

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/1057

Date registered valid: 15 November 2024

Proposal: Discharge of Condition 5 (sustainability) attached to planning permission 137380/JO/2023

Address: Brunswick Neighbourhood, Manchester, M13 9TQ

Ward(s): Ardwick Ward

Applicant: Ms Abbie Mason, Countryside Properties (UK) Ltd

Agent (if any): Mr David Tye, Paul Butler Associates Ltd

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

Recommendation: Refuse

Date of recommendation: 21.11.2024

Application details

Type of application: Approval of condition 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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

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: Refuse

Article 35 Declaration

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

Condition no. 5 (Sustainability)

5) The submitted Code 4 rating final certificates for the dwellings in phases 5,9, 25,34,41,48,77,80, 82, 88a ,90,91, AP, AR , AS, K, M, P, Q, R, T, U, V, Y,Z and additionally for nos. nos. 2-6 (even nos.) Litcham Close, nos. 27-33 (odd nos.) Bramwell Drive, 12 Balsam Close and 2-4 (even nos.) Daleford Road have been noted .

On the basis of the submitted information, I can confirm that condition no.5 has been complied with in respect of phases 5,9,25,34,41,48,77,80,82,88a,90,91,AP,AR,AS,K,M,P,Q,R,T,U,V,Y Z and nos. 2-6 (even nos.) Litcham Close, nos. 27-33 (odd nos.) Bramwell Drive, 12 Balsam Close and 2-4 (even nos.) Daleford Road.

This is in addition to the measures approved previously to improve the energy efficiency of the existing retained properties including the low-rise refurbishments, Lockton Court, Silkin Court, Lamport Court and Artillery Court., and the Post Construction Code Certificates previously approved for Phases AJ1, A, B, D, E, F1, , 2, 7, 19, 83, 86, 87 , 88 and 89, and the apartments in the Polygon building, together with plots nos. 2 and 3 (145 and 145 a, Upper Brook Street) in phase AJ 1 have been noted.

However, as there are phases where Code 4 rating final certificates have yet to be submitted for consideration, condition no.5 cannot be formally discharged at this time.

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

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Flood Zones Type 2 (low to medium risk) -

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: NORTH AREA

Area Team Boundary - Name: CENTRAL