

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0237

Date registered valid: 25 May 2022

Proposal: Discharge of condition 3 (construction management plan) and condition 5a (contaminated land) attached to planning permission ref:129761/FO/2021

Address: Dean Trust Ardwick , 345 Stockport Road, Manchester, M13 0LF

Ward(s): Ardwick Ward

Applicant: Mr Nick David Ashton On Mersey School , Cecil Avenue, Sale, M33 5BP

Agent (if any): Mr N Daccus Daccus ACM Ltd 31A High Street, Frodsham, WA6 7AJ

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

Recommendation: Approve

Date of recommendation: 1 August 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 25 May 2022 Expired: 15 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

Environmental Health -15.06.2022 The information submitted is sufficient to discharge condition 3. With regard to condition 5, the applicant will need to implement the measures set out in the remediation strategy and submit a validation and completion report when the work is completed. 14.07.2022 – on the basis the planning agent has confirmed that they are only seeking to discharge condition 5a (contaminated land) and not 5b, condition no.5a can be discharged.

Highways Services 08.06.2022-

For condition 3, the submitted Construction Management Plan is not sufficient to allow them to recommend the discharge of this condition from a highway perspective. They do not support the proposal to access and service the development from South Street.

Internal access within the school grounds to/from the development should be provided.

Details should also be submitted of the measures being provided to remove mud from the wheels of contractor's vehicles.

FURTHER HIGHWAY RESPONSE 01/08/2022: -

Access/egress to/from the site is now proposed from Langport Avenue rather than South Street which is acceptable to Highways.

Measures to remove mud from the wheels of contractor's vehicles is now proposed and is acceptable to them.

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

3) The Construction Management Plan Issue 5 dated 27.07.2022 received 29th July 2022 has been considered and is acceptable . On the basis that the development is implemented in full, accordance with the measures set out in Construction Management Plan Issue 5 dated 27.07.2022 for the full duration of the construction period , condition no.3 is discharged.

5) The Phase II Geo-Environmental Assessment Report ref: NS/M4246/10353 dated August 2021, and the Remediation & Risk – Reduction Strategy ref: 22-012/RMS 2022 have been considered and are acceptable . On the basis that the development is implemented in accordance with Phase II Geo-Environmental Assessment Report ref: NS/M4246/10353, and the Remediation & Risk – Reduction Strategy ref: 22-012/RMS 2022, condition no.5a. 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
Area Team Boundary - Name: NORTH