

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/1139

Date registered valid: 6 December 2024

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

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

Ward(s): Ardwick Ward

Applicant: Miss Shannon Cooke Kellen Homes

Agent (if any):

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

Recommendation: Refuse

Date of recommendation: 27 February 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 17 December 2024

Expired: 10 January 2025

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

LLFA – 03.01.2025 – advised they had started to review the above application to discharge condition 23 (Drainage Management), but there were no documents uploaded on the online portal (other than the application form).

The application form lists the following information provided:

- Hydrobrakes not applicable on these phases.
- As-built drawings
- Email confirmation from future riparian landowner.
- Post installation survey

Have these been provided by the applicant?

08.01.2025 -The applicant has not provided any documents to review alongside the application form, therefore the comments provided under the previous attempt to discharge (CDN/24/0613) have not been addressed.

27.02.2025 - recommends that the condition is not discharged and the outstanding information is provided in order to enable the discharge of the condition.

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

Condition 23 (Drainage Maintenance)

23)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
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- 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 23 cannot be discharged.

Appendix 1 – List of consultees & neighbours notified

MCC Flood Risk Management

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Flood Zones Type 2 (low to medium risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (More) -

Susceptible to Surf Water Flood (More) -

Susceptible to Surf Water Flood (More) -

Susceptible to Surf Water Flood (More) -

Susceptible to Surf Water Flood (More) -

Susceptible to Surf Water Flood (More) -

Susceptible to Surf Water Flood (More) -

Susceptible to Surf Water Flood (More) -

Susceptible to Surf Water Flood (More) -

Area Team Boundary - Name: NORTH AREA