

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0162

Date registered valid: 12 March 2024

Proposal: Application to discharge conditions 9 (contaminated land), 11 (external plant), 15 (environmental standards) and 23 (crime impact) attached to planning permission 129587/FO/2021.

Address: Our Ladys RC High School, Alworth Road, Manchester, M9 0RP

Ward(s): Higher Blackley Ward

Applicant: Mr Nick Carter Rosslee Construction

Agent (if any): Mr Paul Cummings Pozzoni Architecture

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

Recommendation: Split Decision

Date of recommendation: 30 May 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 24 April 2024 Expired: 16 May 2024

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

Environmental Health – Have made the following comments.

Condition 9 (contaminated land)

As per section 3.7 of the submitted WML Validation Completion Report (Ref. 9670G-WML-XX-ZZ RP-G-0003, dated March 2024), sample waste management records confirming compliance with Duty of Care regulations are to be provided. Once these have been approved, they will be able to confirm that the report is acceptable in order to satisfy the condition.

Condition 11 (external plant)

The report only provides calculated predictions; the condition requires details of post-completion testing in order to verify that levels are as predicted when the units are installed and operating, and also to ensure the same equipment has been installed as that assessed.

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: Split decision

Article 35 Declaration

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

Condition no. 9 (contaminated land)

9) The WML Validation Completion Report (Ref. 9670G-WML-XX-ZZ RP-G-0003, dated March 2024) has been reviewed. Section 3.7 of the submitted WML Validation Completion Report (Ref. 9670G-WML-XX-ZZ RP-G-0003, dated March 2024), states that sample waste management records confirming compliance with Duty of Care regulations are to be provided. As these have not been provided condition no.9 cannot be discharged.

Condition no. 11 (external plant)

11) The Assessment of noise from mechanical plant equipment report only provides calculated predictions; however, the condition requires details of post-completion testing in order to verify that levels are as predicted when the units are installed and operating, and also to ensure the

same equipment has been installed as that assessed. Therefore, the requirements of condition no.11 have not be complied with and as such condition no.11 cannot be discharged.

Condition no. 15 (environmental standards)

15) The post construction Built Energy Statement certificate , and the BRUKL Output Document, the Energy Performance Certificate (EPC) have been examined and are considered to be acceptable. On this basis condition no.15 is discharged.

Condition no. 23 (crime impact)

23) The content of the letter from the school confirming the CCTV arrangements, together statement from Pozzoni Architecture confirming the construction of the development in accordance with the recommendations within the referenced crime impact statement ref: 2004/0999/CIS/01 version B has been noted . On this basis condition no.23 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 - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (More) -

Area Team Boundary - Name: NORTH AREA