

## Planning

## Growth & Development

### Delegated officer report for planning application

|                                |                                                                                                                                                                      |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application no.</b>         | CDN/22/0431                                                                                                                                                          |
| <b>Date registered valid:</b>  | 24 June 2022                                                                                                                                                         |
| <b>Proposal:</b>               | Discharge of condition 6 (drainage) attached to planning permission referenced 132866/FO/2022, , Nb. Geo-Environmental Assessment submitted to support SWD Strategy. |
| <b>Address:</b>                | New Smithfield Market, Strawberry House, Whitworth Street East, Manchester, M11 2WJ                                                                                  |
| <b>Ward(s):</b>                | Clayton & Openshaw Ward                                                                                                                                              |
| <b>Applicant:</b>              | Mr Tony Hopson Barton & Redman Strawberry House, Whitworth Street East, Manchester, M11 2WJ                                                                          |
| <b>Agent (if any):</b>         | Mr Leon Armstrong Mosaic Town Planning Bloc, 17 Marble Street, Manchester, M2 3AW                                                                                    |
| <b>Case officer:</b>           | Sue Wills<br>Tel: 0161 234 4524<br>Email: sue.wills@manchester.gov.uk                                                                                                |
| <b>Recommendation:</b>         | Approve                                                                                                                                                              |
| <b>Date of recommendation:</b> | 2 September 2022                                                                                                                                                     |

## **Application details**

**Type of application:** Approval of condition application

**Development type:** Notifications

**Date of site visit:**

**Standard consultations:**

Printed: 29 June 2022      Expired: 20 July 2022

**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**

Lead Local Flood Authority - (06/07/2022) - have advised that further information is needed to confirm that the proposed drainage design is adequate to manage flood risk, in particular rainwater pipe discharging directly onto slab should be avoided where possible, and alternatives should be considered. Or further external elevations should be illustrated on the drawing to ensure run-off enters the nearby gully.

Updated comments 28.07.2022 based on revised plan rev.B

While this approach appears more controlled (by using the existing kerb as control for the flow direction), they request further external elevations (specifically the gully cover level) and the finished floor level of the proposed storage building are included, to ensure that the water is directed to the existing gully and does not enter the proposed building.

Updated comments 01.09.2022

There seems to be some inconsistencies with the elevations on the most recent drawing issue, some elevations at 49m and some at 66m, could this be updated and made consistent.

Updated comments based on plan received 01.09.2022 ( with the local datum (+49.000) levels removed.

Recommend Condition 6 is discharged.

United Utilities – 03.08.2022 recommended that condition 6 was not discharged. This is because robust evidence does not appear to have been provided to explore and exhaust the surface water drainage hierarchy, in line with the requirements of condition 6. They requested BRE365 percolation testing is carried out across the site, to confirm if infiltration is feasible. They further advised they would require the test results and infiltration rate calculations, together with photographs of the trial pits used for the tests to be submitted before discounting infiltration.

Once evidence is provided as outlined above, the maximum surface water discharge rate to the public sewer not exceed 5l/s for the new warehouse as United Utilities have previously requested. The applicant must amend the drainage design to show the location of the hydro brake at 5l/s maximum discharge rate.

Updated comments 25.08.2022

Further to their review of the submitted documents, Drawing HC-22383-(30)-001, Rev A- Dated 23/06/2022, United Utilities have confirmed they have no objection to condition 6 being discharged.

## **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 details on the New Canopy Surface Water GA plan ref: HC-22383-(30)-001 rev.C ( with local datum levels removed ) received 01.09.2022, have been examined and considered with the content of the email from Russell WHBO to Planning agent dated 01.09.2022 confirming the updated drawing had had the local datum (+49.000) levels removed, and that the Revision has been retained at C for submission purposes; together with the contents of the email from Russell WHBO dated 02.09.2022 confirming that Barton and Redman as owner of the existing property will be responsible for the future maintenance and up keep of the surface water drainage system and yard hardscape within the application site boundary to ensure the surface water management strategy as proposed in drawing HC-22383 –(30)-001 New Canopy SW Drainage GA Plan rev C is maintained to prevent internal flooding to the canopy.

The information on the plan referred to above and the content of the specified email is considered to be acceptable . Condition no.6 is therefore discharged on the basis that the development is constructed and completed and manged and maintained in accordance with the approved details .

## **Appendix 1 – List of consultees & neighbours notified**

MCC Flood Risk Management

## **Appendix 2 – Planning constraints**

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

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

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

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) -

Area Team Boundary - Name: NORTH AREA