

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/21/0775

Date registered valid: 28 October 2021

Proposal: Discharge of Conditions 3 (Noise - External Equipment) and 7 (Secured by Design) attached to planning permission 130321/JO/2021

Address: Oaklands House, 8 Wilbraham Road, Manchester, M14 6JW

Ward(s): Fallowfield Ward

Applicant: Mr Jon Murphy, Whitfield & Brown (Developments) Ltd, Halton House, Gorsey Lane, Widnes, WA8 0RP

Agent (if any): Ms Leanne Taylor, BTP Architects Ltd, 486 Didsbury Road, Elizabeth House, Heaton Mersey, Stockport, SK4 3BS

Case officer: Constance Phillips
Tel: 0161 234 5792
Email: constance.phillips@manchester.gov.uk

Recommendation: Approve

Date of recommendation: **30 March 2022**

Application details

Type of application: Approval of condition application

Development type: Largescale Major Office

Standard consultations: Printed: 1 November 2021 Expired: 22 November 2021

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: Not applicable

Tree Preservation Order: Not applicable

This application relates to new purpose-built assisted living accommodation. Planning permission was granted in 2015 (107413/FO/2014/SI) for the erection of a four storey building, comprising 36 'extra care' apartments together with parking and landscaping. The building is complete and pre-commencement conditions have been discharged. These final pre-occupation conditions are the last to be dealt with.

Description of area

The site is located on Wilbraham Road, close to the major junction with Wilmslow Road. The area is one of mixed uses, predominantly residential, but including religious buildings and commercial premises. The properties on either side and to the rear of the site are residential.

Description of development

The applicant is seeking to discharge conditions 3 (external plant) and 7 (secured by design) prior to the occupation of the site.

Consultations & Notification Responses

Environmental Health – Originally the EnvH officer objected to the discharge of condition 3 as the data within the first noise report was not collected in accordance with MCC guidelines and the plant wasn't shown to meet MCC noise criteria as stated within the condition. Following this the acoustic engineer liaised with the officer directly to sort the issues raised and a new survey was undertaken using the preferred methods. The revised noise report was accepted by the EnvH officer, who confirmed that the criteria had been sufficiently met to warrant discharge of the external plant acoustic condition.

Assessment

Condition 3 (External Equipment) – Environmental Health provided the following response following receipt of the revised noise report and addendum report:

I have read through the final noise report for Oaklands House and the report shows that the noise from the fixed plant and equipment meets the MCC criteria. This condition can now be discharged.

Therefore condition 3 can be formally discharged.

Condition 7 (Secured by Design) – A Secured by Design certificate was submitted by the applicant from GMP which read:

Gold Award has been granted to Whitfield & Brown Developments Ltd for the development of Oaklands House for Onward Homes – 15th February 2022.

Therefore condition 7 can be formally discharged.

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

3) The Council has reviewed the submitted 'Acoustic Report' and 'Oaklands House - Addendum Report' (received 23rd March 2022). The submitted information is considered acceptable and condition No.3, attached to planning permission 130321/JO/2021, is hereby formally discharged provided the development is operated in accordance with the above information.

7) The Council has reviewed the submitted 'SBD Certificate' (received 18th February 2022). The submitted information is considered acceptable and condition No.7, attached to planning permission 130321/JO/2021, is hereby formally discharged provided the development is operated in accordance with the above information.

Appendix 1 – List of consultees & neighbours notified

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 Zone - All Exceeding 90M

Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Fallowfield Central)

Susceptible to Surf Water Flood (Less)

Susceptible to Surf Water Flood (Less)

Area Team Boundary - Name: SOUTH