

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/1121

Date registered valid: 4 December 2024

Proposal: Discharge of Condition 13b (ground conditions) attached to planning permission 135788/FO/2022

Address: Former White Moss Road Day Care, Benmore Road, Manchester , M9 6DN

Ward(s): Charlestown Ward

Applicant: Mr James Reeveley Casey Construction

Agent (if any): John McCall Architects

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 28 January 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 17 December 2024

Expired: 10 January 2025

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: No

Tree Preservation Order: No

Description of area

Description of development

Consultations & Notification Responses

Issues

Part A of condition 13 (ground conditions) was approved under planning reference: CDN/23/0803, approved 9 February 2024.

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: Refuse

Article 35 Declaration

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

13b) The following information has been submitted in respect of planning condition 13b (ground conditions):

- Application Form, stamped and received by the City Council as Local Planning Authority on 4 December 2024.
- Supporting Information- Letter from Geo- Plot 13, stamped and received by the City Council as Local Planning Authority on 4 December 2024.
- Supporting Information- Letter from Geo- Plot 14, stamped and received by the City Council as Local Planning Authority on 4 December 2024.
- Supporting Information- Letter from Geo- Plot 15, stamped and received by the City Council as Local Planning Authority on 4 December 2024.
- Supporting Information- Letter from Geo- Plot 16, stamped and received by the City Council as Local Planning Authority on 4 December 2024.
- Supporting Information- Letter from Geo- Plot 17, stamped and received by the City Council as Local Planning Authority on 4 December 2024.
- Supporting Information- Letter from Geo- Plot 18, stamped and received by the City Council as Local Planning Authority on 4 December 2024.

The information submitted to discharge condition 13b is not sufficient.

The outstanding evidence is required:

Whilst Environmental Health can accept the information which demonstrates that the agreed depth of clean cover has been provided in the rear garden areas for plots 13-18, Environmental Health request sight of the final validation report that is due to be prepared on completion of all remediation works at the site.

Until such details are received and agreed, condition 13b cannot be 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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface

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) -

Area Team Boundary - Name: NORTH AREA