

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0030

Date registered valid: 18 January 2024

Proposal: Discharge of condition 4c (ground conditions verification) attached to planning permission referenced 128286/JO/2020

Address: Lane Bounded By Pottery Lane, Gorton Lane, Belle Vue Street And Poleworth Close, Manchester, M12 5JD

Ward(s): Gorton & Abbey Hey Ward

Applicant: Sarah Tate One Manchester

Agent (if any): Mr Stuart McGrath OMI Architects

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

Recommendation: Approve

Date of recommendation: 13 March 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 22 January 2024 Expired: 12 February 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

Background information

The planning agent provided the time lien below for clarity to summarise the various consents on each side of Gorton lane at the Pottery Lane junction and in their view how they relate to remediation at the development :

January 2019

Original consent for whole development: 121537/FO/2019

Condition 4b requires the submission of a Remediation Strategy

November 2019

Condition 4b discharge: CDN/19/0909

Refers to Remediation Strategy: 068244 -CUR-00-XX-RP-GE-001 Revision :V01

Remediation Strategy refers to 300mm cover to front gardens

December 2020

Revised consent for whole development: 128286/JO/2020

Condition 4b Refers to the Gorton Lane Manchester Phase 2 Site Investigation by Curtins ref: 068244 -CUR-00-XX-RP-Ge-001 V-002 Revision :V02 Issue Date : 19 September 2019 received November 2019; Remediation Strategy : 068244 -CUR-00-XX-RP-GE-001 Revision :V01 Issue Date : 20 February 2020 received 2nd March 2020, together with the completed United Utilities Risk Assessment form which specifies the use of Medium Density Polyethylene (MDPE) barrier pipe for the incoming mains water and also the below ground boosted cold water supply received on 1st April 2020'

July 2021

Revised consent for site 1 only: 129876/FO/2021

Condition 5b calls for Remediation Strategy

November 2021

Condition 5b discharge: CDN/21/0664

Refers to Remediation Strategy document: 067694-CUR- 00-XX-RP-GE-001-V03 Issue date 05 November 2021

Remediation Strategy refers to 600mm cover to front gardens.

In summary, it would appear that the development as a whole has been agreed in 2020 at 300mm cover to front gardens, but subsequently in 2021 site 1 has been agreed at 600mm. Environmental Health now appear to be requesting 450mm. They believe that with some minor adjustment on site they can confirm the front gardens to sites 1 and 2 achieve an overall depth of clean cover of 450mm, generally consisting of 300mm subsoil and 150mm topsoil.

Consultations & Notification Responses

Environmental Health 12.02.2024 - have reviewed the information submitted and condition 4c cannot be discharged. The remediation strategy was agreed with a clean cover depth of 450mm in front gardens (with geotextile membrane), but the validation report states that the cover system in front gardens should be 300mm. Some of the gardens are therefore short of the agreed 450mm depth, this is insufficient.

Further comments 11.03.2024

If the Front gardens have a cover depth of 450mm and geotextile membrane , it will be sufficient.

Further comments 13.03.2024 following the submission of the Phase 4 validation report rev.02 . The updated information is now fine and the condition can be discharged.

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: Approve

Article 35 Declaration

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

Condition 4c (ground conditions verification)

4c) The information in the Gorton Lane Phase 4 Validation report ref: 06794-CUR-00-XX-RP-GE-00007 rev.P02 dated 12 March 2024 has been reviewed , together with the Photographic Record : Capping Layer Depth Validation document. The Phase 4 Validation report ref: 06794-CUR-00-XX-RP-GE-00007 rev.P02 is considered to be satisfactory , and on the basis of this report condition no.4c is discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

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 Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface

Flood Zones Type 2 (low to medium risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (More) -

Area Team Boundary - Name: NORTH AREA