

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0307

Date registered valid: 16 May 2023

Proposal: Discharge of 15 (drainage maintenance) attached to planning permission referenced 126674/FO/2020.

Address: Land At Edge Lane, Manchester, M11 1DG

Ward(s): Clayton & Openshaw Ward

Applicant: Miss Hannah Thorpe Lovell Partnership Ltd

Agent (if any): Miss Hannah Thorpe Lovell Partnership Ltd

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

Recommendation: Refuse

Date of recommendation: 17 September 2023

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 22 May 2023 Expired: 12 June 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

FRM -07.07.2023 The information submitted and uploaded onto the planning portal on 16th May 2023 has been considered.

To discharge condition 15, further information is needed to confirm that the proposed drainage has been installed as per the planning approval.

The outstanding evidence required:

- *As-built surface water drainage layout, including engineering details. The as built must include attenuation tank dimensions and all invert/cover levels to outfall.*
- *A location plan demonstrating photo location*
- *Images from both attenuation tank installations in accordance with drawing no: 19045-YHB- 380*

- *They would have concerns with the durability and strength (sticky tape) of the attenuation tank inlet and outlet locations. We would expect a more durable design, to ensure a free flowing structure for the development lifetime.*
- *Hydro-brake manhole images required – S26 and S13*
- *Management and maintenance plan for the whole surface water drainage system, considering the lifetime of development. This must include private management company details in the instance future enforcement is required.*

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: Refuse

Article 35 Declaration

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

15) Following an assessment of the submitted information, it was advised on 7th July 2023 that further information was needed to confirm that the proposed drainage has been installed as per the planning approval. The required evidence included :- the submission of the built surface water drainage layout, including engineering details, the attenuation tank dimensions and all invert/cover levels to outfall; a location plan demonstrating photo locations; images from both

attenuation tank installations in accordance with drawing no: 19045-YH-B-380; Hydro-brake manhole images for - S26 and S13, and the management and maintenance plan for the whole surface water drainage system, considering the lifetime of development (including the private management company details).

Concerns regarding the durability and strength of the measures to alleviate leakage to and from the attenuation tank inlet and outlet locations, with the need for a more durable design, to ensure a free-flowing structure for the development lifetime expected was also raised.

On the basis that none of the outstanding information has been provided for consideration, this application to discharge condition no. 15 is refused.

Appendix 1 – List of consultees & neighbours notified

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 - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH AREA