

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** CDN/23/0240

**Date registered valid:** 6 April 2023

**Proposal:** Discharge of conditions 4b (landscaping - Phase AJ2), 5 (SBD - Phases AB, AC, AD, AO, AE, AF, AG and AJ2) and 8 (ground conditions - Phases AE, AG and AJ2) attached to planning permission referenced 118379/JO/2017

**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](mailto:sue.wills@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 23 May 2023

## **Application details**

**Type of application:** Approval of condition application

**Development type:** Notifications

**Date of site visit:**

**Standard consultations:**

Printed: 26 April 2023      Expired: 17 May 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**

Arboricultural Officer – Has confirmed that due to the limited space on this development site, we would have no objection to the proposed planting of the 2 x Prunus 'Amanogawa' specimens.

Environmental Health – Condition no .8 can be discharged, for Phases AE, AG and AJ2.

**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 4b (landscaping - Phase AJ2),

4b) The landscaping details shown on Phase AJ2 General Arrangement and Planting Plan ref: M4976-177-AJ2 have been considered to be acceptable . Therefore, on the basis that the approved landscaping scheme is implemented in accordance with the details on the Phase AJ2 General Arrangement and Planting Plan ref: M4976-177-AJ2, and if within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, condition no.4b in respect of Phase AJ2 is discharged.

Condition no. 5 (SBD - Phases AB, AC, AD, AO, AE, AF, AG and AJ2)

5)The submitted Secure by Design accreditation certificate relating to the Phases AB,AC,AD, AE, AF, AG , AJ2 and AO dated 21.03.2023 has been noted . On the basis of the accreditation certification , condition no. 5 is discharged in relation to Phases AB,AC,AD, AE, AF, AG , AJ2 and AO.

Condition no.8b (ground conditions - Phases AE, AG and AJ2)

8b) The following information has been examined, and is considered to be acceptable .

Phase AE (All Plots- Plots 362 & 363):

- Garden Validation Plots 362-363 Document Reference: 14-207-V31, Letter and technical appendices from E3P dated 24th January 2022 regarding Soil Validation of Plots 362 to 363.

Phase AG (All Plots – 373-396) :

- Garden Validation Plot 373-380 Document Reference: 14-207-V37 , Letter and technical appendices from E3P dated 1st August 2022 regarding Soil Validation of Plots 373-380.
- Garden Validation Plots 381, Document Reference: 14-207-V38 Letter and technical appendices from E3P dated 3rd October 2022 regarding Soil Validation of Plots 381.
- Garden Validation Plots 388 - 395 Document Reference: 14-207-V39, Letter and technical appendices from E3P dated 30th November 2022 regarding Soil Validation of Plots 388 - 395.
- Garden Validation Plots 381-387 & 396 Document Reference: 14-207-V40, Letter and technical appendices from E3P dated 12th December 2022 regarding Soil Validation of Plots 381-387 & 396 .

Phase AJ2 (All Plots - Plots 397-410 )

- Garden Validation Plots 397-401 & 403-407 Document Reference: 14-207-V41, Letter and technical appendices from E3P dated 19th December 2022 regarding Soil Validation of Plots 397-401 & 403-407.
- Garden Validation Document Reference: 14-207-V42 Plots 402 & 408-410, Letter and technical appendices from E3P dated 27th January 2023 regarding Soil Validation of Plots 402 & 408-410.

On the basis of the information referenced above , I can confirm that condition no.8b is discharged in regard to Phases AE, AG and AJ2.

Environmental Health  
Neighbourhood Team Leader (Arboriculture)

## Appendix 2 – Planning constraints

[illegible]

[illegible]

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