

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0385

Date registered valid: 13 June 2023

Proposal: Discharge of condition 22b (noise verification) attached to planning permission referenced 122160/FO/2018

Address: Belle Vue Greyhound Stadium , Kirkmanshulme Lane, Manchester, M18 7BD

Ward(s): Longsight Ward

Applicant: Mrs Isla Brady Countryside Partnerships

Agent (if any):

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

Recommendation: Refuse

Date of recommendation: 10 October 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 21 June 2023 Expired: 12 July 2023

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 – 07.07.2023 advised that they could not recommend that condition 22b be discharged. The submitted S. & D. Garritt Ltd Sound Validation Test Report, dated 9th June 2023, does not include validation testing for any of the properties initially agreed, and the properties that have been tested do not include any of those considered most sensitive (plots 204-213).

In addition, the report does not include validation of the apartments ("*test plots in apartments to be confirmed*"), and the condition cannot be fully discharged until this work is also completed.

Updated comments 01.09.2023

Officers cannot review this or comment until the full results for the housing plots are provided, but would be happy to comment on just those though, while waiting for the apartments and also happy to consider other plots than those previously agreed.

Updated comments 21.09.2023 - The information submitted is acceptable for the dwellinghouses. The testing plots in apartments is awaited and has yet to be confirmed.

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: Refuse

Article 35 Declaration

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

Condition no.22b

22b) The following reports have been examined :

- Report of Internal Sound Level Validation Tests (Report dated 9th June 2023 by S&D Garritt Ltd) received 13th June 2023
- Report of Internal Sound Level Validation Tests (Report dated 25th July 2023 by S&D Garritt Ltd) received 22nd August 2023.
- Email from planning agent dated 22nd August 2023 with the testing regime and specified plots
- Report of Internal Sound Level Validation Tests (Report dated 20th September 2023 by S&D Garritt Ltd) received 20th September 2023.

On the basis of the information in the reports referred to above, I can confirm that you have satisfied the requirements of condition no.22b in relation to the dwellinghouses within the approved development scheme , however, as no data has been supplied in relation to the apartment blocks within the overall development condition no.22b cannot be formally discharged at this time .

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 Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

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Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: NORTH AREA