

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132333/FO/2021

Date registered valid: 26 November 2021

Proposal: Installation of new sewage treatment plant within the structure of the current septic tank with associated electricity ducting

Address: Land To The North Of 20 Stenner Lane, Millgate Lane, Manchester, M20 2RQ

Ward(s): Didsbury East Ward

Applicant: Mr Philip Downs, 20 Stenner Lane, Manchester, M20 2RQ

Agent (if any):

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 20.01.2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 2 December 2021 and 18th January 2022

Standard consultations:

Printed: 1 December 2021 Expired: 22 December 2021

Neighbour notifications

Printed: 1 December 2021 Expired: 22 December 2021

Site notice

Posted: 2 December 2021 Expired: 23 December 2021

Press advert

Published: 7 December 2021 Expired: 28 December 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Didsbury St James Conservation Area 1970

Tree Preservation Order: No specific TPOs on application site

Description of site

The application site is part of the rear garden area to the west of Stenner Brow, a detached dwelling house situated on the northern side of Stenner Lane in the Didsbury West ward. The garden areas surrounding the property are extensive and on several different levels on account of the position of the dwelling at the top of the Mersey Basin floodplain to the south. There is extensive tree and shrub cover, including some smaller trees within the area where development is proposed to take place.

The property is also within the Didsbury St. James conservation area and is hidden from public view from Stenner Lane by a high brick wall boundary with dense vegetation above. The southern elevation of the site shares a boundary with the rears of cottages fronting Stenner Lane.

Stenner Lane is a short cul-de-sac forming part of the original centre of Didsbury Village with 3no. terraced cottages to the south-west and St. James's' Church to the south-east. Parsonage Gardens abuts the site to the east, Fletcher Moss Park to the south and a residential conversion of the former Philip Godlee Lodge nursing home to the north. The site is not within a Flood Risk zone or the Green Belt.

The cottages abutting the site on Stenner Lane (nos. 16, 18 and 20), are all Grade II Listed with the rear yards sitting approximately 3 metres below the ground level of the application site.

These cottages are also managed on a septic tank system for domestic waste that is currently connected to and shared with the application site for which an easement over the land is in place.

Description of proposals

The application proposes a new domestic sewage treatment system that would be located in the lower garden that is west of the dwelling in the location of the existing outdated system which is required to be upgraded.

Planning history

116941/FH/2017 - Installation of domestic sewage treatment system Approved February 2018 this related to land to the west of 20 Stenner Lane

116216/FH/2017 -Installation of domestic sewage treatment system Approved July 2017 this related to a new system for Stenner Brow

Consultations & Notification Responses

The application was subject to notification via site notice, advertisement in the Manchester Evening News and by way of neighbour notification letter to adjoining properties. One response was received.

1. This is on my land and I have not given permission for this work to be done. I have asked for minimal supporting details which have not been provided. The request for details dates back more than 2 years.
2. The provision for surface water needs to be specified as this cannot run through an STP as is currently the case.

Correspondence was subsequently sent to the objector indicating the granting of planning permission would not override other permissions required from the landowner to implement any approval.

Flood Risk Management Team - Request an informative is attached to any approval on the basis that any necessary discharge consents and permissions are sought and obtained from the Environment Agency. The proposal should be constructed in accordance with the approved details. EA have advised no FRA required therefore we have no further comments for flood risk.

Environment Agency - As submitted, we have no objection in principle to the proposed development. However, we would like to take this opportunity to provide the following additional commentary and explanation of our rationale for this determination, see detailed below. The proposed development site for the creation a new sewage treatment plant is situated within Flood Zone 3 which is land defined with the associated Planning Practice Guidance as having a 'high' probably of flooding. As detailed within paragraph 167 (footnote 5) of the National Planning Policy Framework (NPPF) development situated within Flood Zones 2 and 3 should be supported with a Flood Risk Assessment (FRA); this includes for minor development, in relation to flood risk, for which the proposed development can be considered to constitute.

In line with above, in practice, the proposed development should be supported by an accompanying FRA. However, as detailed within the EA email correspondence uploaded as part of the planning portal evidence for 132333/FO/2021 (dated 27th April 2021 16:38), as the proposed development will not result in any change in existing ground level and will result in

negligible change to the quantum of the existing residential dwelling (i.e. will occupy the same spatial area as the existing septic tank) it has been determined by our Flood Risk Team that the proposed development will not require the submission of a FRA in this instance.

Separate to the above EA position, we would advise that position is also sought as to the requirement for the submission of an FRA from the Lead Local Flood Authority in relation to the wider aspects of flood risk associated with the development proposal.

MCC Arborists - No response received.

Policy

Manchester Core Strategy Development Plan Document (2012)

The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995)

The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

DM1 - Development Management

EN3 - Heritage

EN17 - Water Quality

Policy DM1- Development Management

Follows the principles advocated in the aforementioned policies and informs that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are given below:-

- o Appropriate Siting, layout, scale, form, massing, materials and detail.
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- o Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

EN3 - Heritage

The policy provides that throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its neighbourhood. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Policy EN17 - Water Quality

With reference to the Manchester-Salford-Trafford SFRA and other relevant documents:

Development should avoid any adverse impact on water quality, including during the construction phase, and wherever possible should seek to enhance water quality, both chemical and ecological;

Development should minimise surface water run-off from development and associated roads, and maximise the use of appropriate sustainable drainage systems, to minimise groundwater contamination, and to avoid pollutants reaching watercourses;

Development close to a watercourse should also ensure that waste or litter cannot enter the watercourse from the site;

Development should, where feasible and appropriate, seek to open up any culverted or hidden watercourse beneath the site to improve the ecological status of that watercourse.

The relevant UDP policies for this application is

DC18.1 Conservation Areas

National Planning Policy Framework (NPPF)

The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt. Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

Issues

Principle - Due to the location of the site close to the Mersey Valley Flood Storage Basin and the distance of the dwelling to the foul sewer network, the application site uses a remote waste management system for the discharge of foul domestic waste. It is understood that the current system in situ is outdated and requires replacement. The proposed system is proposed to be sited within the footprint and structure of an existing septic tank serving the cottages on Stenner Lane, it is buried within the rear garden of the application site but within a raised area, on account of the different ground levels (the rears of the cottages being 3 metres below the ground level of the site).

For this reason, and as the works only involve a light engineering solution which is contained below ground level, the proposal is acceptable in principle. The matters which require consideration are the impacts on the conservation area and on trees which are protected by their status within the conservation area.

Impact on Conservation Area - The proposed development is contained within a below ground septic tank, the new plant will be installed within the framework of the old septic tank using existing inlet pipework. Given this there would not be any impacts from the development on the conservation area. For these reasons, the proposal would not be contrary to saved UDP policy DC18 or to policy EN3 of the Manchester Core Strategy.

Impact on Trees - The application is accompanied by a Tree Survey and Method Statement. The tree survey identifies a number of areas where trees are in conflict with the proposal. Two category C trees will require removal for access reasons, and the installation of cabling is also identified as having some adverse impacts on trees to be retained.

The applicant has submit a BS 5837:2012 Arboricultural method statement to be followed for the works. This makes a number of recommendations. To minimise the potential impacts of the retained trees the duct will be installed via a moling method. Moling is a trenchless method used to lay pipes. During the moling process, a pneumatically-driven machine known as a mole forces its way through the soil along the desired path of the pipe. Moling avoids the need to dig a trench. Not all moling operations are a success but this method should be used first before any other methods are considered. If the moling operation does not work, then supervised excavation will be required. In the case of the moling not working and to prevent damage to any

tree roots within the RPAs of these trees a trench will be dug to install the duct for the electrical cable, all excavation should be supervised by an Arboricultural Consultant and any root pruning that is required should be undertaken by the Arboricultural Consultant.

A compensatory tree planting scheme is proposed within the tree survey and whilst the loss of any trees is regretted given the low visibility of these from within the conservation area and their overall quality this is considered an acceptable proposal in this instance with regards to impacts to trees. Conditions are proposed to ensure works are undertaken in accordance with the submitted details and to ensure that the tree replacement scheme is implemented and that agreement of any other landowner is received.

Flood Risk - The application site is on land that is higher than that of the 3 cottages fronting Stenner Lane, the site is within flood zone 3 as identified by the Environment Agency who have not raised an objection to the proposals from a flood risk point of view or from the Councils Flood Risk Management team concerning the engineering works and flood risk.

Contaminated Land - Previous planning approvals in this area have been subject to an informative for a watching brief appended to any approval to monitor the construction for any unusual ground conditions as a precautionary measure as the land was within 250metres of a landfill site. A similar approach is proposed in this instance.

Water Quality - The proposal treats the effluent of domestic waste within an underground septic tank this arrangement has not raised any objections with the Environment Agency for impacts on water quality and would be subject to separate approvals from them which has been communicated to the application. The proposals would improve the treatment of waste water from a domestic property which are currently being discharged via an outdated system, in this instance the proposals are considered to comply with policy EN17 of the Manchester Core Strategy.

For the above reasons, the proposal is considered to be acceptable and in accordance with saved policies in the development plan including DM1, EN3, EN17 and DC18.1.

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

The application has been determined in a positive and proactive manner, in this instance appropriately worded conditions are proposed and a decision has been issued within statutory timescales.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Arboricultural Impact Assessment Report No: LTM0147.AIA.01 Dated 20/04/2021 prepared by Lally Tree Management

BS 5837:2012 Method Statement Report No: LTM0147.MS.01 Date: 20/04/2021 prepared by Lally Tree Management.

Heritage Statement; and site plan all as received by the City Council as local planning authority on the 26th November 2021

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The hereby approved works shall be undertaken in accordance with the BS 5837:2012 Method Statement Report No: LTM0147.MS.01 Date: 20/04/2021 prepared by Lally Tree Management.

Reason - To ensure that works are undertaken in a manner to protect existing trees to be retained, pursuant to policies EN15, SP1 and DM1 of Manchester Core Strategy.

4) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction) (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN15, SP1 and DM1 of the Manchester Core Strategy.

5) Within 1 month of the commencement of development the full details of the tree replacement scheme as set out within the approved Arboricultural Impact Assessment Report No: LTM0147.AIA.01 Dated 20/04/2021 prepared by Lally Tree Management shall be submitted and approved in writing by the City Council as local planning authority. The details shall include the location, type, and size of trees to be planted, timescale's for the planting of the trees and confirmation of the agreement of any landowner for the planting of the trees that is required. The approved scheme shall be implemented not later than 12 months from the date the installation becomes operational.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

Informatives

1) Excavation works for installation of the sewer system shall be undertaken whilst a watching brief is ongoing to monitor for unusual ground conditions. Should any unusual ground conditions be during construction works, it is recommended that work is temporarily suspended until the ground conditions are investigated by a suitably qualified geo-environmental specialist.

2) The applicant will be required to obtain any necessary discharge consents and permissions for the installation from the Environment Agency.

Appendix 1 – List of consultees & neighbours notified

Parks & Events
Neighbourhood Team Leader (Arboriculture)
MCC Flood Risk Management
Environment Agency
Parks & Events
Didsbury Civic Society

Stenner Brow, Stenner Lane, Manchester, M20 2RQ
20 Stenner Lane, Manchester, M20 2RQ
18 Stenner Lane, Manchester, M20 2RQ

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
Conservation Area - Didsbury St James Conservation Area 1970
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Green Belt Land - Green Belt Area (LDF)
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: SOUTH