

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/20/0156

Date registered valid: 2 March 2020

Proposal: Application for the discharge of conditions 4 (Fumes), 5 (Acoustic insulation), 7 (A3 use hours), 8 (Waste management) and 12 (Servicing) attached to previously approved planning application 117431/FO/2017

Address: Trinity Court , 16 John Dalton Street, Manchester, M2 6HY

Ward(s): Deansgate Ward

Applicant: Mr William Parry Helical 5 Hannover Square, London, W1S 1HQ

Agent (if any): Mr Christopher Wells OMI Architects Omi Architects , 31 Blackfriars Road, Salford, M3 7AQ

Case officer: Carolyn
Tel: 0161 234 Parry
Email: c.parry@manchester.gov.uk 4022

Recommendation: Approve

Date of recommendation: 30 June 2020

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 3 March 2020 Expired: 24 March 2020

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: Albert Square (Extension) Conservation Area 1985

Tree Preservation Order:

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 following information has been submitted for approval in respect of condition 4:

- The letter from Marketaylor dated 24 February 2020 with regard to the type of cooking that is proposed at the A3 unit(s) and the ventilation system proposed

The information is considered to be acceptable and condition 4 will be formerly discharged so long as the development is carried out in accordance with the submitted information in that the only cooking proposed at the premises is undertaken as per the above letter from Marketaylor.

2) The following information has been submitted for approval in respect of condition 5:

- The Noise Impact Assessment by Clement Acoustics, ref. 15690-NIA-01 Rev A, dated 19 March 2020
- The agent's email of 3 May 2020 with regard to the acoustic report submitted
- The agent's email of 27 May 2020

The information is considered to be acceptable and condition 5 will be partly discharged only so long as the development is carried out in accordance with the submitted information. The condition will only be fully discharged once the post-completion verification report which validates that the work undertaken will not cause disamenity is submitted to and approved in writing by the Local Planning Authority. Prior to occupation, a post completion report to confirm that any agreed remedial measures have been adopted and also to include final sound testing to confirm that the noise criteria has not been exceeded at the receptors whilst the recommended noise level is played within the unit shall be submitted.

3) The following information has been submitted for approval in respect of condition 7:

- Confirmation that the A3 unit(s) will operate from the hours 07.00 to 22.00 Monday to Sunday

The information is considered to be acceptable and condition 7 will be formerly discharged so long as the development is carried out in accordance with the submitted information and the above hours of operation for any A3 use are adhered to.

4) The following information has been submitted for approval in respect of condition 8:

- The waste management proforma, received by the Local Planning Authority on 2 March 2020
- The agent's emails of 28 March 2020 and 3 May 2020 with regard to refuse storage and collection
- Drawing L1100-A

The information is considered to be acceptable and condition 8 will be formerly discharged so long as the development is carried out in accordance with the submitted information.

5) The following information has been submitted for approval in respect of condition 12:

- Drawing L1100-A

The information is considered to be acceptable and condition 12 will be formerly discharged so long as the development is carried out in accordance with the submitted information.

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
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Albert Square (Extension) Conservation Area 1985
Area Team Boundary - Name: CITY1