

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0838

Date registered valid: 17 November 2022

Proposal: Discharge of condition 8 (Contaminated land) attached to 118379/JO/2017 in relation to Phase T (Part of phase): Plots 255 and 256; Phase Z (All Plots within phase): Plots 296, - 312 (all); Phase AM (Single plot phase): Plot 313; Phase U (Part): Plots 257- 272 (all); Phase AB (Part): Plots 331, 332, 333, 334, 335 ; Phase AC (Part): Plots 336, 337, 338, 339; Phase AD (Part): Plots 347, 348, 349, 350, 352, 353, 354, 355; Phase AO (All Plots): Plots 356- 369 (all) ; Phase R (All Plots): Plots 345-246 (all); Phase M (Part): Plot 179 ; and Phase V (Part): Plots 278, 285, 286, 287, 288

Address: Brunswick Neighbourhood, Manchester, M13 9TQ

Ward(s): Ardwick Ward

Applicant: Mr Craig Nemeth Vistry Partnerships North West

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: Approve

Date of recommendation: 25th May 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 29 November 2022

Expired: 20 December 2022

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

Environmental Health – 20.12.2022

The validation for the following plots are missing:

265, 266, 267, 268, 269, 270, 271 & 272; 296,297; 350, 352 & 353

179; 262-269; 278 ; 285-288

Update comments 06.01.2023

Based on the information submitted they advise:

296-297 – Garden validation provided and acceptable but no Gas validation provided

265-272 – gas validation provided but still require garden validation

262-264 – Garden validation provided and acceptable but no Gas validation

179 – Garden validation provided but no gas provided

278 – Not submitted and still outstanding

285 – 288 Not submitted and still outstanding
350, 352 and 353 Not submitted and still outstanding

Updated comments 31.01.2023

The validation reports submitted for plots 278, 285 to 288, 35 and 352 to 353 are sufficient.

Updated comments 25.05.2023

The condition can be discharged for the plots below.

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:

Article 35 Declaration

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

The submitted information referenced below in regard to Phase T (Part of phase Plots 255 and 256); Phase Z (All Plots within phase Plots 296, - 312 (all)); Phase AM (Single plot phase Plot 313); Phase U (Part of phase - Plots 257- 272 (all)); Phase AB (Part of phase -Plots 331-335) ; Phase AC (Part of phase - Plots 336 – 339); Phase AD (Part of phase - Plots 347, 348, 349, 350, 352, 353, 354, 355); Phase AO (All Plots - Plots 356- 359, and 369 (all)) ; Phase R (All

Plots - Plots 345-346 (all)); Phase M (Part of phase - Plot 179) ; and Phase V (Part of phase - Plots 278, 285, 286, 287, 288) Has been examined and considered.

- Phase M, Plot nos.179 – 181 letter and technical appendices from Redstart dated 14th August 2019;

- Phase V, Plot nos.278, 285-288 letter and technical appendices from Redstart dated 17th March 2020;

-Garden Validation for Plots nos. 255 and 256 E3P letter ref: 14-207-V6 dated 7th October 2020;

-Garden Validation for Plots nos. 257 and 258 E3P letter ref: 14-207-V7 dated 6th November 2020;

-Garden Validation for Plots nos. 259, 260 and 261 E3P letter ref: 14-207-V8 dated 12th November 2020;

-Garden Validation for Plots nos. 262 and 263 E3P letter ref: 14-207-V9 dated 20th November 2020;

-Garden Validation for Plots nos. 264 and 313 E3P letter ref: 14-207-V10 dated 25th November 2020;

-Garden Validation for Plots nos. 308 - 312 E3P letter ref: 14-207-V15 dated 10th March 2021;

-Garden Validation for Plots nos. 304 - 306 E3P letter ref: 14-207-V16 dated 25th March 2021;

-Garden Validation for Plots nos. 302 - 304 and 307 E3P letter ref: 14-207-V17 dated 7th April 2021;

-Garden Validation for Plots nos. 296-297 E3P letter ref: 14-207-V19 dated 19th May 2021;

-Garden Validation for Plots nos. 298 - 299 E3P letter ref: 14-207-V20 dated 3rd June 2021;

-Garden Validation for Plots nos. 300 - 301 E3P letter ref: 14-207-V21 dated 8th June 2021;

-Garden Validation for Plots nos. 331, 347 -349 E3P letter ref: 14-207-V26 dated 11th November 2021;

-Garden Validation for Plots nos. 332- 333 E3P letter ref: 14-207-V27 dated 22nd November 2021;

-Garden Validation for Plots nos. 334- 335 E3P letter ref: 14-207-V28 dated 9th December 2021;

-Garden Validation for Plots nos. 354- 355 E3P letter ref: 14-207-V30 dated 16th December 2021;

-Garden Validation for Plots nos. 345-346, 336- 339 E3P letter ref: 14-207-V32 dated 10th March 2022;

-Garden Validation for Plots nos. 356-361 E3P letter ref: 14-207-V35 dated 15th June 2022;

-Gas Membrane Validation Statement E3P ref: 14-207 dated 09.06.2020 for plots 268-272 and 310-312 ;

Received 17th November 2022.

-Gas Membrane Validation Statement E3P ref: 14-207 dated 11.06.2020 for plots 265-267 ;

Received 17th November 2022.

-Garden Validation for Plots nos. 350, 352 -353 E3P letter ref: 14-207-V29 dated 15th December 2021

Received 9th January 2023

Email from planning agent dated 6th April 2023 with updated from Vistry confirming gas mitigation not required to plot nos:179;262-264;267-271;285-288; and 296-297 .

Email dated 06.04.2023 from the NHBC to Countryside Partnerships confirming their notes that "cleared the remainder of Area U (plots 267 - 272) from LQ 4 & 6 as they were not impacted would indicate that these gardens never actually required garden validations or capping.

- Garden Validation for Plot no. 265 E3P letter ref: 14-207-V12 dated 2nd February 2021
- Garden Validation for Plot no. 266 E3P letter ref: 14-207-V13 dated 8th February 2021
- Garden Validation for Plot no. 272 E3P letter ref: 14-207-V14 dated 25th February 2021

Received 6th April 2023

On the basis of the submitted information , I can confirm condition no.8 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

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

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

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 (October 2020)

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

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

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Area Team Boundary - Name: NORTH AREA
Area Team Boundary - Name: CENTRAL