

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/22/0290

Date registered valid: 4 May 2022

Proposal: Discharge of condition 2 (noise) attached to application referenced 131144/P3MPA/2021

Address: 597 Cheetham Hill Road, Manchester, M8 5EJ

Ward(s): Cheetham Ward

Applicant: Mr Steve Kehinde, 597 Cheetham Hill Road, Manchester, M8 5EJ

Agent (if any): Mr V Alyas, Architek, 916 Stockport Road, Levenshulme, Manchester, M19 3AB

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 24 June 2022

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 13 May 2022 Expired: 3 June 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

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: Refuse

Article 35 Declaration

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

1) Condition 2 can be partially discharged subject to being carried out in accordance the Acoustic Information submitted by DBX Acoustics, stamped as received on the 4 May 2022. To fully discharge the condition the information below is required;

1)The glazing performance required for the facades of the development has been provided based on the background noise survey with examples of suitable glazing systems. The applicant will need to confirm they will comply with the recommended glazing system. If a different glazing system is to be installed, the details will need to be provided to the consultant to confirm it will meet the criteria and a memo submitting to confirm the details of the alternative glazing and that it will be suitable to ensure the criteria is met.

2)The internal noise criteria cannot be met with windows open so an alternative scheme of ventilation will need to be provided. Trickle ventilation has been mentioned in the report but this is unlikely to provide the necessary ventilation to the property without the need to open windows. An alternative scheme for ventilating the properties will need to be recommended such as MVHR for example. Any mechanical ventilation will need to be selected or acoustically treated to ensure that when in full use, including during any boost mode the internal noise criteria will not be exceeded.

3)Assessment will be required for any façade penetrations for servicing such air intakes or extracts associated with any ventilation measures and recommendations providing with regard to insulation of these areas to ensure any penetration does not compromise the acoustic integrity of the façade and lead to noise break in or exceedance of the internal noise criteria. Plant noise limits have also been provided at the residential properties on Back Marks Lane but it is assumed the plant has yet to be selected. Limits will also need to be provided for the application site address as the proposals will introduce residential receptors who may be affected by the plant.

4)Once the above has been confirmed and prior to occupation, we will require post completion noise testing to confirm the day and night time noise levels in the apartments is not in excess of the noise criteria and plant noise when in full operation does not exceed the limit. Any non compliance will need to be identified, with attenuation / mitigation measures recommending and installing where necessary.

Therefore, condition 2 is partially 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
Article 4 Direction - North Manchester PD Restriction - Class B1(a) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH