MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/25/0483
Date registered valid:	28 May 2025
Proposal:	Discharge of conditions 26 (External Lighting) and 36 (CCTV) from planning approval reference 136645/VO/2023
Address:	Site To The South/South-East Of Sawley Road, East Of Nelson Street, North/North-East Of James Street, Manchester
Ward(s):	Miles Platting & Newton Heath Ward
Applicant:	Mr Paul Waite Manchester City Council
Agent (if any):	Mrs Anastasia Kapagerof jmarchitects
Case officer:	Sue Wills Tel: 0161 234 4524 Email: sue.wills@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**16th August 2025**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 11 June 2025 Expired: 2 July 2025

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 10.06.2025 – advise there only appears to be information regarding a flue, however this is not sufficient. As per the condition:

**The applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval. The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated September 2018. Details should also be provided in relation to replacement air.*

Further comments 29.07.2025
Condition no. 21 - not enough information is available to discharge.
Condition no. 26. This can be discharged.

Design for Security 07.07.2025 - Having looked at the documents provided have no concerns with CCTV condition being 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 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: Refuse

Article 35 Declaration

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

Condition no.26 (External Lighting)

The external lighting products to the building elevations, and column mounted design as shown within document ref:VAR-VES-XX-XX-TS-E-0015 rev.C01 (VAR-VES-ZZ-ZZ-DR-E-9600 C02)

received 15th August 2025 have been reviewed. Whilst the design and location of the external lighting products is considered to be acceptable, within the document a galvanised column is indicated with either an Asuled /2/CW black lantern, or an anthracite (dark grey)Viva City Pro lantern above. It is considered that the combination of galvanized columns and black or dark grey coloured lanterns is unsuitable in terms of visual appearance, and that there should be either a consistent black or dark grey colouration for both the column and lantern, depending on the lantern colouration which is proposed.
On this basis condition no.26 is not discharged.

Furthermore , some plans within document ref:VAR-VES-XX-XX-TS-E-0015 rev.C01 (VAR-VES-ZZ-ZZ-DR-E-9600 C02) received 15th August 2025 appear to now indicate the MUGA would not have external lighting, but a plan on page 21 shows light spill from lighting to the MUGA. When planning permission was granted no flood lighting to the pitch was proposed and as such the details relating to the installation of the MUGA shown on this plan cannot form part of the discharge of condition no.26.

Condition no.36 (CCTV)

The CCTV camera design to the building elevations and column mounted design, as shown within document ref:VAR-VES-XX-XX-TS-E-0007 rev.C01 dated 12.02.2025 have been reviewed , together with the camera height location identified on the building in the photographic image received on 15th August 2025. whilst the design and location of the CCTV cameras is considered to be acceptable, the use of white cased building mounted products set in the context of the colouration of external lighting housing which has been installed is considered to be inappropriate. Furthermore, the use of a galvanised column and CCTV within the carpark is also unsuitable in the context of the external lighting black lanterns within the car park area.
On this basis condition no.36 is not discharged.

Appendix 1 – List of consultees & neighbours notified

Greater Manchester Police
Environmental Health

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
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) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA