

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139208/NMC/2024

Date registered valid: 7 February 2024

Proposal: Non-material amendment to condition 4 (ground conditions) attached to planning permission 135103/FO/2022 to allow for phased occupation of the houses (Plots 1-4 and Plots 5-12) and the apartments (Plots 13-32).

Address: Land on the Corner Of Victoria Avenue And Chain Road, Manchester

Ward(s): Higher Blackley Ward

Applicant: Terra Nova Development limited

Agent (if any): Mr Adam Collinge, Bowker Sadler Architecture

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 13 March 2024

Application details

Type of application: Non-Material Change 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

The application site relates to former vacant land situated at the junction of Chain Road and Victoria Avenue, formerly occupied by the Lion and Lamb public house which has since been demolished.

Victoria Avenue fronts the southern boundary, with Chain Road running along the north-eastern perimeter of the site.

The site is now a development site for residential development following the granting of planning permissions referenced 131891/FO/2021 and 135103/FO/2022.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is located in a predominately residential area. The prevailing character is two storey terrace or semi-detached properties. There is also a local primary school, shops and leisure facilities nearby.

Description of development

Non material amendment to planning permission referenced 131891/FO/2021 which allowed for the change of use of open space to a private garden in connection with planning permission referenced 131891/FO/2021 which permitted the erection of 12, two storey dwellinghouses (Use Class C3a), together with the erection of a three storey building to form 20 residential apartments (Use Class C3a) with associated car parking, landscaping, boundary treatment and

other associated works. The host permission sought to include a residual area of land to the Victoria Avenue frontage within the front garden areas of the proposed dwellinghouses.

In this case an amendment is sought to condition 4 (ground condition) which is currently worded so that a verification report is required to be submitted and agreed prior to first occupation of the entire development. The site investigation and remediation report previously approved as part of the residential development had been updated to include the extended site area.

The applicant seeks to vary the condition wording to allow the first occupation of the apartments and dwellinghouses separately via a phased development. A phasing plan has been submitted and included as further condition (5).

Consultations & Notification Responses

None Required.

Planning History

135103/FO/2022

Change of use from existing open space to private garden in connection with planning permission referenced 131891/FO/2021. *Approved 8 December 2022.*

131891/FO/2021

Erection of 12, two storey dwellinghouses (Use Class C3a) together with the erection of a three storey building to form 20 residential apartments (Use Class C3a) with associated car parking, landscaping, boundary treatment and other associated works. *Approved 17 March 2022.*

089720/FO/2009/N1

Temporary site compound comprising 9 storage cabins for a period of 12 months. *Approved 23 June 2009.*

087009/FO/2008/N1

Erection of residential development comprising of three x 3 bed 5 person houses and seven x 4 bed 7 person houses with twenty x 2 bed 4 person apartments with associated parking, landscaping and boundary treatment. *Approved 19 September 2008.*

068993/OO/2003/N1

Outline application for residential development, with all matters reserved. *Approved 8 March 2004.*

Issues

Materiality

The proposed phasing of the development will have no material impact to the overall development and will assist the developer by allowing the dwellinghouse and apartments to be delivered and occupied separately. There would be no overall impact to the remediation of ground conditions.

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

The proposed amendment is to allow the development to be phased.

Following an assessment of the details submitted, I can confirm that the proposed amendment is considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed change will not result in any significant material alterations to the planning approval.

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

4) The development hereby approved shall be carried out in accordance with the updated Phase 2 geo environmental investigation received by the City Council, as Local Planning Authority, on the 12 October 2022. The development shall then be carried out in accordance with the approved details.

(b) When development commences, it shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority prior to the first occupation of each phase, as shown on the phasing plan referenced 1200, received by the City Council, as Local Planning Authority on the 13 March 2024.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - There is evidence of site contamination at the application site which requires further consideration and examination. In particular, details of outstanding gas monitoring is required to be submitted for consideration and an appropriate remediation strategy prepared. This is pursuant to policy EN18 of the Manchester Core Strategy (2012).

5) The development hereby approved shall be carried out in accordance with the phasing plan referenced 1200, received by the City Council, as Local Planning Authority on the 13 March 2024.

Reason - This is a phased development pursuant to policy SP1 and DM1 of the Manchester Core Strategy.

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

Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: NORTH AREA