

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** CDN/24/0088

**Date registered valid:** 16 February 2024

**Proposal:** Discharge of conditions 11 (Environmental Statement), 17 (Secure by Design) and 18b (Travel Plan) attached to planning permission ref: 124472/FO/2019

**Address:** Kincardine Court, Kincardine Road, Manchester, M13 9JA

**Ward(s):** Ardwick Ward

**Applicant:** Mr Archie Fishlock, Unite Students

**Agent (if any):** Mr Will Hannah, Turley

**Case officer:** Sue Wills  
Tel: 0161 234 4524  
Email: [sue.wills@manchester.gov.uk](mailto:sue.wills@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 19 March 2024

## Application details

**Type of application:** Approval of condition application

**Development type:** Notifications

### Standard consultations:

Printed: 26 February 2024 Expired: 18 March 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

## Description of area

### Background

Condition no.11 (Time frame agreed) CDN/22/0526

Condition no.18a (CDN/22/0422) discharged 24.10.2022

## Description of development

## Consultations & Notification Responses

Highway Services-

18b) Based on the information provided this condition can be discharged from a Highway perspective.

Letter forwarded by agent from Design for Security dated 5<sup>th</sup> December 2023 confirming that the development has been carried out as in accordance with the previously approved CIS report (ref: 2019/0288/CIS/01 rev.B :03/07/19 and is SBD compliant.

## 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. 11 (Environmental Statement)

11) The following information has been submitted in respect of this planning condition:

- Covering letter received on the 2 February 2024

The above information has been considered and the ES shall be received within 18 months of first occupation.

No further action at this stage.

Condition no. 17 (Secure by Design)

17)The content of the correspondence dated 5th December 2023 from the GMP Design for Security officers confirming that the development has been carried out as in accordance with the previously approved Crime Impact Statement report (ref: 2019/0288/CIS/01 rev.B :03/07/19 and is Secure by Design compliant has been noted. On the basis of the confirmation received the development is Secure by Design compliant, condition no.17 is discharged.

Condition no. 18b (Travel Plan)

18b)The Full Travel Plan (doc ref. 083471-CUR-XX-XX-T-TP-00002 rev. P01) dated 23<sup>rd</sup> May 2023has been reviewed and is considered to be acceptable . On the basis that the measures, are fully implemented in accordance with the Full Travel Plan reference above condition no.18b is discharged.

## **Appendix 1 – List of consultees & neighbours notified**

Highway Services  
Oliver West (Sustainable Travel)

## **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  
Flood Zones Type 2 (low to medium risk) -  
Susceptible to Surf Water Flood (Less) -  
Susceptible to Surf Water Flood (Middle) -  
Area Team Boundary - Name: NORTH AREA