

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0828

Date registered valid: 15 November 2022

Proposal: Discharge of condition 9 (off site highway works), 11 (EV), 17 (bio-diversity) and 27 (external lighting) attached to planning permission referenced 128286/JO/2020

Address: Land Bounded By Pottery Lane, Gorton Lane, Belle Vue Street And Polesworth Close , Manchester

Ward(s): Gorton & Abbey Hey Ward

Applicant: Richard Walton Equans

Agent (if any): Mr Stuart McGrath OMI Architects

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

Recommendation: Approve

Date of recommendation: 20 March 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 22 November 2022

Expired: 13 December 2022

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

Flood Risk Management - Conditions 9, 11, 17, 27 of Decision Notice 128286/JO/2020 were not written by the LLFA and do not concern drainage or flood risk.

Therefore, they have advised that they have no comment on the application.

Environmental Health - Condition nos. 11 and 27 can be discharged .

Highways Services -

Condition 9) 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.

Condition 11) The information provided is insufficient to allow them to recommend the discharge of this condition from a Highways perspective.

Highways require that 20% of the total number of spaces within apartment schemes should be fitted within EV charge points (min 7KW). There should also be a commitment to monitoring usage within the Transport Plan and increase the provision when necessary. Charge points should also be fitted to driveways within residential schemes on a 100% basis, again 7kW minimum. The EV charge points are required prior to the first occupation of any of the residential units.

Condition 27) The information provided is sufficient to allow them to recommend the discharge of this condition from a Highways perspective.

Updated comments 08.02.2023 -

Highways would recommend a 7kw EVC point on each individual driveway.

Highways accept the 10% EVC provision for apartment parking, with the ducting to increase this to 20%.

Greater Manchester Ecology Unit - The information submitted is satisfactory and I would therefore recommend that condition 17 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:

Article 35 Declaration

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

Condition 9 (off site highway works)

The details in the Stage 1 / 2 Road Safety Audit Report by six:TEN Highways & Traffic Ltd ref: 610/2022/146/01 rev.1; Outdoor Lighting Report by Amey Consulting and Site 2 section 278 agreement plan ref: 67694-CUR-00-XX-DR-C-95200- P06; Site 2 section 278 General arrangement plan ref: 67694-CUR-00-XX-DR-C-95201-P06; Site 2 section 278 Site Setting Out and Levels plan ref: 67694-CUR-00-XX-DR-C-95202- P06; Site 2 278 Swept Path Analysis Sheet 1 plan ref: 67694-CUR-00-XX-DR-C-95210- P05 ; Site 2 278 Swept Path Analysis Sheet 2 plan ref: 67694-CUR-00-XX-DR-C-95211 -P05; Site 2 section 278 Site Clearance plan ref: 67694-CUR-00-XX-DR-C-95220 – P05; Site 2 section 278 Construction layout plan ref: 67694-CUR-00-XX-DR-C-95230 -P06; Site 2 section 278 Construction Details plan ref: 67694-CUR-00-XX-DR-C-95231- P04; Site 2 section 278 Proposed Signing and Road Markings plan ref: 67694-CUR-00-XX-DR-C-95240- P05 ; Site 2 section 278 Existing and proposed traffic regulation orders plan ref: 67694-CUR-00-XX-DR-C-95241- P05 ; and Swept Path analysis -Large Refuse Vehicle plan ref: 67694-CUR-00-XX-DR-TP-05002 – P02; have been examined and are considered to be acceptable . On the basis that the development is implemented in accordance with the information and measures detailed in the submitted plans and document referred above, prior to the dwellings being occupied condition no.9 is discharged.

Condition 11 (EVC's)

The information Site 2 External electrical layout provided by Drayton Beaumont Services Ltd plan ref: 8790-DBS-XX-XX-DR-E-4001 rev.C3 and Semi detached house electrical services layout 8790-DBS-H2-XX-DR-E-5000 rev.C1 has been considered in conjunction with the information received by email from planning agent dated 8th February 2023 (regarding the type of EV charging points to the dwellinghouses and the level of provision to the apartments), together with the content of the email from applicant dated 9th March 2023. On the basis the development is implemented in accordance with the plans specified above and the content of the email from the planning agent dated 8th February 2023 , prior to the dwellings being occupied condition no.11 is discharged.

Condition 17 (bio-diversity)

The details on the Site 2 Landscape GA plan ref: 3882.05 rev.A received 15th November 2022 and Site 2 Planting Plan ref: 3882.11 received 23rd January 2023 showing the locations of the location of the Schwegler 1B nest box and Schwelger 2F bat box to the existing trees have been examined and are considered to be acceptable.

Therefore , on the basis that the ecology measures at the site as outlined within the Ecological Appraisal rev. A by Urban Green dated May 2018 (ref: UG577) and on the Site 2 Landscape GA plan ref: 3882.05 rev.A and Site 2 Planting plan ref: 3882.11 (including the installation of the

bat box and bird nest box as annotated) are implemented prior to first occupation of the development, and are retained thereafter, condition no.17 is discharged.

Condition 27 (external lighting)

The details shown on Street Lighting proposed road layout ref: AC-MSL-5943-1301 rev.C01 and Site 2 External electrical layout provided by Drayton Beaumont Services Ltd plan ref: 8790-DBS-XX-XX-DR-E-4001 rev.C3 and Outdoor lighting report ref: AC-MSL-5943 received 15th November 2022 have been examined and are considered to be acceptable. On the basis that the development is implemented in accordance with Street Lighting proposed road layout ref: AC-MSL-5943-1301 rev.C01 , and Site 2 External electrical layout plan ref: 8790-DBS-XX-XX-DR-E-4001 rev.C3 implemented in full prior to the first use of the development and remain in operation for so long as the development is occupied, condition no.27 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
MCC Flood Risk Management
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 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
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA