

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/25/0096

Date registered valid: 4 February 2025

Proposal: Discharge of Conditions 3 (Construction Management Plan) and 14a (Ground Conditions) attached to planning permission 137751/MO/2023

Address: Land Opposite 83-87 Vine Street, Manchester, M18 8SR

Ward(s): Gorton & Abbey Hey Ward

Applicant: Kirkland Developments

Agent (if any): Miss Ailsa Goudie NJL Consulting

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

Recommendation: Split Decision

Date of recommendation: **16.04.2025**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 7 February 2025 Expired: 28 February 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

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Highway Services - 26.02.2025

A CMP has been submitted.

Highways require submission of a plan showing the proposed site access and internal site set-up areas. The swept-path assessment must be updated with reference to the construction site layout/access.

The CMP document should be updated to ensure deliveries are made internal to the site, and not from Vine Street.

The CMP states that there are some off-site works required in order to bring the scheme to completion. Whilst the full detail of these works will need to be agreed with Highway Network Management/Licensing, outline details should be provided within the CMP document.

The applicant should be advised that any requirements for licensing, hoarding, scaffolding, skips and any associated temporary pedestrian/traffic management arrangements, including Section 50, will need discussion and agreement with the council's Highway Network Management teams via Email -highwaylicences@manchester.gov.uk
highwaynetworkmanagement@manchester.gov.uk.

Highways recommend that Condition 3 is not yet discharged.

Environmental Health- 28.02.2025

Condition 3 can be discharged.

With regard to condition 14 the results of the post enabling gas monitoring is not included. The applicant must provide the results and confirm if this changes the remediation strategy for the site.

Further comments 02.04.2025

Advise they have reviewed the information submitted and will accept the information submitted so far to discharge part a of the condition. The outstanding information regarding the additional ground gas monitoring and updates to the remediation strategy (where applicable) must be submitted as part of the validation and completion, the final part of the condition will not be discharged without this.

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. 3 (Construction Management Plan)

3) The contents of the Construction Management Plan rev. C dated January 2025 have been examined. It is considered that there is insufficient information, and further details are required to show the proposed site access and internal site set-up areas; a updated swept-path assessment with reference to the construction site layout/access; and details to demonstrate deliveries are made internal to the site, and not from Vine Street.

The Construction Management Plan also states that there are some off-site works required in order to bring the scheme to completion, but details of these works have not been provided for consideration. In view of the above matters, which need to be addressed, condition no.3 is not discharged.

Condition no 14a (Ground Conditions)

14a) The contents of the Remediation and Enabling Works Strategy ref: 14-944-R2 (dated October 2023), and Phase II Geoenvironmental Site Assessment ref: 14- 944-R1 -3 (October 2023) have been reviewed and are considered to be acceptable. On the basis that the development is implemented in accordance with the Remediation and Enabling Works Strategy ref: 14-944-R2 (dated October 2023), and Phase II Geoenvironmental Site Assessment ref: 14-944-R1 -3 (October 2023) condition no.14a is 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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA