

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0379

Date registered valid: 10 June 2022

Proposal: Discharge of conditions 24 (fume extraction) and 35 (ground floor structures) attached to planning permission referenced 130189/FO/2021

Address: Fallowfield Shopping Centre, Birchfields Road, Manchester, Manchester, M14 6FS

Ward(s): Rusholme Ward

Applicant: Lidl Great Britain Limited

Agent (if any): Mr Joshua Ambrus Rapleys

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

Recommendation: Approve

Date of recommendation: 12 January 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 13 June 2022 Expired: 4 July 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: Approve

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

1) The external equipment specification received by the City Council as Local Planning Authority on 10 June 2022 is satisfactory. On this basis, condition 24 can be discharged.

2) Following a response from HS2 Ltd, I can confirm that the submitted information relating to structures and piling is acceptable. Namely, the information contained within:

Drawings referenced 4407-MP- 00-B1-DR-S-0201-S2, 4407-MP-00-ZZ-DR-S-0204-S2-P02 received by the City Council as Local Planning Authority on 10 June 2022;

Drawings referenced 4892-MP-00-B2-DR-S-0200 -S2-P01, 4892-MP-00-ZZ-DR-S-0151-S2-P01 and 4892-MP-00-ZZ-DR-S-0150-S2-P02 received by the City Council as Local Planning Authority on 17 October 2022;

Letter from Miller Goodall dated 30 September 2022 (Ref: 102912-L01-v0).

On this basis, condition 35 can be discharged.

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited
Environmental Health
Network Rail

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 Zone - All Exceeding 90M
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
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 (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH