

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/21/0342

Date registered valid: 29 April 2021

Proposal: Discharge of condition 6 (Sustainable Drainage) attached to planning permission ref: 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 Gary Stringfellow 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: 14 May 2021 Expired: 4 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

Flood Risk Management -

25.05.2021 - requested a copy of the drainage plan 'CD&P drawing reference 19-B-12068-20, Drainage Scheme.

15.06.2021 - Condition 6 - Recommend this stays in-place until clarification is given about matters in regard to condition 5 under consideration as part of CDN/21/0367. They request that the applicant to explain soakaway references in maintenance schedule and update if required, and 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.

01.07.2021 - Evidence submitted by applicant:

Drainage layout 19.B.12068/20 G

Maintenance plan

LLFA comment:

The submitted layout does not match that approved by under CDN/19/1036.

The Maintenance plan references an attenuation basin and therefore indicates that this maintenance plan is for an unapproved as-built situation, which may void any maintenance agreements if any are in-place.

The maintenance plan does not provide clarity on adoption/responsibility for the unapproved attenuation basin. They have sought evidence on this and still require it.

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:

Management and maintenance plan shall be updated to reflect drawing 19.B.12068/20-H dated 05/08/2021 with the removal of any reference to an attenuation basin and associated components.

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 - The information contained in the below email has been considered:

From: Sue Wills <sue.wills@manchester.gov.uk> Sent: 18 August 2021 09:08 To: Laura Peacock Laura.Peacock@manchester.gov.uk Subject: Fw: CDN/21/0342 Bank Bridge Road
They recommend discharge of CDN/21/0342

United Utilities - 4.06.2021 With regards to condition 6, they advise that they do not usually comment on management and maintenance conditions, but are happy to observe the principle on request to ensure the plans consistency with condition 5 under consideration as part of application ref: CDN/21/0367.

They have noted that the Drainage Maintenance plan submitted by Carley Daines (condition 6) refers to the surface water system being drained to soakaways however the submitted drainage drawing shows a traditional piped system that drains into the combined system at 9 l/s, and seek clarification on the method of discharge.

24.06.2021 - With regards to CDN/21/0342 have advise that they will not comment on the maintenance and management element of the condition, but wish to highlight the wording of

both condition 5 and condition 6. The conditions are potentially linked with the inclusion in condition 6 of the word 'implementation'.

If they are deemed to be linked then the sustainable drainage scheme submitted as part of both condition discharge applications need to be consistent (the implementation in 6 will be dependent on what is agreed via condition 5).

Therefore, CDN/21/0342 (condition no.6) should not be determined until CDN/21/0367 (condition no.5) has been agreed.

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 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

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

6) 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, have been examined in conjunction with the Drainage Maintenance Plan received on 18th August 2021. On the basis the development is implemented in accordance with plan ref: 19.B.12068/20 rev. H (Drainage Plan), hydraulic analysis information, and drainage maintenance plan referenced above , I can confirm that condition no.6 is discharged.

Appendix 1 – List of consultees & neighbours notified

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