MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/24/0006
Date registered valid:	8 January 2024
Proposal:	Discharge of conditions 17 (bio-diversity enhancement), 19 (cycle parking) and 24 (Travel Plan) attached to planning permission referenced 112059/FO/2016
Address:	Daisy Bank Mill , Terence Street, Manchester, M40 1GD
Ward(s):	
Applicant:	Mr Carl Garrity Splash Developments Ltd
Agent (if any):	Mr Mark Davies Wilkinson Cowan Partnership
Case officer:	Sue Wills Tel: 0161 234 4524 Email: sue.wills@manchester.gov.uk
Recommendation:	Split decision
Date of recommendation:	27 January 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 9 January 2024 Expired: 30 January 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

Greater Manchester Ecology Unit – 23.01.2024
That species of hornbeam is not native to the UK, but as the landscaping part of the condition has been discharged now, they don't suppose that can be changed.

Condition 17 states:
Prior to the occupation of the development hereby approved, a scheme for delivering biodiversity enhancement at the site including the provision of bat bricks and/or tubes, bat boxes, bird boxes and native tree and shrub planting, shall be submitted to and approved in writing by the City Council as the local planning authority. The biodiversity enhancement measures shall be implemented in accordance with the approved scheme.

Reason - To ensure that landscape and ecology management is adequately in place and to ensure the longevity of new planting in different areas of the site and to comply with policy EN15 of the Core Strategy.

Based on the information submitted in connection with the Discharge of Condition 17 (Biodiversity Enhancement) placed on approval 112059/FO/2016. They would have no objection to the (partial) discharge of Condition 17. The bat and bird boxes should be fitted to the dwellings as per drawing (Splash Developments April 2016) prior to habitation and once in place the condition can be discharged in full.

Highway Services -
Condition 19) the information provided is sufficient to allow us to recommend the discharge of this condition from a Highways perspective.
Condition 24) the information provided is sufficient to allow us to recommend the discharge of this condition 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 polices 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: Split Decision

Article 35 Declaration

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

Condition no.17 (bio-diversity enhancement)

17) The details of Schwegler 1S Nest box - sparrow terrace (3no.) and Schwegler 2 FE wall mounted bat shelters (3no.) to be located as shown on plan referenced as being submitted for consideration with condition no.17 received 8th January 2024 are considered to be acceptable.

On the basis the 3no. sparrow terraces and 3no.bat shelters are installed prior to the occupation of the dwellings , condition no.17 is discharged.

Condition no.19 (cycle parking)

19) The lockable shed to be located within the rear gardens of all properties with a two bike floor mounted cycle rack detailed on the plan referenced as being submitted for consideration with condition no.19 received 8th January 2024 is considered to be acceptable.

Condition no.19 is discharged on the basis that the approved details are implemented prior to the occupation of the dwellings, and that the approved space and facilities are then retained and permanently reserved for bicycle parking whilst the development is occupied.

Condition no.24 (Travel Plan)

24) The submitted Travel Plan dated 25th November 2023 has been reviewed and is considered to be satisfactory. I can therefore confirm that the 'prior to occupation' requirement of condition no.24 has been satisfied.

However, within the travel plan there is a commitment to surveying the travel patterns of occupiers , and condition no.24 requires that '*Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to the a commitment to surveying the travel patterns of occupiers during the first three months of use of the development and thereafter from time to time shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use'*.

In view of this requirement condition no.24 cannot be formally discharged at this time.

Appendix 1 – List of consultees & neighbours notified

Highway Services
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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA