MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/24/0105
Date registered valid:	15 February 2024
Proposal:	Discharge of Condition 5b - Drainage maintenance attached to planning permission 128286/JO/2020
Address:	Lane Bounded By Pottery Lane, Gorton Lane, Belle Vue Street And Polesworth Close, Manchester, M12 5JD
Ward(s):	Gorton & Abbey Hey Ward
Applicant:	Sarah Tate One Manchester
Agent (if any):	Mr Stuart McGrath OMI Architects
Case officer:	Sue Wills Tel: 0161 234 4524 Email: sue.wills@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**19.04.2024**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 26 February 2024 Expired: 18 March 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:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

Local Lead Flood Authority - The information submitted and uploaded onto the planning portal on 15 Feb 2024 has been considered.

Condition 5b - The submission still does not contain the correct information:

· Reference to report 8790-CUR-00-XX-RE-C-003 V03 05 Feb 2024, Appendix B, As built CCTV survey CCTV highlights ‘no flow control’ for SW5 and ‘no flow control’ for SW7. Please see title block, next to flow control.

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:

Article 35 Declaration

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

Condition 5b - Drainage

5b) The Verification and Drainage maintenance report by Curtins Consulting Ltd ref: 8790-CUR-00-XX-RE-C-003 Revision V03 dated 05 February 2024 has been reviewed. Furthermore the photographic images at paragraph 1.1.5 within the report which show the installed Hydrobrake within SW5 flow control and SW7 flow control have been noted. Condition no.5b is discharged on the basis of the report referenced above and the photographic evidence which is within the report (notwithstanding appendix B CCTV report referencing no flow controls in SW5 and SW7).

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
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA