

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0694

Date registered valid: 15 March 2024

Proposal: Discharge of conditions 7 (off site highway works), 8 (Cycle storage) 9 (Electric vehicle (EV) charging points), 10 (Waste storage) and 11 (Boundary treatment) attached to planning permission referenced 132839/FO/2022

Address: 2 Wynne Close, Manchester, M11 3TR

Ward(s): Ancoats & Beswick Ward

Applicant: Mrs Talat Zeria

Agent (if any): Mr Talat Zeria HSH Engineering Design Service Ltd

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approved and Refused

Date of recommendation: 1 May 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

Printed: 22 March 2024 Expired: 14 April 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: No

Tree Preservation Order: No

Consultations & Notification Responses

Highway Services – The following comments have been received:

- i. It is recommended that the discharge of condition 7 is refused as insufficient information has been provided to allow the full assessment of the request to discharge condition 7. The applicant should enter into a Section 184 vehicle crossing licence/agreement, which should be agreed with the City Council as local highways authority. Authorisation of the proposed dropped crossing will also be required.
- ii. Condition 8, 9, 10 and 11 – The submitted information is sufficient from a Highways perspective and their discharge is recommended.

Environmental Health – The following comments have been received:

- i. Condition 9 – The specification of the EV charge point is required.
- ii. Condition 10 – The proposed four bin capacity is acceptable. However, it is noted that the position of bin storage differs from the approved details.

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: Approved and refused

Article 35 Declaration

N/A

Condition(s) to be attached to decision for approval and reasons for recommendation to refuse

7) The discharge of condition 7 (Off site highway works) is refused as the required off-site highways works have not been related to drawings approved as part of a s184 Highways agreement.

8) The discharge of condition 8 (Cycle storage) is approved on the basis that the development is undertaken in accordance with the following details relating to cycle storage:

- i. Enclosure siting as shown on drawing ref: Proposed site plan 05B received on 23 April 2024.
- ii. Email received from HSH Engineering Design Services Ltd dated 28 April 2024, including details of the proposed Heavy Duty Steel Garden Bicycle Storage Locker.

The approved details shall be implemented before the occupation of the development and maintained in situ thereafter.

9) The discharge of condition 9 (Electric vehicle (EV) charging points) is approved on the basis that the development is undertaken in accordance with the following details:

- i. Manufacturers brochure relating to a 7KW electric vehicle (EV) charging point by Project EV;
- ii. Siting of the EV charging unit in accordance with the details of drawing ref: : Proposed site plan 05B received on 23 April 2024.

The approved details shall be implemented before the occupation of the development and maintained in situ thereafter.

10) The discharge of condition 10 (Waste) is approved on the basis that the development is undertaken in accordance with the following details:

- i. Bin storage enclosure and siting details as shown on drawing ref: Proposed site plan 05B received on 23 April 2024
- ii. Waste management proforma attached to email received from HSH Engineering Design Services Ltd dated 28 April 2024

The approved details shall be implemented before the occupation of the development and maintained in situ thereafter.

11) The discharge of condition 11 (Boundary treatment) is approved on the basis that the development is undertaken in accordance with the details of drawing referenced: Boundary treatment details 06. The approved details shall be implemented before the occupation of the development and maintained in situ thereafter.

Informative

1) It is recommended that the applicant enters into a Section 184 vehicle crossing licence / agreement with the Council as local highways authority and funded at the applicant's expense. Agreement for a dropped crossing application will also be required and can be processed via the following online link:

https://www.manchester.gov.uk/info/474/parking_at_your_home/8170/apply_for_a_dropped_kerbs_and_pavements

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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA