

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133194/NMC/2022
Date registered valid: 14 March 2022
Proposal: S96 Non material amendment to alter the trigger point for discharging conditions 12 (acoustic insulation and ventilation), 8 (SUDs 1) and 25 (Surface Water) attached to application ref no 120149
Address: Car Park Between 57 And 59 Ducie Street, Manchester, M1 2JQ
Ward(s): Piccadilly Ward

Applicant: Mr Mohammed Anwar Urbano Property Ltd C/o Agent
Agent (if any): Diane Ellis Zerum 4 Jordan Street, Manchester, M15 4PY
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 18 March 2022

Application details

Type of application: Non-Material Change Application
Development type: Notifications
Date of site visit: N/A

Standard consultations:

No consultations have been printed and sent.

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: Not applicable

Tree Preservation Order: Not applicable

Consultations & Notification Responses

None

Issues

The re-wording of conditions 8,12,and 25 is acceptable for the following reasons:

Condition 12: The developer has recently appointed a new architect and contractor and the design has not advanced to the stage that ventilation drawings and intake/exhaust plenum details are available so the amendment is necessary to allow more time for that detail to be developed whilst allowing the current construction programme to progress.

Conditions 8 and 25 : There are some further investigative works required in relation to connections into United Utilities sewers/ manholes and as such the drainage works are to be implemented in phases with the details of phase 2 to be confirmed following those investigations whilst allowing the current construction programme to progress.

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) Reason 1: Following an assessment of the details and plans submitted, it is confirmed that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as Local Planning Authority. The City Council is satisfied that the proposed changes will have no material impact upon the previously approved scheme and the works will not adversely affect visual or residential amenity within the area or will they have any significant material impact upon the overall quality of the development.

2) Reason 2: The re-wording of conditions 8,12,and 25 is acceptable for the following reasons:

Condition 12: The developer has recently appointed a new architect and contractor and the design has not advanced to the stage that ventilation drawings and intake/exhaust plenum details are available so the amendment is necessary to allow more time for that detail to be developed whilst allowing the current construction programme to progress.

Conditions 8 and 25 : There are some further investigative works required in relation to connections into United Utilities sewers/ manholes and as such the drainage works are to be implemented in phases with the details of phase 2 to be confirmed following those investigations whilst allowing the current construction programme to progress.

8) No development, except for the Phase 1 drainage works identified on drawing 2255-SCE-00-00-DR-001-PO6 shall take place until a surface water drainage strategy in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the Local Planning Authority.

In order to discharge the above drainage condition the following additional information has to be provided:

Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within Conurbation Core Critical Drainage Area;

Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for climate change in any part of a building;

Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site.

Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.

Construction details of flow control and SuDS elements.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of national policies within the NPPF and NPPG and local policies EN08 and EN14"

12) Before any above ground works commence a scheme for acoustically insulating and mechanically ventilating the residential accommodation against noise from adjacent roads shall be submitted to and approved in writing by the City Council as local planning authority.

The approved noise insulation scheme shall be completed before any of the dwelling units are occupied. Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed in the residential accommodation shall be submitted and agreed in writing by the City Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

25) Before development commences, except for the Phase 1 drainage works identified on drawing 2255-SCE-00-00-DR-001-PO6 a scheme for dealing with the discharge of surface water and which demonstrates that the site will be drained on a separate system, with only foul drainage connected into the foul sewer, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be implemented in full before use of the residential premises first commences.

Reason - Pursuant to National Planning Policy Framework policies (PPS 1 (22) and PPS 25 (F8))"

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: CITY2