MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/24/0110
Date registered valid:	16 February 2024
Proposal:	Discharge of Condition 7b (Contaminated Land) plot nos. 7,9,10, 23,24 34,35, &36 attached to planning permission 104654/FO/2014/N1.
Address:	Land Between Ashley Lane And Kingsley Avenue/Brantwood Terrace And Between Waverley Road And Railton Terrace, (site 6) , Moston, Manchester
Ward(s):	Harpurhey Ward
Applicant:	Mr Anthony Blackwell Redrow Homes Lancashire Ltd
Agent (if any):	Mr Anthony Blackwell Redrow Homes Lancashire Ltd
Case officer:	Sue Wills Tel: 0161 234 4524 Email: sue.wills@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	27 April 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 27 February 2024 Expired: 19 March 2024

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

The original submission sought the discharge of the Secure by Design condition (no.5) and the drainage condition (no.16), but these have been subsequently withdrawn from consideration.

Environmental Health - have considered the information submitted for the above CDN application (Validation Reports for the remaining plots) and can confirm that they would have no objection to the full discharge of Condition 7.
25.04.2024 – Forwarded a copy of email dated 02.01.2018 to the LPA advising condition no.7 could be discharged in respect of plot nos. 35 and 36.
Also forwarded a copy of email dated 22.12.2017 to the LPA advising condition no.7 could be discharged in respect of plot no. 34.

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 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

Article 35 Declaration

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

Condition. No.7 (Contaminated Land)

7b) It is noted that at the time of the determination of a subsequent application (ref:108756) to substitute previously approved House types on plots 7 -11, 14, 19, 23-26 and 43 & 44 with associated boundary treatments, landscaping and car parking (approved as part of planning approval ref: 104654/FO/2014/N1) , that the proposed development was to be only be constructed in strict accordance with the previously approved desk top study, site investigations, final risk assessment and proposed remediation strategy, as included within the following documents:

i) Geo-Environmental Assessment, Moston Site 6 Ashley Lane, WSP Environmental Limited, Project Number: 12121870/002, File Reference: 9121(3), Dated: March 2010,

ii) Letter from the Environment Agency regarding the controlled waters risk assessment, Reference: SO/2010/106896/01-L01, Dated: 25 March 2010,
iii) Email from Michael Nedan, WSP Environmental Ltd, Site investigation information, Dated: 20 January 2009,
iv) Geo-Environmental Assessment, Moston Site 6 Ashley Lane, Moston, Manchester, WSP Environmental Ltd, Project Number: 12121870/002, File reference: 9121 (2), Dated: January 2010, and
v) Letter report Recommendations for Gas

(Measures: Six sites at Moston, Manchester, WSP Environmental Ltd Reference:12121870/002/9132, Dated: 15 February 2010) thereby addressing condition no.7a attached to planning approval ref: 104654/FO/2014/N1.

Furthermore, planning records indicate that condition no.7 was discharged in regard to plot nos.7 and 9 on 11.01.2017; in relation to 10 on 14.12.2016.

The following information has been reviewed in respect of plot nos, 7,9,10,23,24,34,35 and 36 :

The Garden Topsoil Validation – Plot 34 by WSP dated 08.12.2017

The Garden Topsoil Validation – Plot 35 and 36 by WSP dated 05.12.2017

The Garden Topsoil Validation – Plots 7,23-24 by WSP dated 08.12.2016

The Garden Topsoil Validation – Plots 9-10 by WSP dated 30.11.2016

On the basis of the Garden Topsoil Validation reports for plot nos. 7,9,10,23, 24 , 34,35 and 36,

I can confirm condition no.7b is discharged in respect of plot nos. 7,9,10,23, 24 , 34,35 and 36.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
MCC Flood Risk Management
Greater Manchester Police

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