

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0401

Date registered valid: 16 June 2023

Proposal: Discharge (partial) of condition 8 (ground conditions) attached to planning permission referenced 118379/JO/2017 in relation to Phase AB, Plots 327 to 330.; Phase AC, Plot 340; Phase AD, Plot 351; Phase AF, Plots 364, 365, 366, 367, 368, 369, 370, 371 and 372; Phase AS, Plots 197 and 198; Phase P, Plots 187 to 194, Phase V, Plot 284

Address: Brunswick Neighbourhood, Manchester, M13 9TQ

Ward(s): Ardwick Ward

Applicant: Ms Abbie Mason Countryside 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: 18 July 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 28 June 2023 Expired: 19 July 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: Not applicable

Tree Preservation Order: Not applicable

Description of area

Description of development

Consultations & Notification Responses

Issues

Environmental Health – 14.07.2023 condition no.8 can be discharged in relation to plot no.351, and in regard to the other plots.

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

Article 35 Declaration

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

Condition no.8 (ground conditions)

The following information has been considered in connection with the discharge of condition no.8 in relation to Phase AB (Plots 327 to 330), Phase AC (Plot 340), Phase AD (Plot 351), Phase AF (Plots 364, 365, 366, 367, 368, 369, 370, 371 and 372), Phase AS (Plots 197 and 198), Phase P (Plots 187 to 194), and Phase V(Plot 284).

Phase AB (Plots 327 to 330) - Document Reference: 14-207-V25 Garden Validation - Brunswick Manchester prepared by E3P and dated 09 September 2021 for Plots 315-316, 321-325, 327-330.

Phase AC (Plot 340)- Document Reference: 14-207-V33 Garden Validation - Brunswick Manchester Plots 340, 342, 343, 321, 315 and 344, prepared by E3P and dated 11 April 2022.

Phase AD (Plot 351) - Document Reference: The submitted information includes Document Reference: 14-207-V33 Garden Validation - Brunswick Manchester Plots 340, 342, 343, 321, 351 and 344, prepared by E3P and dated 11 April 2022

- Email from agent dated 28th June 2023 and 29th June 2023 in regard to surfacing treatment of external areas in connection with Plot 351;

Phase AF (Plots 364, 365, 366, 367, 368, 369, 370, 371 and 372 (all plots within phase)),
-Document Reference: Redstart Letter and appendices dated 15.05.2023 for 'Phase AF, Plots 364-366, Glenbarry Close, Manchester, M13 9RQ'.

- Document Reference: Redstart Letter and appendices dated 12.06.2023 for 'Phase AF, Plots 367-368, Glenbarry Close, Manchester, M13 9RQ'.

- Document Reference: Redstart Letter and appendices dated 15.06.2023 for 'Phase AF, Plots 369-370, Glenbarry Close, Manchester, M13 9RQ'.

- Document Reference: Redstart Letter and appendices dated 15.06.2023 for 'Phase AF, Plots 371-372, Glenbarry Close, Manchester, M13 9RQ'.

Phase AS (Plots 197 and 198(all plots within phase)) - Document Reference: Redstart Letter and appendices dated 21.06.2019 for 'Phase AS, Plots 197-198 & Phase P, Plots 187-194 - Galliford Try, Brunswick'.

Phase P (Plots 187 to 194) -Document Reference: Redstart Letter and appendices dated 21.06.2019 for 'Phase AS, Plots 197-198 & Phase P, Plots 187-194 - Galliford Try, Brunswick'.

Phase V(Plot 284) - Document Reference: Redstart Letter and appendices dated 25.03.2020 for 'Phase V, Plots 284 & 289 Galliford Try, Brunswick'

On the basis of the above information, I can confirm that condition no.8 is discharged in regard to Phase AB (Plots 327 to 330), Phase AC (Plot 340), Phase AD (Plot 351), Phase AF (Plots 364, 365, 366, 367, 368, 369, 370, 371 and 372), Phase AS (Plots 197 and 198), Phase P (Plots 187 to 194), and Phase V(Plot 284).

It is also noted that in conjunction with previous discharges of condition no.8, that condition no.8 is now discharged for all plots within Phases AB,AC, AD,AF, AS, P, and V.

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 (June 2022)

[illegible]

[illegible]

Area Team Boundary - Name: CENTRAL