

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0292

Date registered valid: 12 April 2024

Proposal: Discharge of Conditions 3b (Construction Management) and 5 (Highways Works) attached to planning permission 135848/FO/2022.

Address: Site Of Former Victoria Park Probation Centre , Laidon Road, Manchester, M14 5YJ

Ward(s): Rusholme Ward

Applicant: Britannia Victoria Limited

Agent (if any): Miss Louisa Fielden AshtonHale

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

Recommendation: Approve

Date of recommendation: 24 May 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 23 April 2024 Expired: 15 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 - CMP is fine other than work hours on Saturdays are 0830 – 1400 and not 0800 as stated in the report.

Highways Services 01.05.2024 -

In regard to Condition 3b (Construction Management) a Construction & Environmental Management Plan has been submitted. MCCs Events and Network Management Team have reviewed the submitted information and have noted that the red line comes out on to the adopted footway on Laindon Road. It is requested that the developer provide comments on how they proposed to manage the safety of pedestrian here.

In regard to Condition 5 (Highways) MCCs Statutory Approvals Team were consulted for comment. Subject to the Applicant continuing ongoing discussions with the MCC

Highways team regarding the Highways Works and Section 278 agreement (pursuant to the Highways Act 1980), the condition can be discharged

ADDITIONAL HIGHWAYS COMMENTS 24.05.24

In regard to Condition 3b (Construction Management) an updated CMP has been submitted which confirms that the Laindon Road footway will not be affected by the construction works and will remain fully open to pedestrians. Highways recommend that the condition can be discharged.

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: Approve

Article 35 Declaration

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

Condition no. 3b (CMP)

3b) The updated Construction and Environmental Management Plan dated April 2024 received on 23rd May 2024 has been examined and is considered to be satisfactory. On the basis that the enabling works and development is implemented in full accordance with the measures in the

Construction and Environmental Management Plan dated April 2024 received on 23rd May 2024 , condition no.3B is discharged.

Condition no. 5 (Highways Works)

5)The details on the plans referenced below have been reviewed , together with the delivery sequence as set out in letter dated 11th April 2024 from the planning agent, and are considered to be acceptable,

Section 38/278 General Arrangement and Surfacing plan ref: J7986/HW03 rev.B

Section 38/278 Kerbing and Adoptable Highway Drainage plan ref: J7986/HW04 rev.A

Section 38/278 Proposed Highways Long Sections plan ref: J7986/HW07 rev.A

Section 38/278 Highway Adoption and Legal Plan ref: J7986/HW09 rev.A

On the basis that the highway works are implemented in accordance with the approved details and approved delivery sequence referenced above , and all the agreed works are completed prior to the first dwelling unit being occupied , condition no.5 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA