

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0170

Date registered valid: 18 March 2022

Proposal: Discharge of planning conditions 4 (Landscaping) and 6 (Construction Management Plan) associated with planning permission 124229/FO/2019

Address: Land At , Mayes Gardens, Manchester, M4 7FN

Ward(s): Ancoats & Beswick Ward

Applicant: Dave Higgins Multi Build UK Ltd Green Lane, Heywood, Rochdale, OL10 2EW

Agent (if any): Joseph Smith Triangle Architects Raven House, 113 Fairfield Street, Manchester, M12 6EL

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

Recommendation: Approve

Date of recommendation: 25 April 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 28 March 2022 Expired: 18 April 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

Highways Services - the submitted Construction Management Plan is sufficient to allow them to recommend the discharge of this condition from a highway perspective. For any highway licensing/permitting requirements (hoardings, scaffolding, cranes etc.) then you should access the Manchester City Council website at <https://www.manchester.gov.uk/directory/26/licensing/category/355>

Environmental Health - recommend the discharge of condition 6.

Greater Manchester Ecology Unit – 11.04.2022

The landscape proposals are in line with their recommendation, with two native trees proposed off-site and some non-native shrub planting on-site. No bird boxes are however proposed, therefore there will be a period where there would be a loss of bird nesting habitat, whilst the proposed shrubs mature to the point where they provide bird nesting opportunities.

They therefore recommend one bird box is also provided on one of the existing trees that are just off site, prior to full discharge of the condition.

Updated comments following the receipt of the revised plan which includes the provision of a bird box 21.04.2022.

GMEU have confirmed that they the revised plan is acceptable ,and have no further issues with the discharge of condition 4.

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

4) The soft and hard landscaping details shown on the Landscaping plan ref: 18-019/05 rev. A received 19.04.2022 have been examined and are considered to be acceptable .

On the basis that the soft and hard landscaping details shown on Landscaping Plan ref: 18-019/05 rev. A received 19.04.2022 are implemented not later than 12 months from the date the buildings are first occupied, and if within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place; I can confirm condition no.4 is discharged.

6) The contents of the Construction Management Plan by Multi Build UK and Traffic Management & Site set up plan ref: MBUK/001 have been considered, and I can confirm that the proposed measures and working practises are considered to be acceptable. On the basis that the development is implemented in full accordance with the measures in the Construction Management Plan by Multi Build UK and Traffic Management & Site set up plan ref: MBUK/001, I can confirm that condition no.6 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Ecology Unit

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: NORTH2