

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0746

Date registered valid: 19 October 2022

Proposal: Discharge of condition 9 (contaminated land) attached to planning permission ref 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 Black Abbey Street, Accrington, BB5 1HT

Agent (if any): Mr Paul Cummings Pozzoni Architecture Woodville House, 2 Woodville Road, Altrincham

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: REFUSAL

Date of recommendation: 14.12.2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 31 October 2022 Expired: 21 November 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:

Article 35 Declaration

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

The following information has been submitted with regards to condition 9:

- WML Geo-Environmental Investigation & Assessment ref. 9670G-WML-XX-ZZ-RP-G-0002) dated April 2021

The following comments are made by Environmental Health:

- The report submitted for the above discharge application was superseded by the WML Remediation Strategy (ref. 9670G-WML-XX-ZZ-RP-G-002B) dated November 2021, which states in section 7.1 that "*On completion of the Remediation Works to the site, a Validation Report will be produced by the geo-environmental engineer, which will be submitted to the Local Authority for approval.*" We therefore await the validation report, as also required by the condition.

Until such time that the additional information listed above is submitted and agreed, condition 9 cannot be 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