

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137309/FO/2023

Date registered valid: 15 June 2023

Proposal: Erection of a two storey residential dwellinghouse with associated amenity space, bin and cycle store and boundary treatments.

Address: 99 Nell Lane, Manchester, M21 7SW

Ward(s): Chorlton Park Ward

Applicant: Mr A Robinson

Agent (if any): Mr David Rees Reesarc

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Withdrawn

Date of recommendation: 14 August 2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit:

Standard consultations:

Printed: 28 June 2023 Expired: 19 July 2023

Neighbour notifications

Printed: 28 June 2023 Expired: 19 July 2023

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

Applicant / Agent were advised that the erection of a 2 storey dwellinghouse on the side garden of 99 Nell Lane would be contrary to policies and would not be supported, they elected to withdraw the application.

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: Withdrawn WithdrawnWithdrawn

Article 35 Declaration

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

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

2 Weller Avenue, Manchester, M21 7TB
101 Nell Lane, Manchester, M21 7SW
1 Wharton Avenue, Manchester, M21 7SQ
46 Nell Lane, Manchester, M21 7SN
44 Nell Lane, Manchester, M21 7SN
42 Nell Lane, Manchester, M21 7SN
48 Nell Lane, Manchester, M21 7SN
97 Nell Lane, Manchester, M21 7SW
50 Nell Lane, Manchester, M21 7SN
4 Weller Avenue, Manchester, M21 7TB
3 Weller Avenue, Manchester, M21 7TB
1 Weller Avenue, Manchester, M21 7TB

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
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA