MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/23/0818
Date registered valid:	18 December 2023
Proposal:	Condition 12a (Plant) attached to planning permission 120893/FO/2018.
Address:	1 Silk Street, Manchester, M4 6LZ
Ward(s):	Ancoats & Beswick Ward
Applicant:	Rick Hilton Northern Group
Agent (if any):	Mr Rick Hilton Northern Group
Case officer:	Gerry Reilly Tel: 0161 234 4163 Email: gerry.reilly@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	11 January 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 19 December 2023 Expired: 12 January 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: Ancoats Conservation Area 1989

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Environmental Health - An assessment has been undertaken of the noise from the smoke extraction shafts for the residential element of the development which shows our criteria is being achieved. As such condition 12a can be recommended to be discharged.

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: Approve

Article 35 Declaration

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

1) Condition 12 (Plant) is hereby discharged as the following documents/information and clarifications have been submitted and accepted as demonstrating compliance with the condition.

Document
The Environmental Noise Assessment by Amber Acoustics Dated 16th March 2023 Report Ref: AA/23/3/NG/1SS/NIA2 received by the City Council as Local Planning Authority on 27th November 2023

The submitted information allows for Condition 12a to be discharged. However, further details are required for Condition 12b and therefore Condition 12 is partly discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Ancoats Conservation Area 1989
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL