

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Refusal of details reserved by condition

Applicant

Miss Shannon Cooke
Kellen Homes
103 Dalton Avenue
Birchwood Park
Warrington
WA3 6YF

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Discharge of Condition 23 (Drainage Management) for drainage phases 2 and 6 attached to planning permission 134504/FO/2022 and 140168/NMC/2024

Location: Land At Bennett Street, Manchester, M12 5NL

Date of application: 6 December 2024

Application number: CDN/24/1139

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Refused** in accordance with the information set out below.

Condition no.23 Drainage management

The plans and documentation referenced below have been reviewed.

- Road and main drainage layout 1 plan ref: 22122/100/1 rev. P.
- Road and main drainage layout 2 plan ref: 22122/100/2 rev. P.
- Longitudinal Sections 1 plan ref: 22122/100/3 rev. H.
- Longitudinal Sections 2 plan ref: 22122/100/4 rev. I.
- Longitudinal Sections 3 plan ref: 22122/100/5 rev. H.
- Longitudinal Sections 4 plan ref: 22122/100/6 rev. E.
- Longitudinal Sections 5 plan ref: 22122/100/7 rev. E.
- Plot drainage drawing 1 plan ref: 22122/107/1 rev. M.
- Plot drainage drawing 5 plan ref: 22122/107/5 rev. G.
- Plot drainage drawing 6 plan ref: 22122/107/6 rev. J.
- Section 104 Agreement Plan ref: 22122/110/1 rev. C.
- Bennett Street Ardwick CCTV Inspection Report dated 21.12.2024

Received 13th January 2025

- Email from Sigma Capital Group dated 6th November 2024 that as owner of the whole site, we acknowledge that we are the riparian owner and that the long term maintenance will sit with ourselves for the long term maintenance of the watercourse upon completion of the works.
- Proposed culvert remedial detail plan ref: 222-176-BSA-AJP-00-00-DR-S-SK100 rev.C03 received 22nd January 2025.
- Cornbrook Culvert Condition Survey ref: 222-176 January 2025 received 27th January 2025
- Culvert remedial works Risk Assessment ref: Culvert 1 ref:BS001 dated January 2025
Received 28th January 2025

The information submitted to discharge condition no. 23 is not sufficient.

Outstanding evidence is required, which is set out below for information;

- A verification report providing photographic evidence of construction as per design drawings, which shall include flow control and attenuation components. The application form for CDN/24/1139 states that Hydrobrakes are not included in Phase 2 or 6. However, the Drainage Layout 2 provided under CDN/24/0145 (discharge of condition 22 - drainage) included a hydrobrake within the drainage network of both Phase 2 & 6, before ultimately discharging to the existing culverted watercourses. The following is required:
 - An accompanying drainage strategy statement to confirm the drainage system installed under Phase 2 and 6.
 - Clarification of whether hydrobrakes and /or attenuation tanks are included in Phase 2 & 6.
 - If no hydrobrake is included, justification is required as to how the discharge of surface water to the culverted watercourses is being limited from Phase 2 & 6.
 - If hydrobrakes and/or attenuation tanks are included in Phase 2 &/or 6, photographic evidence of construction is required
- The developer photographic evidence of the installed surface water network for Phases 2 and 6 is required, irrespective of whether hydrobrakes or attenuation tanks are included.
- The following have been provided as as-built drawings:
 - 'DRG 1 107-01M'
 - 'DRG 6 107-06J'
 - 'DRG 5 107-05G'

The previous attempt to discharge Condition 23 (CDN/24/0613) included two attenuation tanks within the area of Phase 6. The as-built drawings provided in this application (CDN/24/1139) do not contain any attenuation tanks, instead using oversized pipes. None of the as-built drawings include installed hydrobrakes within Phase 2 or 6.

The following is required:

- Finalised as-built drawings for Phases 2 and 6 including all SuDS features and flow controls.
- Accompanying drainage strategy statement to confirm the drainage system installed under Phase 2 and 6

- The developer has previously submitted a post-installation survey. Given the change in the diversions cover level and invert levels, the as built manhole schematics and long sections reflective of this change must updated and submitted.
- The condition requires the developer to undertake a post-piling survey of the culverted watercourse, to ensure the culvert's structural integrity. The developer will need to provide an additional CCTV survey once all piling works are complete to ensure the culvert remains unaffected.
- The developer has submitted a CCTV survey which reflects an existing private drain (MH08 - MH06) within the southern area of the site boundary. The CCTV survey confirms the private drain is still taking flows from upstream. The treatment of this private drain during construction needs to be outlined. It is essential the passage of water is retained.
- As highlighted under application no. CDN/24/0189, the land drainage consent approval (MCC024/11/2022) requires the developer to supply as-builts of the watercourse diversion. If construction is completed, the relevant information should be supplied.

Until such details are received and agreed, condition no.23 cannot be discharged.

Date: 27 February 2025

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.