

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0292

Date registered valid: 5 May 2023

Proposal: Discharge of conditions 5 (ground conditions) attached to planning permission referenced 104931/FO/2014/N2

Address: Land Bounded By Polygon Street, Stockport Road And Brunswick Street, Manchester

Ward(s): Ardwick Ward

Applicant: Mr James Quinn GGC Polygon Manchester Ltd

Agent (if any): Mr Tom Flanagan Paul Butler Associates Ltd

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

Recommendation: Approve

Date of recommendation: 11 October 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 12 May 2023 Expired: 2 June 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

Environmental Health – 24.05.2023

The information submitted has already been reviewed previously by Environmental Health and, from that, it was confirmed that a watching brief should be maintained at the site. The results of this and confirmation that no unexpected contamination has been found at the site are required before discharging the condition.

Further comments 04.08.2023

Confirmation sought whether the hardstanding was formed from Tarmac/concrete or paving slabs.

Following confirmation by the design team that the hardstanding used comprised 200mm concrete, further comments were received on 12.09.2023 seeking photographic evidence of the area being covered in the concrete hardstanding with no soft landscaping present.

Following further clarification that the soft landscaping was to be in the form of a podium garden at first floor level, with street trees proposed in the pavement to Brunswick Street and Polygon Street, confirmation the condition could be discharged was received 11.10.2023.

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

Condition no.5

5) The following reports and information has been examined :

-Phase II Geo-Environmental Site Investigation and Risk Assessment report ref: 140716.R.002 dated November 2014;

- Asbestos Risk Management Method Statement that has been prepared by Roberts Environmental Reference: 230705.001 dated April 2023, received 18.07.2023; and

-Photographs from planning agent received 15th September 2023 showing the concrete hardstanding.

On the basis of the submitted information referenced above condition no.5 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

Flood Zones Type 2 (low to medium risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: NORTH AREA