MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/24/1096
Date registered valid:	28 November 2024
Proposal:	Discharge of Condition 18b (noise verification) attached to planning permission 134504/FO/2022
Address:	Olympic Freight Terminal, Bennett Street, Manchester, M12 5NL
Ward(s):	Ardwick Ward
Applicant:	Miss Shannon Cooke, Kellen Homes
Agent (if any):	
Case officer:	Sue Wills Tel: 0161 234 4524 Email: sue.wills@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	6 February 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 6 December 2024 Expired: 29 December 2024

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
Environmental Health 19.12.2024 - The above condition cannot be discharged as the applicant has not provided the verification for a sufficient number of properties. The verification report focuses on only two plots at the development (9 &10), but a minimum of 10% of units should be assessed and this must include a bedroom and living room in each of the units assessed. This assessment must also include the apartments to the south of the site and also the low-rise properties to the west, closest to the trainline. The properties selected are close to Bennett Street which is a quiet area of the site and does not provide 'worst case' noise levels for the site.

Following clarification sought by the applicant in respect of the percentage of the units required to be tested in order to enable the discharge of condition no.18b , further comments were received directing the application to the relevant technical guidance and confirming the requirement for full assessments for the worst affected properties.
All comments received were shared with the applicant .

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:

Article 35 Declaration

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

18b) The content of the Post Completion Noise Testing & Verification Report Plots 9-10 Ref: 50-636-R2-1dated November 2024 has been reviewed. The information which has been submitted is not sufficient to enable the discharge of condition no.18b.

The following outstanding information is required :

The verification report needs to be related to a minimum of 10% of units which should be fully assessed, and should include noise testing data for a bedroom and living room in each of the units assessed. This assessment must also include the apartments to the south of the site, and also the low rise properties to the west, closest to the trainline.

Until such details are received and agreed, condition 18b cannot be discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
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
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA