

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0445

Date registered valid: 7 September 2023

Proposal: Discharge of conditions 3 (CMP), 4 (materials), 9 (ground conditions), 10 (drainage) and 14 (bird box) attached to planning permission referenced 132570/FO/2021

Address: 22 Honor Street, Manchester, M13 0WY

Ward(s): Rusholme Ward

Applicant: Mr. Shahzad Anwar

Agent (if any): Mr. Niamat Ali NA Design

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

Recommendation: Split Decision

Date of recommendation: **31st January 2024**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 12 September 2023

Expired: 3 October 2023

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

Highways Services -In regard to Condition 3 (CMP) a Construction Method Statement has been submitted. The information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

GMEU - The information submitted is satisfactory (condition no.14)and they recommend that the condition be discharged.

Environmental Health – 20.09.2023 Condition 3 can be discharged

In relation to Condition 9, the coal report states:

'Please note, if there are no recorded instances of mine gas within the enquiry boundary, this does not mean that mine gas is not present within the vicinity. The Coal Authority Mine Gas data is limited to only those sites where a Mine Gas incident has been recorded'

This has not been analysed and does not conclude with certainty there is no gas present.

Following additional information received on 28.09.2023-
20.10.2023 It looks to be acceptable and they await confirmation of installation (including pictures)and a competent person signing it off.

FRM – 26.10.2023

The information uploaded to the Planning Portal 03rd July - 28th September 2023 has been considered.

In order to discharge condition 10, they require further information.

- The developer has not provided a surface water drainage layout for the site. A finalised drainage layout showing all components, outfalls, levels, and connectivity. Will need to be provided to the LLFA, to consider condition 10.
- "Photo, Flood Protection Measures" won't load, can this please be provided for review.
- No confirmation from United Utilities has been provided (if required) regarding the existing 300mm public combined sewer which runs along the southern boundary of the site.
- The development includes a proposed basement (games room). Has any investigation been given to determine existing groundwater levels on-site.

Updated comments 15.12.2023

The information uploaded to the Planning Portal 03rd July - 11th December 2023 has been considered.

In order to discharge condition 10 further information is required. They have serious concerns with the proposed 15mm orifice plate, due to the high risk of blockage. Where flows rates < 5 l/s are proposed, evidence of blockage risk assessment is required including evidence from flow control manufacturer where necessary. Construction details for all flow controls (including evidence that the products support design down to 0.6 l/s) are required.

General design consideration:

The drainage strategy indicates a potentially high water table. If groundwater is encountered during the attenuation tank installation, appropriate design measures should be considered for flotation forces. Any change within the surface water drainage strategy will be subject to further scrutiny.

The developer should also note, any temporary works for dewatering operations (if required) should be in place with the relevant Risk Management Authority (RMA) before proceeding.

Further comments 17th January 2024

The information uploaded to the Planning Portal 03rd July - 11th December 2023, and email dated 12/01/2024 has been considered.

In order to discharge condition 10, further information. Further comments are highlighted in italics below for review:

Applicant response to comments made on 15.12.2023 : The flow control has been changed to a hydrobrake this will allow to avoid blockages and the hydrobrake permits a bigger opening when the head of water is lower. The hydrobrake website confirms that it can control this small flow. See enclosed attached updated calculating and drawings.

The developer has now provided a hydrobrake flow control, rather than an orifice plate. MCC LLFA still have concerns with any proposed flows below 5l/s, due to the high risk of blockage. They still require the developer to provide the following information:

- A blockage risk assessment is undertaken as part of the drainage strategy to support proposed flows less than 5 l/s.
- The developer will also need to provide evidence that the products support a 0.6l/s flow rate. It is noted an email from arge@urban-water.co.uk, dated 12/01/2024 suggests the product supports this approach. However, no evidence has been provided.

United Utilities- Have advised as they did not request any conditions be attached to the determination of the original application, they have no comments to make regarding the discharge of conditions application.

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: Split Decision

Article 35 Declaration

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

Condition no. 3 (CMP)

3. The Construction Method Statement received 3rd July 2023 has been examined and is considered to be acceptable. On the basis that the development is implemented in accordance with the Construction Method Statement received 3rd July 2023 for the duration of the construction period, condition no.3 is discharged.

Condition no. 4 (Materials)

4. The use of Salford Smooth Red brick to the front and side elevations and pre-war common dual faced, weathered outside blend (received 17th October 2023) to the rear elevation , together with Marley's smooth grey interlocking tiles to the roof and grey composite cladding to dormer walls is considered to be satisfactory.

On the basis that the development is implemented in accordance with the materials specified above, condition no.4 is discharged.

Condition no.9a (Ground conditions)

9a. The Coal Mining report ref: CON29M received 3rd July 2023 and the additional information in the email and attachments from Delta Systems Limited dated 11th October 2023 relating to the membrane and measures associated with the tanking of the basement has been reviewed in regard to ground conditions, and is considered to be acceptable.

On the basis that the development is implemented in accordance with details in the information referenced above condition no.9a is discharged. This, however, does not imply that the submitted information referenced above is satisfactory in regard to other conditions under consideration.

Condition no.9b cannot be discharged until the works have been completed, and appropriate evidence submitted for consideration.

Condition no. 10 (Drainage)

10. The information in the email and attachments from Delta Systems Limited received on 11th October 2023, the Detailed Drainage Design Report dated December 2023 received 7th

December 2023, and Appendix C – Drainage Calculation and Appendix D – Drainage Design received 12th January 2024 have been reviewed .

Whilst it is acknowledged that a hydrobrake flow control is now proposed, concerns remain with any proposed flows below 5l/s, due to the high risk of blockage. In view of these concerns, a blockage risk assessment needs to be undertaken as part of the drainage strategy to support proposed flows less than 5 l/s. Furthermore, evidence that the products support a 0.6l/s flow rate is also required. It is noted an email from arge@urban-water.co.uk, dated 12/01/2024 suggests the product supports this approach. However, no evidence has been provided.

Therefore, on the basis that the concerns regarding the potential blockage of the proposed drainage system which is proposed have not been fully resolved, condition no.10 cannot be discharged at this time.

Condition no. 14 (bird box)

14. The details of the Peckish Blue tit Natural wood nest box design received on 7th September 2023 have been examined. On the basis that Peckish Blue tit Natural wood nest box is implemented in the location shown on the site plan ref: GA -002 rev. E, and this is retained on an on-going basis, condition no.14 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
United Utilities Water PLC
Greater Manchester Ecology Unit

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
Area Team Boundary - Name: NORTH AREA