

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/25/0117

Date registered valid: 10 February 2025

Proposal: Discharge of conditions 9 (external equipment), 13 (biodiversity) 14a (landscaping) and 23 (infilled windows reveals) attached to planning permission referenced 141366/JO/2024

Address: 63 Upper Chorlton Road, Manchester, M16 7RQ

Ward(s): Whalley Range Ward

Applicant: Mr Julian Hoe J Greenwood Ltd

Agent (if any): Mr Mark Harrison TADW Ltd

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

Recommendation: Approve

Date of recommendation: **6th April 2025**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 17 February 2025 Expired: 10 March 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: Whalley Range Conservation Area 1992

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

GMEU 04.03.2025 – Have advised

Condition 13 – Biodiversity Enhancement measure

The proposed bat, bird and hedgehog designs have been provided. This part of the condition can be discharged. The location of the bat boxes was previously agreed, but the location and number of bird boxes and hedgehog box not determined. They recommend that prior to discharge of the bird and hedgehog box parts of the condition, the location of two bird boxes and one hedgehog box are shown on the landscape plan.

With regards the planting plan this lacks measure to benefit wildlife and in particular the two trees proposed are not native, despite the trees that were proposed to be removed being native. They recommend substitution of the proposed trees with a native species. This could include and ornamental variety of wild cherry (*Prunus avium*). They also recommend

substitution of some of the ornamental and herbaceous planting with species known to attract invertebrates and butterflies.

Condition 14 – Landscaping (Part)

Their only interest relates to the planting schedule with amendments recommended as outlined above prior to determination.

FURTHER COMMENTS 04.04.2025

Condition 13 – Biodiversity Enhancement measures

The amended plans resolve the issues previously noted. They have no further objection to the discharge of the prior to part of condition 13.

Environmental Health - have looked at the above application and the applicant has confirmed that there is no external equipment within the development, so condition 9 can 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 (external equipment)

9) The confirmation in the Covering Note relating to Condition no.9 –External Plant, confirming that there is no external equipment within the development has been noted. On this basis no further action is required in connection with condition no.9, and it is discharged.

Condition no. 13 (biodiversity)

13) The contents of the Covering Note relating to Condition no.13 – Details of biodiversity proposals has been considered in conjunction with the details on the Landscape General Arrangement plan ref: 001 ND2319 D 04 received 2nd April 2025, and are considered to be acceptable . On the basis that the development is implemented in accordance with the Covering Note relating to Condition no.13 – Details of biodiversity proposals and the Landscape General Arrangement plan ref: 001 ND2319 D 04 received 2nd April 2025, prior to the occupation of the residential accommodation and is maintained in situ thereafter, condition no.13 is discharged.

Condition no. 14a (landscaping)

14a) The content of the Landscape Management document have been considered in conjunction with the details on the Landscape Planting Plan ref: 002 ND2319 D 04 and Landscape General Arrangement plan ref: 001 ND2319 D 04 received 2nd April 2025. On the basis that the development is implemented in accordance with the Covering Note relating to Condition 14a – Landscape Management, the Landscape Planting Plan ref: 002 ND2319 D 04 and Landscape General Arrangement plan ref: 001 ND2319 D 04 received 2nd April 2025 not later than 12 months from the date the building is first occupied, condition no.14a is discharged.

Condition no. 23 (infilled windows reveals)

23) The details in the Covering Note relating to Condition no.23 – Recessing Brickwork to infilled windows have been reviewed and are considered to be acceptable in respect of the 2 small existing windows on the north elevation of the original outrigger (which are to be infilled). On the basis that the development is implemented in accordance with details in the Covering Note relating to Condition no.23 – Recessing Brickwork to infilled windows, and that these openings are infilled with matching brickwork condition no.23 is discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Ecology Unit

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Conservation Area - Whalley Range Conservation Area 1992
Hazard - Major Accident Hazard Pipeline - Upper Chorlton Road
Area Team Boundary - Name: SOUTH AREA