

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0371

Date registered valid: 7 June 2022

Proposal: Discharge of conditions 4 (CMP), 5 (drainage), 10 (lighting) and 16 (off site highway works) attached to planning permission referenced 131094/FO/2021

Address: Oakland Nursing Home, 130 Kenyon Lane, Manchester, M40 9DF

Ward(s): Moston Ward

Applicant: Mr Qasim Shah Risbridger Scott & Sons Ltd 474 Cheetham Hill Road, Manchester, M8 9JW

Agent (if any): Mr Barry Tang Tang and Associates Ltd - Chartered Architects 10/F 1 City Approach, Albert Street, Manchester, M30 0BG

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 9 December 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 9 June 2022 Expired: 30 June 2022

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

Issues

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

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

1) The details contained within the submitted Construction Management Strategy dated May 2022 and received by the City Council as Local Planning Authority on 7 June 2022, are satisfactory. Subject to implementation of the agreed details, condition 4 can be discharged.

2) The following drainage information has been assessed as being acceptable:

-Drainage Assessment Report produced by HBL Associates (rev 04) - Ref: 9701-XX-XX-RP-D-0001, received by the City Council as Local Planning Authority on 7 October 2022;

-E-mail correspondence from United Utilities dated 23 November 2022 relating to the sewer connection.

On this basis, condition 5 can be discharged.

3) The external lighting details contained within Lighting Report and Risk Assessment produced by WLC Lighting Design (Ref: WLC648-LC-AC-001-R2, together with the lighting layout shown on drawing referenced WLC648-1300-001 REV R2, received by the City Council as Local Planning Authority on 7 June 2022, is satisfactory. On this basis, condition 10 can be discharged.

4) The off-site highways works to be completed via a S.278 agreement, as shown on drawings referenced D25735-EXT-101/P1 and D25735-EXT-102/P1 and 9701-HBL-XX-XX-DR-S-0002/P01 received by the City Council as Local Planning Authority on 7 June 2022 have been assessed as being acceptable. Subject to implementation of the agreed details, condition 16 can be discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

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
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 (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH