

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0796

Date registered valid: 4 November 2022

Proposal: Discharge of conditions 3 (materials), 4 (window reveal), 9 (EV), 12 (landscaping), 21 (acoustic insulation), 23 (lighting) and 25 (ground conditions) attached to planning permission referenced 126507/FO/2020

Address: 67 Old Market Street, Manchester, M9 8DX

Ward(s): Harpurhey Ward

Applicant: Mr Ed Jackson Palatine Contracts Ltd c/o FBJ Construction Ltd

Agent (if any): Mr Nick Harden Edifice Building Consultants Ltd

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approved and Refused

Date of recommendation: 1 June 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 15 November 2022

Expired: 6 December 2022

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 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: Approved and Refused

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

- 1) The external materials detailed on the submitted schedule referenced 727-BR.MAT01/A, received by the City Council as Local Planning Authority on 5 April 2023, are satisfactory. Subject to implementation of the agreed materials, condition 3 can be discharged.
- 2) The window design shown on drawing referenced 727-PL.WS, 727-PL.DS, SD-D3.01.2 and SD-D3.01.7, received by the City Council as Local Planning Authority on 4 November 2022, is acceptable. On this basis, condition 4 can be discharged.
- 3) The details of the electric vehicle charging points shown on drawing referenced 727-BR-D01, received by the City Council as Local Planning Authority on 4 November 2022, is acceptable. Subject to implementation of the agreed details, condition 9 can be discharged.
- 4) The landscaping scheme shown on the submitted schedule referenced 727-BR.MAT02/A and drawing referenced 6511.01/A, received by the City Council as Local Planning Authority on 5 April 2023 and 4 May 2023 respectively, is acceptable. Subject to implementation of the agreed details, condition 12 can be discharged.
- 5) The details contained within the submitted Noise Impact Assessment produced by Hydrock (Ref: 17978-HYD-XX-XX-Y-RP-0001 - P01) are satisfactory and sufficient to enable the condition to be partially discharged. Full discharge can be provided upon the submission and agreement of a verification report upon completion of the development prior to occupation of the apartments approved, in order to confirm that the agreed noise criteria has been met.
- 6) The lighting design layout shown on drawing referenced 2380-D-01/B received by the City Council as Local Planning Authority on 5 April 2023 is satisfactory. On this basis, condition 23 can be discharged.
- 7) The following information has been assessed as being satisfactory:

-Geo-Environmental Investigation Report (Ref: A4932/22/SI) produced by Earth, Environmental and Geotechnical received by the City Council as Local Planning Authority on 4 November 2022.

-Hydrock Remediation Strategy and Verification Plan (Ref: 17978-HYD-XX-XX-RP-GE-0001) dated 4 April 2023, and the Hydrock Asbestos Management Plan (Ref) 17978-HYD-XX-XX-RP-GE-0003 dated 4 April 2023.

-Remediation Strategy and Verification Plan (Ref: 7978-HYD-XX-XX-RP-GE-0001) produced by Hydrock, received by the City Council as Local Planning Authority on 4 November 2022.

-Gas monitoring record sheet received by the City Council as Local Planning Authority on 4 November 2022.

-Letter from United Utilities dated 10 May 2023 relating to portable water pipes, received by the City Council as Local Planning Authority on 26 May 2023.

-E-mail from Hydrock received by the City Council as Local Planning Authority on 31 May 2023.

Based on implementation of the agreed details, condition 25 can be discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

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
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA