

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0675

Date registered valid: 25 July 2024

Proposal: Discharge of condition 15 (Drainage) attached to planning permission ref: 135857/FO/2022.

Address: Land Bounded By Ardwick Green North, Cotter Street & Niven Street , Manchester, M12 6EY

Ward(s): Ardwick Ward

Applicant: Mr Stephen Lythgoe Church Inn (Ardwick) Limited

Agent (if any): Mr Ryan Millar Coda Studios

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

Recommendation: Approve

Date of recommendation: 4 October 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 6 August 2024 Expired: 28 August 2024

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

Description of area

Description of development

Consultations & Notification Responses

LLFA 20.04.2024 - require further information: They recommend a blockage risk assessment is undertaken as part of the drainage strategy to support proposed flows less than 5 l/s, and require evidence of UU agreement in principle.

The email from United Utilities (UU) is dated 20/10/2022 and states their comments are valid for 12 months. Given UU have rejected the developers S106 application. The LLFA would require the developer to provide agreement in principle to ensure acceptance in principle at the point of connection. An updated email of acceptance of proposed flows and/or new connection from UU would suffice.

Further comments 18.09.2024- require further information:
Pending evidence of UU agreement in principle.

Further comments received 04.10.2024 - Recommend discharge of condition 15.

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 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

Condition 15 (Drainage)

15) The details shown on the plans and in the documents referenced below have been reviewed:

General Drainage Arrangement plan ref: 2075-CIV-XX-XX-D-C-30001 rev.T07
Cut and Fill Analysis' plan ref: 2075-CIV-XX-XX-D-G-20001 rev.T01

Typical Drainage Details plan ref: 2075-CIV-XX-XX-D-C-31001 rev.T01

Typical Drainage Details Sheet 2 plan ref: 2075-CIV-XX-XX-D-C-31002 rev.T03

Typical Pavement Details plan ref: 2075-CIV-XX-XX-D-G-20002 rev.T03

- FW and SW Stage 4 Network : Primary Surface Water hydraulic calculation data dated 17th September 2024 and received 17th September 2024

-Email from Applicants Civil design engineers to the planning agent dated 17th September 2024 confirming that in relation to the blockage risk assessment, the drainage model has been updated to reflect the actual invert levels of the proposed no-fines sub-base. The outgoing orifice plate has been removed and the Hydro-Brake has a diameter of 87mm, which is greater than the minimum pipe diameter required by Building regs Part H of 75mm.

- Content of Pre-development Enquiry UU ref: 02919133 dated 4th October 2024

On the basis the development is implemented in accordance with the details shown on the plans and in documents referenced above, condition no.15 is discharged.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management
United Utilities Water PLC

Appendix 2 – Planning constraints

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 (Less) -
Area Team Boundary - Name: NORTH AREA