Lime or Beech.

Following the comments above the scheme was revised to change a couple of the relocated trees to Lime (Tilia) trees. The arboriculturist was reconsulted, but no further comments have been received.

Issues

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 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: Split Decision

Article 35 Declaration

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

Condition no. 4b (contaminated land)

4b) The content of the reports referenced below has been examined.

Validation Completion report ref: 12-123-R6-1 dated 9th April 2025 received 10th April 2025
Gas Membrane Validation Certificates and Garden Validation Plot reports received 23rd May 2025.

There are a number of plots where gas membrane validation certificates or cover validation system documents have not been provided for consideration; clarity is needed in respect of Plot 214, as a gas validation certificate states that one was installed, but Plot 214 is not marked on the drawing referenced within the validation report as requiring a vapour membrane; and there appears to be a gap in information as to how the decision was arrived at that HC vapour resistant membranes were required within the plots listed in the Validation Completion Report (VR): Apartment Block 2, and Dwelling Plots 86-98 and 204-214. As such insufficient information has been provided for consideration to enable the discharge of condition no.4b.

Condition no. 13 (landscaping)

13) The details shown on the plans below have been reviewed.

-Landscaping Detail Plan 4 of 4 ref : 5797.06 rev.E received 8th April 2025

-Letter from applicant in relation to the need to relocate the previously approved street trees on Kirkmanshulme Lane within the site dated 21st May 2025

-Landscaping Detail Plan 1 of 4 ref : 5797.03 rev.G

-Landscaping Detail Plan 2 of 4 ref : 5797.04 rev.H

Received 21st May 2025

-Landscape Detail Plan 3 of 4 ref: 5707.05 E received 1st July 2025.

It is noted that condition no.13 was discharged previously as part of condition application ref: CDN/21/0834 on 31.05.2022, and this included the provision of 7 street trees on Kirkmanshulme Lane shown on plan refs; 5797.03 Rev D Landscape Detail Sheet 1 of 4 5797.04 Rev D Landscape Detail Sheet 2 of 4.

It is noted that these 7 street trees that were originally intended to be replace the ash trees to be removed along the Kirkmanshulme Lane frontage, can no longer be installed due to services and infrastructure beneath the pavement, and that 8 additional trees are now proposed to be planted to the garden area between the apartment blocks, and as such (as they mature) would be visible from Mount Road and Scenic Street .

On the basis that the development is implemented in accordance with the landscaping details on the plans specified above, and content of the email from the applicant dated 30th May 2022 regarding land to be deeded to plot nos. 177, 214, 129- 133; not later than 12 months from the date the buildings are first occupied, and that within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning

authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place; condition no.13 can be discharged.

Condition no. 20b (Sustainability)

20) The content of the Final Construction Energy Statement dated April 2025 has been reviewed, on the basis of the content of the document in particular the table in paragraph 2,1 referencing the U Values which have been achieved, I can confirm that condition no.20b can be discharged

Condition no. 21 (crime impact statement)

21) The Secure by Design Gold Award dated 18th March 2025 has been noted. On this basis condition no.21 is discharged.

Condition no. 29d (archaeology)

29d) The permanent information panel outlining the history of the development site, and specifically the former Belle Vue stadium and pleasure gardens received on 23rd May 2025 has been reviewed and is considered to be acceptable. On the basis that the permanent information panel design received on 23rd May 2025 is implemented on site and retained on the site in perpetuity, condition no.29 part d is discharged.

It is noted that condition no.29 parts (a), (b), (c), (e) and (f) were discharged in connection with discharge of condition application ref: CDN/21/0834 on 31.05.2022. As such the discharge of part d means that condition no.29 is fully discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
Greater Manchester Police
Greater Manchester Archaeological Advisory Service

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
Historic Landfill Site 50m 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