

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0798

Date registered valid: 4 November 2022

Proposal: Discharge of Condition 4 (acoustic insulation) attached to planning permission 132389/FO/2021

Address: 51 Marshall Road, Manchester, M19 2EG

Ward(s): Burnage Ward

Applicant: Ms Val Smith Care today / Parallel parents

Agent (if any): Mr Shariq Poonawala SPA

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

Recommendation: Approve

Date of recommendation: 19 January 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 17 November 2022

Expired: 8 December 2022

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 05.12.2022 - The information on the Portal for the above is the proposed methodology for the assessment and so not sufficient to discharge the condition. They would need to see the full assessment along with proposed mitigation before part A can be discharged.

Updated comments following submission of Noise Impact Assessment 18.01.2023 - The submitted report addresses part A of the condition and we will need to see the validation report when available.

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:

Article 35 Declaration

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

4) The content of the Peak Acoustics letter ref: 1005223 dated 16th May 2022, outlining the scope of the survey works, and the content Noise Impact Assessment ref: JP1005223NR dated 26.08.2022 received on 8th January 2023, have been examined and are considered to be acceptable. On the basis that the development is implemented in full accordance with the mitigation measures set out in section 4 of the Noise Impact Assessment, condition no.4 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 Zone - All Exceeding 90M

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH AREA