

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0506

Date registered valid: 10 June 2024

Proposal: Discharge of Condition 5 (landscaping), 22 (refuse storage) and 33 (Boundary Treatment) attached to planning permission 136645/VO/2023

Address: Site To The South / South-East Of Sawley Road, East Of Nelson Street, North / North-East Of James Street, Manchester

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Paul Waite Manchester City Council

Agent (if any): Mrs Anastasia Kapagerof jmarchitects

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

Recommendation: **Approve**

Date of recommendation: **30.07.2024**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 20 June 2024 Expired: 11 July 2024

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

Arboricultural officers 27.06.2024- Have viewed the planting list and can confirm that they would have no objection to proposals for this site.

Highway services 28.06.2024 - In regard to Condition 22 (Refuse Storage) the information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

In regard to Condition 33 (Boundary Treatment) Drawing 'VAR-EBL-XX-XX-DR-L-00010' provides details on the proposed boundary treatment. The information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

Environmental Health – 18.07.2024 - have the following comments regarding the waste strategy:-

No details or plans have been provided showing the internal recycling provisions within the development. Only details of the external bin store has been given. The strategy refers to Mixed recycling (Dry mixed) waste but does not clarify what this includes. Is this metal, plastic and glass? Does this include pulvable waste such as paper and card? Will all these things go into one receptacle and be separated by the waste contractor. More detail is needed.

There is no explanation as to how they have calculated the capacity of the bins for the site or the frequency of collection. They have said that only the food waste provisions will increase when the school is at full capacity, why are the other streams capacities not increasing? This development is part of the Prospere Learning Trust so they should be able to get information from another school's waste strategy.

They advise that they appreciate that the developers are trying to cut down on waste, and have various initiatives in the pipeline, but they need to ensure that the bin capacity will be adequate. There is no clear explanation as to how they developers have arrived at the number of bins within the waste strategy, and no calculations.

The bin store looks fine, it is large enough to hold six 1100l bins even though the waste strategy states that there will only be 2 x 1100l and either 1 or 2 x 240l bins.

FURTHER COMMENTS 30.07.2024

The additional waste storage information is fine and the condition can be discharged.

Issues

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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

Article 35 Declaration

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

Condition no. 5 (landscaping)

5) The plans referenced below have been considered solely in relation to soft and hard landscaping.

- Landscape layout plan ref: VAR-EBL-XX-XX-DR-L-00001 rev.P01 (*replacement for plan ref: VAR-DEP-XX-XX-DR-L-00001 rev.P07 due to change in landscape architects*)
- Landscape detail hardworks 1 of 3 layout plan ref: VAR-EBL-XX-XX-DR-L-00007 rev.P01
- Landscape detail hardworks 2 of 3 layout plan ref: VAR-EBL-XX-XX-DR-L-00008 rev.P01
- Landscape detail hardworks 3 of 3 layout plan ref: VAR-EBL-XX-XX-DR-L-00009 rev.P01
- Planting Plan ref: VAR-EBL-XX-XX-DR-L-00013 rev.P01
- Landscape Management and Maintenance Plan dated 6th June 2024

On the basis that the approved hard and soft landscaping scheme is implemented in full accordance with the details on the plans referenced above and the Management and Maintenance Plan date 6th June 2024 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, condition no.5 is discharged.

Condition no. 22 (refuse storage)

22) The submitted information on the plans, waste management strategy and email referenced below have been reviewed solely in relation to waste management arrangements

- Orchard House Waste Management Strategy
- Landscape layout plan ref: VAR-EBL-XX-XX-DR-L-00001 rev. P01
- Bin Store plan ref: VAR-EBL-XX-XX-DR-L-00016 rev. P01
- Email from planning agent dated 29th July 2024

On the basis that the measures on the plans and in the documentation specified above are implemented in full prior to first occupancy of development and remains operational thereafter, condition no.22 is discharged.

Condition no. 33 (Boundary Treatment)

33)The submitted information on the plans, referenced below have been reviewed solely in relation to boundary treatment.

- Landscape layout plan ref: VAR-EBL-XX-XX-DR-L-00001 rev.P01 (*replacement for plan ref: VAR-DEP-XX-XX-DR-L-00001 rev.P07 due to change in landscape architects*)
- Landscaping detail fences and furniture plan 1 of 3 ref: VAR-EBL-XX-XX-DR-L-00010 rev.P01
- Landscaping detail fences and furniture plan 2 of 3 ref: VAR-EBL-XX-XX-DR-L-00011 rev.P01
- Landscaping detail fences and furniture plan 3 of 3 ref: VAR-EBL-XX-XX-DR-L-00012 rev.P01
- Typical fence details plan ref : VAR-EBL-XX-XX-DR-L-00018 rev.P01
- Email from contractor dated 30th July 2024 that the MUGA Fencing 3m high green weld mesh.

On the basis that the measures in the plans and documentation specified above are implemented in full prior to occupation of the building and thereafter retained. condition no.33 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA