

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0407

Date registered valid: 20 June 2022

Proposal: Discharge of Condition 5a (Noise & Vibration) attached to 130815/FH/2021

Address: 25 Woodfold Avenue, Manchester, M19 3AP

Ward(s): Levenshulme Ward

Applicant: Mr Muhammad Hamza 25 Woodfold Avenue, Manchester, M19 3AP

Agent (if any): Mr Anwar Ul-Haq 33 Moorton Avenue, Manchester, M19 2NQ

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

Recommendation: Approve

Date of recommendation: 1 August 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 22 June 2022 Expired: 13 July 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 –08.07.2022 the noise report shows that the MCC internal noise criteria will not be met inside the living areas of the extension if the windows are open.

The noise consultant has suggested that an internal noise level of 50dB is acceptable if the windows are opened to prevent overheating, but this is 15dB above the MCC noise criteria for Living Rooms during the daytime (07.00 - 23.00) which is 35 dB LAeq. On this basis they think some sort of mechanical ventilation system will be required. The details of this should be submitted for approval. A verification report will be required on completion of the work to demonstrate that the noise criteria are being met. The noise consultant will need to ensure that the noise data is included in the report.

The vibration levels were also monitored and they were acceptable and should not affect the proposed structure.

28.07.2022 - Although they maintain that a 50dB LAeq internal noise level in a living space, (even though its a daytime level and not a bedroom), is unacceptable, they have looked at the design proposals in more detail than the acoustic report does and consider that the occupants are unlikely to need to open the window on the western elevation (facing the railway) in order to control overheating, as they should be able to open the door on the eastern elevation for ventilation.

They therefore can advise that we have no objection to the discharge of Condition 5a.

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

5a) The Noise & Vibration report ref: P4571/R1a/RDC dated 28 April 2022 and plan refs: Demolition of existing store to the side and construction of Single Storey Side and Rear Extensions. Sections Sheet 1 of 3 ref: 2021/04/01 rev.P3;
Demolition of existing single store to the side and construction of Single Storey Side and Rear Extensions. Sections Sheet 2 of 3 ref: 2021/04/02 rev.P4;
Demolition of existing single store to the side and construction of Single Storey Side and Rear Extensions. Sections Sheet 3 of 3 ref: 2021/04/03 rev.P2 have been examined.

On the basis that the development is implemented in accordance with the measures set out in the Noise & Vibration report ref: P4571/R1a/RDC dated 28 April 2022, condition no.5a 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: NORTH AREA