

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0716

Date registered valid: 5 October 2022

Proposal: Discharge of planning condition 5b (Noise verification) associated with planning permission 123025/FO/2019

Address: 11 St James Square, Manchester, M2 6DN

Ward(s): Deansgate Ward

Applicant: St James Estates Ltd C/o Agent

Agent (if any): Fraser Dann WSP First Floor, 3 Wellington Place, Leeds, LS1 4AP

Case officer: Gerry Reilly
Tel: 0161 234 4163
Email: gerry.reilly@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 22 November 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 10 October 2022 Expired: 31 October 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: St Anns Square Conservation Area 1970

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Env Health - have made comments on the information sent by the applicant. Responses have been received and forwarded to Environment Health who have made the following comment:

"It really isn't ideal as the properties shouldn't have been occupied prior to validation but there isn't much we can do about that now. As some of the exceedances caused by noise from adjacent apartments are marginal, I will accept the clarifications below and have no further comments."

Issues

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

1) Condition 5b(Noise Verification) is hereby discharged as the following documents/information and clarifications have been submitted and accepted as demonstrating compliance with the condition

Internal Noise Verification Report by Wardell-Armstrong dated October 2022 received by the City Council as Local Planning Authority on 5th October 2022.

The email from Fraser Dann of WSP dated 4th November 2022.

The submitted information allows for Condition 5b (Noise Verification) to be discharged. No further details are required for Condition 5 as a whole and therefore Condition 5 is fully discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) 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 - St Anns Square Conservation Area 1970

Area Team Boundary - Name: CENTRAL