MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/24/0843
Date registered valid:	4 September 2024
Proposal:	Discharge of conditions 3 (Materials), 11 (EV charging),13 (Bin store), 14 (Cycle stores) and 16a (Contamination land) from planning approval reference 139219/JO/2024.
Address:	7 Chapel Street, Manchester, M19 3QB
Ward(s):	Levenshulme Ward
Applicant:	Mr Keith Burke Guy Taylor Associates
Agent (if any):	Mrs Amy Axon Guy Taylor Associates
Case officer:	Carl Glennon Tel: 0161 234 4530 Email: carl.glennon@manchester.gov.uk
Recommendation:	Approve and refuse
Date of recommendation:	

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:
Printed: 9 October 2024 Expired: 30 October 2024

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: No

Tree Preservation Order: No

Consultations & Notification Responses

Environmental Health – The following comments have been received:

i. Condition 11 – No objection to its discharge.
ii. Condition 16 A – The submitted remediation strategy is unsatisfactory, and significance additional information required.

Highway Services – Conditions 11, 13 and 14 – Sufficient information has been provided to recommend discharge of the specified plans from a Highways perspective.

Environment Agency – Do not wish to comments as the development falls outside the EA consultation criteria.

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: Approved and refused

Article 35 Declaration

N/A

Condition(s) to be attached to decision for approval and reasons for recommendation to refuse

3) The discharge of condition 3 (Materials) is refused as satisfactory details relating to the appearance and specification of roof tiles and window frames have not been submitted. The proposed materials would not achieve a satisfactory relationship between the development and its surrounding context, which would be necessary to accord with policies SP1 and DM1 of the Core Strategy for the City of Manchester.

11) The discharge of condition 11 (EV charging) is approved on the basis that the development is undertaken in accordance with the details of drawings referenced: EV charge point locations site plan Ref: 24-0016-30-106 Rev R01 and EV Charger – Detail and specs Ref: 24-0016-30-107 Rev R01. The approved details shall be implemented before occupation of the development and maintained in situ thereafter.

13) The discharge of condition 13 (Bin store) is approved on the basis that the development is undertaken in accordance with drawings referenced: Bin and cycle stores location site plan Ref: 24-0016-30-104 Rev R01 and Bin and cycle store – Technical details Ref: 24-0016-30-105 Rev R01. The approved details shall be implemented before occupation of the development and maintained in situ thereafter.

14) The discharge of condition 14 (Cycle stores) is approved on the basis that the development is undertaken in accordance with drawings referenced: Bin and cycle stores location site plan Ref: 24-0016-30-104 Rev R01 and Bin and cycle store – Technical details Ref: 24-0016-30-105 Rev R01. The approved details shall be implemented before occupation of the development and maintained in situ thereafter.

16) The discharge of condition 16a (Contamination land) is refused as submitted document referenced Martin Environmental Solutions Ltd (MES) Phase Two Intrusive Investigation, Report No: 2761-1 dated July 2024 has not demonstrated that the development would be implemented in accordance with a satisfactory strategy for the remediation of historic land contamination as required by policies DM1 and EN18 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Environment Agency

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA