Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/23/0793
Date registered valid:	20 November 2023
Proposal:	Discharge of conditions 6 (ES), 7 (CMP), 8 (waste management) and 9 (air quality) attached to planning permission referenced 133654/FO/2022
Address:	St Georges Residential Home, Abbey Hey Lane, Manchester, M18 8RB
Ward(s):	Gorton & Abbey Hey Ward
Applicant:	Mr Usman Ahmed Bless Enterprises Ltd
Agent (if any):	Paul Clark CJ Partnership
Case officer:	Ian Jarvis Tel: 0161 234 4079 Email: ian.jarvis@manchester.gov.uk
Recommendation:	Approved and Refused
Date of recommendation:	6 February 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 21 November 2023 Expired: 12 December 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:

Tree Preservation Order:

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 polices 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: Approved and Refused

Article 35 Declaration

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

6) The following information has been submitted for approval in respect of this planning condition:

CJ Partnership Environmental Standards Statement dated 27 October 2023 and stamped as received by the City Council, as Local Planning Authority, on 20 November 2023.

The information is considered to be acceptable and condition 6a is now formally discharged.

Prior to the first occupation of any of the apartments a post construction review certificate/statement shall be submitted for approval, within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority.

7) The following information has been submitted for approval in respect of this planning condition:

Construction Management Plan document dated April 2023 and stamped as received by the City Council, as Local Planning Authority, on 20 November 2023.

The information is considered to be acceptable and condition 7 is now formally discharged, subject to the development being carried out in accordance with the approved construction management plan.

8) The following information has been submitted for approval in respect of this planning condition:

Drawing numbered 3666-01 and Waste Management Strategy dated September 2023, stamped as received by the City Council, as Local Planning Authority, on 20 November 2023.

The information is considered to be acceptable and condition 8 is now formally discharged, subject to these approved details being implemented as part of the development remaining in situ whilst the use or development is in operation.

9) The following information has been submitted for approval in respect of this planning condition:

CJ Partnership Air Quality Assessment dated 24 October 2-23 (ref: P6761-R1-V1), stamped as received by the City Council, as Local Planning Authority, on 20 November 2023.

The above information has been considered and is insufficient to discharge this planning condition. Condition 9 is therefore not formally 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
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA