

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/1193

Date registered valid: 20 December 2024

Proposal: Discharge of conditions 22 (drainage) and 26 (highways) attached to planning permission referenced 133792/JO/2022

Address: Land at Stockport Road, Swallow Street, Siddall Street and Pennington Street, Manchester,

Ward(s): Ancoats & Beswick Ward

Applicant: Views Ltd

Agent (if any): Mr Julian Austin Paul Butler Associates

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 12 February 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

Printed: 8 January 2025 Expired: 29 January 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: No

Tree Preservation Order: No

Consultations & Notification Responses

Flood Risk Management Team – Object to the discharge of condition 22. Detailed comments have been received, which indicate that the submitted details do not fulfil the requirement of condition 22. The applicant has been made aware of the need to provide additional details as part of a new request to discharge condition 22.

Highway Services – Object to the discharge of condition 26 as the submission has not been related to drawings and documents approved through a necessary off-site highways (s278) agreement (between the applicant and the City Council as local highways authority). The applicant has been made aware of this issue.

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 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

N/A

Reasons for recommendation to refuse

22) The discharge of condition 22 (Drainage) is refused as the submitted details do not demonstrate that the development would be supported with satisfactory surface water drainage, which would accord with Non-Statutory Technical Standards for Sustainable Drainage Systems.

26) The discharge of condition 26 (Highways) is refused the submitted details do not demonstrate that the development would be supported with satisfactory details and arrangements for the undertaking of off-site highways works.

Appendix 1 – List of consultees & neighbours notified

Highway Services
MCC Flood Risk Management

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Area Team Boundary - Name: NORTH AREA