

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0783

Date registered valid: 16 November 2023

Proposal: Discharge of conditions 3 (CMP) and 4 (CEMP) attached to planning permission referenced 129197/FO/2021.

Address: Former Jacksons Brickworks Site , Ten Acres Lane, Newton Heath, Manchester

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Nuvu Development Limited

Agent (if any): Mr John Cooper Deloitte LLP

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

Recommendation: Approve

Date of recommendation: 4 January 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 17 November 2023

Expired: 8 December 2023

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

HIGHWAY RESPONSE:

In regard to Condition 3 and 4, the information provided is sufficient to allow us to recommend the discharge of this condition from a Highways perspective.

The applicant should be advised to make contact with the council's Highway Network Management teams via Email -highwaylicences@manchester.gov.uk highwaynetworkmanagement@manchester.gov.uk to discuss the following: - Pedestrian and traffic management plans: *What will be the effect on vehicular and pedestrian movement? *Are there any temporary road/footway closures or diversions required to facilitate the development? *Are works to the back of kerb or right on the kerb edge? *Any requirements for licensing, hoarding / scaffolding, skips

Environmental Health - 23.11.2023 – Advised they have looked at the CEMP specifically with regards to the contaminated land matters (and other colleagues will respond with regards to all other matters). Once a Remediation Strategy has been agreed this should also be listed in the CEMP as a key document to also refer too. Due to the nature of contamination they request that the contaminated land section to be more detailed and cover dealing with hazardous substances such as PFAS.

Further comments 23.11.2023

Also request a list of machinery detailing dB levels with the mitigations applied. Noise and vibration monitoring should be logged and kept available to show Environmental Health when needed.

Further comments 02.10.2024 – Condition no.3 can be discharged.

Further comments 04.01.2024 - The CEMP is now acceptable as it gives an outline of the potential contamination issues including PFAS. They may need to update the document reference once the remediation strategy is eventually agreed.

Environment Agency –06.12.2023 re: CDN/23/0783 and CDN/23/0816 they note for the purpose of these discharge applications, the applicant has submitted a combined CMP/CEMP produced by Vertase FLI. Whilst the officers technical review of this combined report would be beneficial, looking through the contents of this, they note this references an intended remedial strategy and intention to utilise for the purpose of surface water site drainage associated with the permission the pre-existing drainage channel constructed on-site to control surface water run-off in the interim. On this matter, noting that condition 6 (remedial strategy) has not yet been discharged and that planning permission 129197/FO/2021 relates singularly to the undertaking of site remedial works, they would initially question the appropriateness of conditions 4(CEMP) and 14 (Temporary Drainage Strategy) being sought for discharge at this time/juncture, noting the report itself recognises that further update and amendment may prove necessary.

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

Condition no. 3 (CMP)

The email from planning agent dated 19.12.2023 and updated Construction Management Plan and Construction Environmental Management Plan rev.005 dated 14.12.2023 received on 19.12.2023 have been examined and considered to be acceptable . On the basis that the development is implemented in accordance with the above referenced documents condition no.3 is discharged.

Condition no. 4 (CEMP)

The email from planning agent dated 19.12.2023 and updated Construction Management Plan and Construction Environmental Management Plan rev.005 dated 14.12.2023 received on 19.12.2023 have been examined and considered to be acceptable . On the basis that the development is implemented in accordance with the above referenced documents, and that subsequently when a Remediation Strategy has been agreed, this is listed in the CEMP as a key document, condition no.4 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Environment Agency

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

Site of Biological Interest - Name: Rochdale Canal, Stott's Lane - Ducie Street Basin

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

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 (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA