

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0931

Date registered valid: 23 December 2022

Proposal: Discharge of planning conditions 5a and 5b (Noise), 6 (Construction Management Plan), 7 (reinstatement of pavement) and 8 (Maintenance Management Plan) of planning permission 130567/FO/2021

Address: Outside 27-29 King Street West, Near Junction Of St Marys Parsonage, Manchester, M3 2PN

Ward(s): Deansgate Ward

Applicant: Mr James Browne BT plc

Agent (if any): Mr Enda Dolan Solutions30

Case officer: Gerry Reilly
Tel: 0161 234 4163
Email: gerry.reilly@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 21 April 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 11 January 2023 Expired: 1 February 2023

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: Parsonage Gardens Conservation Area 1985

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Highways -No issues on the basis that there is no major track work needed for the units power supply, this would need confirming before a permit to work is agreed. The carriageway and cycle lane will need to remain clear at all times during installation, pedestrian access should be maintained on the footway or be provided with an alternative walkway.

Subject to the Applicant continuing ongoing discussions with the MCC Highways Applications and Network Resilience team regarding any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements, this condition 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

5) Condition 5a and b (Noise Management Plan) is hereby discharged as the following information has been submitted and accepted as demonstrating compliance with the condition

Documents

BT Street Hub Noise Management Plan Version 2 received by the Planning Service as Local Planning Authority on 13 December 2022

The email from Joshua Lee of Solutions30 UK dated 27th March 2023

The submitted information allows for Condition 5a and b (Noise Management Plan) to be discharged. The development must be carried out in accordance with the above details. Condition 5a and b (Noise Management Plan) is fully discharged on this basis.

6) Condition 6 (Construction Management Plan) is hereby discharged as the following information has been submitted and accepted as demonstrating compliance with the condition.

Document

BT Street Hub Beyond Connection received by the Planning Service as Local Planning Authority on 13th December 2022.

The submitted information allows for Condition 6 (Construction Management Plan) to be discharged. The development must be carried out in accordance with the above details. Condition 6 is fully discharged on this basis.

7) Condition 7 (reinstatement of pavement) is hereby discharged as the following information has been submitted and accepted as demonstrating compliance with the condition

Drawings

Generic Drawing Elevations 003 Rev A received by the City Council as local planning authority on 23rd December 2022

Drawing Number B822-AP-400 Rev A (Sheet 1 Paving Tray and Sheet 2 Paving Tray and Foundation Cage) received by the City Council as local planning authority on 6th January 2023.

The submitted information allows for Condition 7 (reinstatement of pavement) to be discharged. The development must be carried out in accordance with the above details. Condition 7 is fully discharged on this basis.

8) Condition 8 (Maintenance Management Plan) is hereby discharged as the following information has been submitted and accepted as demonstrating compliance with the condition

Documents

BT Street Hubs Maintenance plan received by the Planning Service as Local Planning Authority on 13th December 2022

The email from Joshua Lee of Solutions30 UK dated 27th March 2023

The submitted information allows for Condition 8 (Maintenance Management Plan) to be discharged. The development must be carried out in accordance with the above details. Condition 8 (Maintenance Management Plan) is fully discharged on this basis

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Parsonage Gardens Conservation Area 1985
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL