

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/21/0474

Date registered valid: 7 July 2021

Proposal: Discharge of conditions 4 (SBD), 5 (waste management), 7 (boundary treatment), 9 (EV), 12 (landscaping), 13 (environmental standards) and 17 (visibility splays) attached to planning permission referenced 126528/FO/2020

Address: Land Adjacent To 174 Lightbowne Road, Manchester, M40 5EE

Ward(s): Moston Ward

Applicant: Mr W Choudry 94 East Toad, Manchester, M12 5QA

Agent (if any): Mr David Ormesher Holborow and Ormesher Station House, Adams Hill, Knutsford, Cheshire, WA16 6DN

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approved and Refused

Date of recommendation: 14 September 2021

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 19 July 2021 Expired: 9 August 2021

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: Approved and Refused

Article 35 Declaration

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

4) The secure by design condition 4, can be partially discharged subject to inspection by Greater Manchester Police Designing Out Crime Officer and carried out in accordance with the Secure by Design Document, stamped as received on the 23rd June 2021.

5) The following information has been submitted in respect of this planning condition;

The Supporting Information, titled, ' Approval of details of Reserved by Condition', stamped as received on the 23 June 2021.

The above information has been considered and is acceptable in order to discharge this planning condition. Condition 5 is therefore formally discharged.

7) Highways do not recommend the discharge of the boundary treatment, as all boundary treatments with frontage to the adopted highway should retain appropriate visibility from a height of 600mm upwards in order to protect sight lines.

Therefore, condition 7 cannot be discharged.

9) The following information has been submitted in respect of this planning condition;

The Supporting Information, titled, ' Approval of details of Reserved by Condition', stamped as received on the 23 June 2021 and the photomontage, stamped as received on the 30 June 2021.

The above information has been considered and is acceptable in order to discharge this planning condition. Condition 9 is therefore formally discharged.

12) The following information has been submitted in respect of this planning condition;

The Supporting Information, titled, ' Approval of details of Reserved by Condition', stamped as received on the 23 June 2021, and the drawing numbered 2080/90/02, stamped as received on the 7 July 2021.

The above information has been considered and is acceptable to partially discharge the landscaping proposal, subject to the revised boundary treatment being provided, in order to fully discharge the condition 12.

17) The viability splay condition is not acceptable due to the height of the wall there is insufficient visibility for cars accessing and egressing the site. All boundary treatments with frontage to the adopted highway should retain appropriate visibility from a height of 600mm upwards in order to protect sight lines. Therefore, condition 17 cannot be 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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1