

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0840

Date registered valid: 29 November 2022

Proposal: Discharge of condition 8 (Car Parking) Condition 11 (Repaving of Footpath Strategy) and Condition 17 (Waste Management) attached to planning permission referenced 120104/JO/2018

Address: Land Adjacent To Kingsbridge Road And Camelia Road , Manchester, M9 5SQ

Ward(s): Harpurhey Ward

Applicant: Dr M Ajmal Prime Developers Ltd

Agent (if any): Mr Barry Tang Tang and Associates Ltd - Chartered Architects

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

Recommendation: Approve

Date of recommendation: 11 January 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 2 December 2022 Expired: 23 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

Environmental Health 06.12.2022 - have no objection to the discharge of condition no.17.

11.01.2023 – further comments following additional information :-

If the units of measurement used on the plan are millimetres then that is fine

Highways Services – 20.12.2022 For condition 8, they require confirmation that each driveway is a minimum of 3 x 6m.

For condition 11, the submitted repaving strategy is sufficient to allow them to recommend the discharge of this condition from a highway perspective.

For condition 17, they require verification that the necessary waste collection vehicle manoeuvres can be undertaken and that the respective householder and waste operative bin drag distances (as set out in MCC guidance GD04) are not exceeded before they can recommend the discharge of this condition.

Updated comments 11.01.2023

Following the receipt of further waste management information they now have no objection to the discharge of condition 17.

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 8 - Car Parking

The completed car parking pictures document dated November 2022 received 18th November 2022, has been examined in conjunction with the content of the Agent email dated 4th January 2023, and Proposed Site Plan ref: 9149 Rev. R received 6th January 2023 confirming the dimension of the driveways of dwellings as being 3mx 6m, and content of the agent email 11th January 2023 confirming the driveways have all been tarmacked with permeable tarmac

The submitted information specified above is considered to be satisfactory . On the basis that the car parking spaces have been implemented using permeable tarmac and will be available at all times whilst the buildings are occupied, condition no. 8 is discharged.

Condition 11 - Repaving of Footpath Strategy

The submitted plans referenced below have been examined and the details are considered to be acceptable .

Section 278 Agreement – Proposed Highway plan ref : 21-2040 A1 101 rev.P12

Section 278 Agreement – Proposed typical sections and details plan ref : 21-2040 A1 102 rev.P2;

Section 38 / section 278 Agreement – Legal agreement plan ref : 21-2040 A1 104 rev.P9;

Section 278 Agreement – Site Clearance plan ref : 21-2040 A1 105 rev.P8;

Received 18th November 2022.

The content of the agent email 11th January 2023 confirming the proposed S38 (footpath repaving) can be done as soon as the condition is approved, and the bond is secured and agreed with the Council's highways department, and that the contractor has confirmed they can be on site to commence the repaving by the 30th January 2023 is noted.

On the basis that the development is implemented in accordance with the approved details on the plans specified above and in accordance with the timeframe set out in the email from the planning agent dated 11th January 2023, condition no. 11 is discharged.

Condition 17 - Waste Management Scheme

The Waste Management Scheme document dated November 2022 (received 18th November 2022), has been examined in conjunction with the content of the Agent email dated 4th January 2023 , and Proposed Site Plan ref: 9149 Rev. received 6th January 2023 confirming that the respective householder and waste operative bin drag distances are not exceeded. The submitted information specified above is considered to be satisfactory .

On the basis that the development is fully implemented in accordance with plan and reports specified above and remains in situ whilst the dwellings are occupied, condition no. 17 is discharged.

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 - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

HSE COMAH Zone - H2654 OZ - Tennants Distribution Ltd Outer Zone

Flood Zones Type 2 (low to medium risk) -

Flood Zones Type 3 (high risk) -

Area Team Boundary - Name: NORTH AREA

