

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0505

Date registered valid: 21 July 2023

Proposal: Discharge of conditions 5b (drainage verification) 6 (drainage maintenance) and 21 (noise) attached to planning permission referenced 128286/JO/2020

Address: Land Bounded By Pottery Lane, Gorton Lane, Belle Vue Street And Polesworth Close, Manchester

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: Split Decision

Date of recommendation: **28.01.2024**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 1 August 2023 Expired: 22 August 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

Environmental Health – Condition no.21

The information submitted is sufficient to discharge the condition.

LLFA – 18.09.2023

The following information has been considered:

- Planning Portal uploads 21 July 2023
- The approved scheme under Condition 5a of 128286/JO/2020

They have the following comments: Condition 5b: The following additional information is required: photographic evidence that the scheme has been built out as-approved. This should include photos of flow controls and attenuation tanks. As-built CCTV is mentioned in the report but not provided.

Condition 6: They have no further comment and recommend that Condition 6 can be discharged

Further comments 21.12.2023 following receipt of Drainage Verification Report Gorton Lane ref: 067694-CUR-XX-XX-RE-GE-00007-P01.

Unfortunately, this report is relating to discharge of condition 5c. The outstanding information is for 5b (drainage verification).

Condition 5b: The following additional information is required: photographic evidence that the scheme has been built out as-approved. This should include photos of flow controls and attenuation tanks. As-built CCTV is mentioned in the report but not provided.

Further comments 18.01.2024

The following information has been considered:

- Planning Portal uploads 21 July 2023
- The approved scheme under Condition 5a of 128286/JO/2020
- The email:

From: Sue Wills <sue.wills@manchester.gov.uk> Sent: Tuesday, January 16, 2024 7:58 AM To: Talha Esmail <Talha.Esmail@manchester.gov.uk>; Flood Risk Management <floodriskmanagement@manchester.gov.uk> Subject: Re: Very Urgent CDN/23/0505 - Pottery Lane Site 2

They advise :

Condition 5b: The submission still does not contain the requested photographic evidence of the flow controls (SW5, SW7). The CCTV report highlights 'no flow control' on SW7.

Condition 6: They have no further comment and recommend that Condition 6 can be discharged.

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. 5b (drainage verification)

5b) Condition no.5b requires that prior to the first occupation of the development a verification report shall be submitted, including relevant photographic evidence, that the scheme has been implemented in accordance with the previously approved details.

The details in the Phase 4 Validation Report ref: 067694-CUR-XX-XX-RE-GE-00007 rev.P01; Drainage Maintenance Report Gorton Lane ref: 067694-CUR-00-XX-RE-C-003 rev.V01, and the subsequent Verification and Maintenance drainage report 8790-CUR-00-XX-RE-C-003 rev. V02_ dated 9th January 2024 have been examined. However, the latter report appears to respond to matters relating to condition no.5c (for which consent is not being sought as part of this application), and the submitted information does not contain the requested photographic evidence of the flow controls (SW5, SW7). Furthermore, the CCTV report highlights 'no flow control' on SW7. Due to the lack of photographic evidence of the flow controls (SW5, SW7), and the report highlighting 'no flow control' on SW7, condition no.5b cannot be discharged.

Condition no.6 (drainage maintenance)

6) The details of the implementation, maintenance and management of the sustainable drainage in the Verification and Maintenance drainage report 8790-CUR-00-XX-RE-C-003 rev. V02_ dated 9th January 2024 have been reviewed in relation to drainage maintenance, and in this regard are considered to be acceptable.

On the basis that the scheme is implemented in full accordance with the approved details and thereafter managed and maintained for as long as the development remains in use, condition no.6 is discharged.

Condition no.21 (Noise)

21a) Part a of condition 21 requires that the development hereby approved shall be completed in accordance with the revised noise assessment prepared by Lighthouse Acoustics ref 0405/APR1 Revision 2, stamped as received by the City Council, as Local Planning Authority, on the 3rd January 2019, in relation to the acoustic treatment of the residential accommodation and external areas of the development hereby approved.

21b) The details and information within the documentation and plans referenced below has been reviewed in relation to condition no.21 part b, and is considered to be acceptable.

- Ventilation Services Layouts 3B4P House Plan ref: 8790-DBS-H2-ZZ-DR-M-5002 rev. C01
- Apartment MVHR/Ductwork doc ref :8790-DBS-XX-XX-SP-M-6013 rev.B
- Townhouse MVHR/Ductwork doc ref: 8790-DBS-XX-XX-SP-M-6014 rev.B
- 1405_Glazing Acoustics - OMI Markup - Block B – plans 1 to 4; Block C plan 1 to 5; Block D plans 1 to 4 and plan showing Blocks E,F and G in Zone C and Block G in Zone B;
- Acoustic Performance Glazing configuration 6.76 LamiGlass Sound Reduction-18mm Cavity- 4mm Float Glass
- Acoustic Performance Glazing configuration 8.76 LamiGlass Sound Reduction-18mm Cavity- 6mm Float Glass

On the basis of that the development is implemented in accordance with the details and information within the documentation and plans referenced above prior to the first occupation of the accommodation condition no.21 b is discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
MCC Flood Risk Management

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