Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/24/0167
Date registered valid:	7 March 2024
Proposal:	Application to discharge conditions 3 (Materials), 4 (Drainage), 5 (noise outbreak), 6 (Acoustic Treatment), 7 (Waste Disposal), 8 (Construction Management Plan), 9 (Bicycle storage), 10 (car park management), 13 (hours of operation) and 15 (Boundary treatment) attached to planning permission 134400/FO/2022
Address:	96 - 98 Heywood Street, Manchester, M8 0DT
Ward(s):	Cheetham Ward
Applicant:	Mr Shoaib Mohammad
Agent (if any):	Mrs Lida Sklirou Lumitekton Ltd
Case officer:	Janine Renshaw-Livesey Tel: 0161 234 4555 Email: janine.renshaw-livesey@manchester.gov.uk
Recommendation:	Approved and Refused
Date of recommendation:	1 May 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 12 March 2024 Expired: 4 April 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:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

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: Approved and RefusedApproved and Refused

Article 35 Declaration

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

3) The following information has been submitted for consideration in respect of this planning condition:

190-PL-06, LU190-BR04, The letter from LUM Lumitekton containing material details, stamped as received on the 7 March 2024.

The above information submitted is not consistent with the roof and window materials on the approved drawings for the approved scheme made under refernce number 134400/FO/2022.

Therefore, condition 3 cannot be discharged.

4) The following information has been submitted for consideration in respect of this planning condition:

Surface Water Drainage Document by Reford, stamped as received on the 7 March 2024.

The above information submitted has been considered and is acceptable. The development shall now be carried out in accordance with the above.

Condition 4 is now formally discharged.

5) The following information has been submitted for consideration in respect of this planning condition:

Clement Acoustic assessment dated 2nd Feb 2024 reference 17578-TN-01

The above information submitted has been considered and is acceptable to discharge part (a) of the condition.

To fully discharge the condition a verification report is required to satisfy part (b). Therefore, condition 5 has been partially discharged.

Should the materials to be used on the development change, a further acoustic assessment would have to be undertaken, and submitted to the city council as local planning authority to satisfy predicted noise levels.

6) Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report, Clement Acoustic assessment dated 2nd Feb 2024 reference 17578-TN-01.

There report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Therefore, condition 6 is partially discharged.

7) The drawings referenced 190-PL06, stamped as received on the 7 March 2024 show an existing 1100 litre and 1 x new 660 litre container. Details will need details providing to confirm which waste stream these containers are for to discharge the condition. Therefore, condition 7 cannot be discharged.

8) Further details are required to discharge the construction management plan condition.

- Pedestrian and traffic management plans are required to show the following:

*Effect on vehicular and pedestrian movement.
*Are there any temporary road/footway closures or diversions required to facilitate the development.
*Are works to the back of kerb or right on the kerb edge.
*Any requirements for licensing, hoarding / scaffolding, skips.

Therefore, the submitted information is insufficient to discharge condition 8 . Condition 8 cannot be discharged.

9) The following information has been submitted for consideration in respect of this planning condition:

190-PL-06, stamped as received on the 7 March 2024.

The above information submitted has been considered and is acceptable. The development shall now be carried out in accordance with the above.

Condition 9 is now formally discharged.

10) A travel plan is required. This should include baseline figures to indicate modal split with incentives to improve these figures. Targets and travel plan initiatives should be indicated, with a plan for regular monitoring and reviews of travel patterns by a designated Travel Plan Coordinator. Therefore, condition 10 car park management cannot be discharged.

13) The proposed hours of operation:17:30 to 19:00 Monday to Friday, stated within the letter from LUM Lumitekton stamped as received on are considered to be acceptable. Therefore, condition 13 can be discharged.

15) The following information has been submitted for consideration in respect of this planning condition:

190-PL-06, LU190-BR04, The letter from LUM Lumitekton containing material details, stamped as received on the 7 March 2024.

The above information submitted is not consistent with the boundary treatment materials on the approved drawings for the approved scheme made under reference number 134400/FO/2022.

Therefore, condition 15 cannot be discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

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
Area Team Boundary - Name: NORTH AREA