MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/24/0719
Date registered valid:	5 August 2024
Proposal:	Application to discharge conditions 4 (refuse), 5 (external plant), 6 (acoustic insulation) and 9 (Secured by Design) attached to planning permission 139297/FO/2024
Address:	130 Withington Road, Manchester, M16 8FB
Ward(s):	Whalley Range Ward
Applicant:	Mr. Shahzad Anwar
Agent (if any):	Mr. Niamat Ali NA Design
Case officer:	Janet Lawless Tel: 0161 234 4535 Email: janet.lawless@manchester.gov.uk
Recommendation:	Approved and Refused
Date of recommendation:	23 October 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:
Printed: 15 August 2024 Expired: 6 September 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: Whalley Range Conservation Area 1992

Description of development
The application is for the discharge of conditions 4, 5, 6 and 9 attached to previously approved application: 139297/FO/2024.

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: Approved and Refused

Article 35 Declaration

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

4) The proposed capacity of bins for the residential element of the proposal is insufficient, 240L bins are required as opposed to the 140L bins proposed. Therefore condition 4 cannot be discharged.

5) No details have been submitted with regards to acoustic insulation of any associated external plant therefore Condition 5 cannot be discharged.

6) Part 6a can be discharged as the proposed scheme is suitable. A verification report will be needed to discharge part 6b. As such Part A is considered discharged.

7) The information submitted on the application form to discharge this condition was as follows: Secure by Design, Front steel gate to rear yard which will be shared only with flat residents and Whalley Range Dental Practice, no unauthorized access, gate security and locking system to be upgraded. Flat entrance door to be PAS24 standard. Area is well lit to front street- light in front of the property. Motion sensor lights installed to passage and rear yard.
This information is sufficient to discharge condition 7

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Conservation Area - Whalley Range Conservation Area 1992
Area Team Boundary - Name: SOUTH AREA