MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/25/0004
Date registered valid:	3 January 2025
Proposal:	Discharge of Conditions 7 (Highways Works) and 12a (Acoustics) attached to planning permission 137764/FO/2023
Address:	Land Between Simister Street And Jonas Street, Princedom Street, Manchester,
Ward(s):	Harpurhey Ward
Applicant:	Mr Chris Fothergil John Southworth
Agent (if any):	Mr Daniel Tomlinson GWP Architecture
Case officer:	Katie Raw Tel: 0161 234 4164 Email: katie.raw@manchester.gov.uk
Recommendation:	Split- Approved and Refused
Date of recommendation:	**27 February 2025**

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:
Printed: 13 January 2025 Expired: 3 February 2025

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: No

Tree Preservation Order: No

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 polices 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: Split- Approved and Refused

Article 35 Declaration

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

7) The following information has been submitted in respect of planning condition 7 (Highway Works):
-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 3 January 2025.
-Drawing- Proposed- S278 Agreement Plan, numbered PV2309-APP-94-XX-DR-C-2020 REV P01, stamped and received by the City Council as Local Planning Authority on 3 January 2025.
-Drawing- Proposed- Surface Finishes Plan, numbered PV22309-APP-94-XX-DR-C-2100 REV P01, stamped and received by the City Council as Local Planning Authority on 3 January 2025.
-Transport Information- S278 Construction Details, numbered PV2309-APP-94-XX-DR-C-2021 REV P01, stamped and received by the City Council as Local Planning Authority on 3 January 2025.

The information submitted to discharge condition 7 is not sufficient.
Condition 7 (highway works) attached to planning permission 137764/FO/2023 was previously discharged under CDN/24/0939.

During the course of the application, the agent explained the discharge application had been re-submitted to incorporate changes to the design including the service alleyway to the south as part of changes to broader highways works as applied for under 141731/JO/2024.

The application of 141731/JO/2024 is yet to be determined.
As such, the amendments to highway works cannot be determined within the current discharge application and so cannot be recommended for discharge.

12a) The following information has been submitted in respect of planning condition 12a (acoustics):
-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 3 January 2025.
-Noise Assessment (DMG-240924 dated 26 September 2024), stamped and received by the City Council as Local Planning Authority on 3 January 2025.
-Supporting Information- Response to EH Comments, stamped and received by the City Council as Local Planning Authority on 3 January 2025.
-Addendum to Main Acoustic Report, stamped and received by the City Council as Local Planning Authority on 3 January 2025.

The above details are considered to be acceptable to discharge the condition 12a attached to planning permission referenced 137764/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

b) Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA