

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0703

Date registered valid: 31 July 2024

Proposal: Discharge of condition 9 (highway works) attached to planning permission referenced 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: 21 August 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 13 August 2024 Expired: 4 September 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

Highway Services -In regard to Condition 9 (Highways) subject to the Applicant continuing ongoing discussions with the MCC Highways team regarding the Highways Works and Section 278 agreement (pursuant to the Highways Act 1980), the condition can be discharged from a Highways perspective.

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

9) The details shown on the plans specified below has been reviewed and are considered to be acceptable.

- Section 278 General Arrangement plan ref: VAR-RDG-XX-XX-DR-C-00700 rev.C04 (notwithstanding the annotation referring to removal of parking bays on Sawley Road opposite the school egress point and pedestrian access , as there are currently no parking bays present in these locations)
- Section 278 site levels plan ref: VAR-RDG-XX-XX-DR-C-00701 rev.C02
- Section 278 long section plan ref: VAR-RDG-XX-XX-DR-C-00702 rev.C01
- Section 278 kerbing and surfacing plan ref: VAR-RDG-XX-XX-DR-C-00703 rev.C04
- Section 278 lines and signs plan ref: VAR-RDG-XX-XX-DR-C-00704 rev.C04
- Section 278 STATS plan ref: VAR-RDG-XX-XX-DR-C-00705 rev.C01
- Section 278 construction details plan ref: VAR-RDG-XX-XX-DR-C-00706 rev.C03
- Section 278 site clearance plan ref: VAR-RDG-XX-XX-DR-C-00707 C03
- Section 278 legal plan ref: VAR-RDG-XX-XX-DR-C-007 rev. C01
- Vehicle tracking refuse plan ref: VAR-RDG-XX-XX-DR-C-00710 rev.C03
- Vehicle tracking fire tender plan ref: VAR-RDG-XX-XX-DR-C-00711 rev. C03

On the basis that the development is implemented in accordance the approved details on the plans referenced above, prior to the school accommodation being brought into use, condition no.9 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services

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