

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0097

Date registered valid: 13 February 2024

Proposal: Discharge of Conditions 3 (Materials), 6 (Acoustic Insulation), 7 (External Plant) and 12 (Boundary Treatment) attached to planning permission 115958/FO/2017

Address: 9 Dolphin Street, Manchester, M12 6BG

Ward(s): Ardwick Ward

Applicant: Mr Osman Kocak Manchester Turkish Community Association

Agent (if any): Simon Plowman Plan:8 Town Planning Ltd

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 17 March 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 23 February 2024 Expired: 15 March 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 - Condition 6 can be discharged based on there being no amplified music played at the premises.

Condition 7 can be discharged based on there being no external plant at the development.

Highway Services - In regard to Condition 12 (Boundary Treatment) Drawing No. 2015/10/16/Feb 24 provides a plan of the boundary treatments. The information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

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 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

Condition no. 3 (Materials)

3) The materials shown on the visual image received on 13th February 2024 which reference the use of white K rend render and brown facing brick details are considered to be acceptable , and on this basis condition no. 3 is discharged.

Condition no.6 (Acoustic Insulation)

6)The Technical Memorandum regarding Noise dated 10th February 2024 by Echo Acoustics has been reviewed. On the basis that no amplified music played at the premises, and the Technical Memorandum regarding Noise dated 10th February 2024, condition no.6 is discharged.

Condition no.7 (External Plant)

7) The Technical Memorandum regarding Noise dated 10th February 2024 by Echo Acoustics has been reviewed. On the basis of there being no external plant at the development, and the Technical Memorandum regarding Noise dated 10th February 2024, condition no.7 is discharged.

Condition no. 12 (Boundary Treatment)

12) The 1.8m black metal railings as detailed on Proposed site plan and proposed metal railings plan ref: 2015/10/16 dated February 2024, and in the locations shown on that plan are considered to be acceptable. On the basis that the development is implemented in accordance with the details on plan ref: Proposed site plan and proposed metal railings plan ref: 2015/10/16 dated February 2024, the approved boundary treatment is retained, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment is erected on site, other than that shown on the approved plans, condition no.12 is discharged.

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 - North Manchester PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA