

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0829

Date registered valid: 15 November 2022

Proposal: Discharge of conditions 9 (off site highway works), 17 (bio diversity), 22 (acoustics) and 26 (boundary treatment) attached to planning permission referenced 129876/FO/2021

Address: Land At Junction Of Gorton Lane And Pottery Lane , Manchester , M12 5DF

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: 24 January 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 23 November 2022

Expired: 14 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

Highways Services 30.11.2022-

Condition 26- The information provided is sufficient to allow them to recommend the discharge of this condition from a Highways perspective.

Further comments 12.01.2023- have advised they are satisfied that condition no.9 has been met by the current submission and that discharge will be fine from a Highways DC perspective.

Design for Security - having looked at the plans we would have no objection to the discharge of condition 26.

Environmental Health - Condition no.22.-

The information submitted is sufficient to address the above condition.

Arboricultural Officer - have reviewed the planting proposals for this development, and I can confirm that we are happy for this condition to be signed off

GMEU - The information submitted is satisfactory and 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: Approve

Article 35 Declaration

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

Condition no. 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;

and plan refs: Site 1 section 278 agreement plan 67694-CUR-00-XX-DR-C-95100 rev.P03;

Site 1 section 278 General arrangement plan 610-2022-146-01 67694-CUR-00-XX-DR-C-95101 rev.P03

Site 1 section 278 Site Setting Out and Levels plan 67694-CUR-00-XX-DR-C-95102 rev.P03;

Site 1 section 278 Site Clearance plan 67694-CUR-00-XX-DR-C-95120 rev.P03

Site 1 section 278 Construction layout plan 67694-CUR-00-XX-DR-C-95130 rev.P03;

Site 1 section 278 Construction Details plan 67694-CUR-00-XX-DR-C-95131 rev.P01;

Site 1 section 278 Proposed Signing and Road Markings 67694-CUR-00-XX-DR-C-95140 rev.P03;

Site 1 section 278 Existing Traffic Regulation Orders 67694-CUR-00-XX-DR-C-95141 rev.P03;

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 no.17 (Biodiversity)

The details on the Site 1 Landscape GA plan ref: 3882.12 received 15th November and Site 1 Planting plan ref: 3882.13 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 biodiversity enhancement measures at the site as outlined within the Preliminary Ecological Appraisal by Urban Green dated January 2021 (ref: UG577) and on the Site 1 Landscape GA plan ref: 3882.12 and Site 1 Planting plan ref: 3882.13 (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 no. 22 (Acoustics external plant)

The response by OMI Architects ref: 1405/Da/01 dated 14th November 2022, confirming no external plant equipment provided is noted. On this basis no further action is required in connection with the discharge of condition no.22.

Condition no.26 (boundary treatment)

The plans showing setting out of boundary treatment and typical elevational details of boundary treatments specified below have been examined and are considered to be satisfactory: 8790-OMI-XX-00-PL-A-L1050 (notwithstanding Type F boundary treatment description in the key of the plan);

External work typical details sheet 2 ref: 8790-OMI-XX-XX-DT-A-A3700 rev.P02

External Works Typical Details Sheet 3 8790-OMI-XX-XX-DT-A-A3702 rev.P01

Site 1 – External Works setting out sheet 1 8790-OMI-XX-XX-DT-A-A3718 rev.P01

Site 1 – External Works setting out sheet 1 8790-OMI-XX-XX-DT-A-A3719 rev.P01

Received 15th November 2022

Site 1 – External Works setting out sheet 4 8790-OMI-XX-XX-DT-A-A3716 rev.P01

Site 1 – External Works setting out sheet 4 8790-OMI-XX-XX-DT-A-A3717 rev.P01

Site 1 – External Works setting out sheet 4 8790-OMI-XX-XX-DT-A-A3713 rev.P01

Site 1 - Boundary wall setting out plan site sheet 3 ref: 8790-OMI-XX-XX-DT-A-A3718 rev.P01;

External work typical details sheet 2 ref: 8790-OMI-XX-XX-DT-A-A3701 rev.P01

Received 23rd January 2023

On the basis that the development is implemented in accordance with the submitted plans referred above, before each particular property is first occupied and retained as such thereafter, condition no.26 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Environmental Health

Neighbourhood Team Leader (Arboriculture)

Greater Manchester Police

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 (Middle) -

Susceptible to Surf Water Flood (More) -

Area Team Boundary - Name: NORTH AREA