MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/25/0466
Date registered valid:	21 May 2025
Proposal:	Discharge of condition 7 (drainage maintenance) attached to planning permission referenced 140488/JO/2024
Address:	Land To North Of Lawton Street , Unit 1 New Smithfield Market, Manchester, M11 2WJ,
Ward(s):	Clayton & Openshaw Ward
Applicant:	E & E Barton Estates Limited
Agent (if any):	Steven Shaw C4 Projects
Case officer:	Sue Wills Tel: 0161 234 4524 Email: sue.wills@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	15 July 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 29 May 2025 Expired: 19 June 2025

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

Local Lead Flood Authority- 24.06.2025- An inspection report (dated 04/11/2024) has been provided; however, this does not show photographs of the installed tanks and flow controls. The following is required: - Photographic evidence of the installed attenuation tanks and flow control devices before condition no.7 can be discharged.

Further comments 15.07.2025.
Further to the additional information received, they can recommend the discharge of condition no.7.

United Utilities – No comments received

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 polices 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

Condition no. 7 (drainage maintenance)
7) The Design Compliance Statement dated 16th January 2025 (including As-Built drainage drawing Ref: 180-XOS-XX-XX-C-DR-5570 - Proposed Drainage AB1 and the As-built CCTV Survey) , and the Drainage Maintenance Schedule received 21st May 2025 have been considered in conjunction with the photographic images showing the implementation of the attenuation tank and flow restrictors received 7th July 2025.

On the basis of the details in the documentation, plans and images referenced above, condition no.7 is discharged.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management
United Utilities Water PLC

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA