

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 02/06/2025	Ref: 71850/CONDIS
Registration: 09/04/2025	LDfC: 07/05/2025	Expiry Date: 04/06/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to discharge condition nos. 5 (Drainage) 6 (Soft Landscaping) 7 (Car Park Access Footway) 8 (Method Statement) on planning application 71228

Location: 7 Whittaker Street, Radcliffe, Manchester, M26 2DT

Description

Provide a temporary (4 year period) modular school to accommodate approx. 50 pupils, with associated car parking, landscaping and boundary treatment.

The application seeks to discharge condition 5 (drainage), condition 6 (soft landscaping), condition 7 (highway works) and condition 8 (method statement).

Relevant Planning History

71228 - Provide a temporary (4 year period) modular school to accommodate approx. 50 pupils, with associated car parking, landscaping and boundary treatment - Approve with Conditions 19/02/2025

Publicity

N/a

Statutory/Non-Statutory Consultations

Traffic Section - No objection

United Utilities (Water and waste) - No objection

Greater Manchester Ecology Unit - No objection

Pre-start Conditions - Not relevant

Development Plan and Policies

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Condition 5 - Drainage

United Utilities have reviewed the submitted documents, Drawing 4872/ROC/ZZ/XX/DR/C/0501, Rev P01 - Dated 17/03/2025, and have no objection to condition 5 being discharged.

Condition 6 - Soft landscaping & Wildlife Measures

Revised landscape plan P-004 rev B

The site had negligible vegetated habitats prior to site clearance. The proposed hedge (given this is a temporary modular building) is therefore reasonable given the site may be redeveloped again within the foreseeable future.

GMEU have no issues with the proposed bird and bat boxes.

GMEU have no objection to the prior to part of condition 6 being discharged.

Condition 7 - Highway works

Proposed car park access plan P-003

The Highway Authority recommend discharge subject to technical approval of the required s50 footway works and agreement of works on site.

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A revised car park and access plan (P-003 rev A) has been submitted.
The HA have accepted that subject to the s50 agreement and confirmation of works on site, the condition can be discharged.

Condition 8 - Method statement

Construction Phase Method Statement and Supplementary Plan - updated 28/5/2025 (Rev 1)

Construction Phase Health and Safety Plan

The access on Whittaker Street will be used as both the exit and entrance for the delivery of the modulars. Modulars are planned to arrive in a staggered approach to mitigate any issues with waiting times and access for residents and any businesses.
The modulars would be delivered over a period of 3 days, craned from the delivery vehicles from within the site boundaries.

Recommendation: Approve

Conditions and Reasons:

The conditions listed below are approved -
Condition 5 - drainage
Condition 6 - landscaping
Condition 7 - highway works (subject to the s50 agreement and confirmation of works on site)
Condition 8 - construction statement

subject to the implementation of the approved schemes and any remaining requirements of the conditions.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	2/6/25	DM	2/6/25