MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/21/0367
Date registered valid:	21 May 2021
Proposal:	Discharge of condition 5 (Drainage) and 22b (acoustic insulation) attached to planning permission referenced 122897/FO/2019
Address:	Bank Bridge Road, Land Adjacent To And Comprising Ilk Street And Alpine Street, Manchester, M11 4GD
Ward(s):	Clayton & Openshaw Ward
Applicant:	Mr Ben Walton The Casey Group Ltd Rydings Road, Rochdale, OL12 9PS
Agent (if any):	Mr Gareth Reid MHA Architects Suite 1B Origin, 70 Spring Gardens, Manchester, M2 2BQ
Case officer:	Sue Wills Tel: 0161 234 4524 Email: sue.wills@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	19 August 2021

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 25 May 2021 Expired: 15 June 2021

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
Environment Health - Have no objection to the discharge of Condition 22b for the above development.

Flood Risk Management -
15.06.2021 -Condition 5 under CDN/21/0367:
Advise that the drawing submitted does not match the previous drawing approved for Condition 5 under CDN/19/1036, and seek clarification for the change in design, notably the attenuation basin.

They also recommend condition no.5 is not determined until clarification is given in regard to Condition 6 as part of application ref: CDN/21/0342.

01.07.2021 - Advise they need to see the verification report again, and reiterate the advice provided on 15.06.2021 .

02.07.2021 - recommend condition no.5 is not discharged for the reasons in their email yesterday.

13.07.2021 - Further detail is required to respond the matters raised below :
Failure to construct in accordance with approved design under CDN/19/1036.
Failure to consult with statutory consultee the LPA on the proposed variation of design.
Location of attenuation basin within private plots would not have been approved.
Insufficient assessment of flood risk introduced by the unapproved layout.
Insufficient assessment of whether preserved functionality & maintenance can be attained for the lifetime of the development.
Insufficient evidence of design: no calculations have been presented for the unapproved system; the submission is presenting the same calculations as the CDN/19/1036.

15.07.2021- Have advised that in anticipation of next steps by the applicant - they recommend the attenuation basin should be removed and that either:
a. construction should be reverted to the drainage system approved under CDN/19/1036, or
b. proposals for a suitable replacement system be submitted to and approved by the LPA.
They recommend that the attenuation basin should not remain in place.

17.08.2021 - The applicant has submitted revised hydraulic calculations which indicate that the system can contain the 100+40CC event without the attenuation storage provided by the attenuation basin.
The following information is required:
A verification report shall be submitted to demonstrate that the whole drainage scheme has been constructed in accordance with drawing 19.B.12068/20-H dated 05/08/2021. This shall include relevant photographic evidence that the attenuation basin has been decommissioned and that all associated components have been capped, sealed or otherwise removed.

17.08.2021 - The applicant has provided evidence that the constructed system can still deliver the required surface water management if the attenuation basin were removed. They accept their assessment. The attenuation basin and all associated components should be properly decommissioned and evidence provided to prove this has been done.

19.08.2021 -A verification report shall be submitted to demonstrate that the whole drainage scheme has been constructed in accordance with drawing 19.B.12068/20-H dated 05/08/2021. This shall include relevant photographic evidence that the attenuation basin has been decommissioned and that all associated components have been capped, sealed or otherwise removed.

26.08.2021 - Please find attached and extract below, which implies the attenuation basin and associated infrastructure has been built. ‘ We appreciate the planners response and further comments to confirm that this is not the preferred option, and the back garden attenuation will not be viable or accepted. As the overflow pipe to/from the manhole and the gardens will be capped and sealed at both ends to ensure no flows will traverse it , and that gardens will remain unflooded. The difference, being a flag on edge is placed in the garden , which is necessary for level retention.

26.08.2021 - As discussed in our call, the LLFA agree with your intention to discharge the Condition, on the basis of the applicant’s attestation that the attenuation basin and associated

components were never installed. They also agree with the recommendation that words to this effect are included in the Decision Notice, as discussed.

United Utilities -
09.06.2021 - United Utilities recommends that condition 5 is not discharged.
This is because the Section 104 (WIA) Adoptions process is independent the Planning system. They have confirmed that United Utilities have approved the drainage scheme on this site with a view
to adopting the sewers in due course.
The applicant will have to submit approved drawings to the planning Authority to give the LLFA and other to assess the proposals.

14.06.2021 - As long as the drawing has been submitted to and approved by planning and the LLFA that they would have no reason to disagree with the discharge of conditions.

28.06.2021 - United Utilities has no objection to condition
5 being discharged. They recommend the Lead Local Flood Authority along with any other statutory consultee, is also consulted on the proposal.

Issues

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: Approve

Article 35 Declaration

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

5) The following documents and plans have been examined :-
-12068 Bank Bridge Road Hydraulic Analysis; 12068 Surface Water Hydraulic Analysis Storm Sewer design ;Completed United Utilities application form for the adoption of new sewers (section 104); Location plan; Drawing ref: SHE-0136-9000-1200-9000 Hydrobrake Optimum;

document ref: SHE-0136-9000-1200-9000 Hydro-Brake Optimum head/flow characteristics; received 15th June 2021;

-19.B.12068/23 rev.A (Section 104 Adopted Drainage Plan); 19.B.12068/24 rev.A (Section 104 drawing Legals plan for land registry purposes); 19.B.12068/25 rev.A (Section 104 drawing Longitudinal sections Sheet 1 of 3);

-The content of email from Andrew Mulligan at Carley Daines & Partners dated 5th August 2021 together with the details shown on plan ref: 19.B.12068/20 rev. H (Drainage Plan) and Bank Bridge Road Hydraulic Analysis received 5th August 2021:
-Drainage Verification letter from Andrew Mulligan at Carley Daines & Partners dated 17th August 2021 and appended photographs received 17th August 2021.
- The content of email from Andrew Mulligan at Carley Daines & Partners dated 24th August 2021;

- Email from planning agent dated 25.08.2021 confirming that the attenuation basin had not as yet been constructed so there are no additional photographs required to indicate it being removed;

On the basis the attenuation basin has not been constructed and development is implemented in accordance with plans and documents referenced above , I can confirm that condition no.5 is discharged.

22) The verification report dated 5th May 2021 from ADC Acoustics ref:ARR/PPN/C/3171.01 has been examined and is considered to be acceptable . On the basis that development accords with verification report dated 5th May 2021 from ADC Acoustics ref:ARR/PPN/C/3171.01, I can confirm condition no. 22b is discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
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) -
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: NORTH2