

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0305

Date registered valid: 16 April 2024

Proposal: Discharge of Conditions 4 (gas membrane) and 5 (bin store) attached to planning permission 139153/FH/2024.

Address: 100 West Avenue, Moston, Manchester, M40 3NP

Ward(s): Moston Ward

Applicant: Brian and Eileen Carrington

Agent (if any): Mr Thomas Di Felice TD Design and Planning

Case officer: Harriet Aidoo
Tel: 0161 234 4532
Email: harriet.aidoo@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 10 June 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 23 April 2024 Expired: 15 May 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: No

Tree Preservation Order: No

Consultations & Notification Responses

Environmental Health - Condition 4 (gas membrane)

The revised information: "DWG REF: 100WES_GAS" and "SPECIALIST GEOMEMBRANES LANDFLEX™ ZR60 " document is sufficient to formally discharge condition 4.

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 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

Article 35 Declaration

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

4) The measures shown on the revised submitted information: "DWG REF: 100WES_GAS" and "SPECIALIST GEOMEMBRANES LANDFLEX™ ZR60 " document, both received by the City Council as Local Planning Authority on 17 May 2024 are considered to be acceptable. On the basis that the development is implemented in accordance with the details in the above information, prior to occupation of the proposed extension, condition 4 is discharged.

5) The information submitted relating to proposed location and elevational details of the bin store screen, as shown on DWG REF: 100WES_BIN, received by the City Council as Local Planning Authority on 16 April 2024 is considered to be acceptable. On the basis that the development is implemented in accordance with the details on the plans referenced above, condition no. 5 is discharged.

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 - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface

Historic Landfill Site 250m Buffer -

Historic Landfill Site 250m Buffer -

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: NORTH AREA