

DELEGATED REPORT

Report by Claire Booth	Date of report: 03/07/2025	Ref: 71943/CONDIS
Registration: 16/05/2025	LDfC: 19/06/2025	Expiry Date: 11/07/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to re-discharge pre-commencement condition no. 42 (Surface Water Drainage) pursuant to application 70449 relating to Phase 1A of the development

Location: Longfield Shopping Centre/Car Park, Fairfax Road Car Park. and adjoining land at Bury New Road, Rectory Lane & Fairfax Road, Prestwich, Manchester, M25 5AY

Description

The application seeks to re-discharge pre-commencement condition no. 42 (Surface Water Drainage) pursuant to Phase 1A (Travel Hub of application 70449 - see Planning History section below for details of the original application.

Condition no. 42 is worded as follows:

"Development shall not commence on any relevant phase or sub-phase until final details of surface water drainage proposals have been submitted to and approved by the Local Planning Authority for that phase or sub-phase. The scheme shall be in accordance with the principles set out in the submitted Flood Risk Assessment and Drainage Strategy document and final detailed design must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS) (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed operation and maintenance arrangements for all SuDS features should also be provided. The detailed design of the proposed surface water drainage system shall be appropriately phased to ensure that the benefits of SuDS delivered under this development are appropriate to the needs of this phase of the development of the site. Each phase or sub phase of the scheme shall be implemented in accordance with the duly approved details before any of the buildings or dwellings hereby approved are first occupied or brought into use and maintained as such thereafter."

Condition 42 was originally partly discharged for Phase 1A on the 13th January 2025. However, minor amendments are now sought to the drainage strategy in order to facilitate health and safety, maintenance and construction programme improvements.

To originally partially discharge condition 42, the following was submitted and approved by Bury Council:

- Surface Water Design Report prepared by Causeway (dated 19th September 2024);
- MSCP Attenuation Tank Long Section Plan prepared by Civic Engineers (ref: 17300-CIV- P1-00-D-C -320001 P01);
- Drainage General Arrangement Sheet 1, Ground Floor Plan prepared by Civic Engineers (ref: 17300-CIV-P1-00-D-C-30 P04);
- Drainage Details Sheet 2 prepared by Civic Engineers (ref: 17300-CIV-P1-XX-D-C-3100 P03);
- Drainage Details Sheet 3 prepared by Civic Engineers (ref: 17300-CIV-P1-XX-D-C

- 310003 P02);
- Drainage Details Sheet 4 prepared by Civic Engineers (ref: 17300-CIV-P1-XX-D-C-3100 P02);
- Manhole Schedule prepared by Civic Engineers (ref: 17300-CIV-P1-XX-D-C-350001 P03)

To re-discharge condition 42, the following updates have been submitted:

- Surface Water Design Report prepared by Causeway (dated 19th September 2024);
- Drainage General Arrangement Ground Floor Sheet 1 (ref: 17300-CIV-P1-00-D-C-300001 C02);
- Drainage Details Aqua Spira Sheet 1 (ref: 17300-CIV-P1-XX-D-C-310005 C01);
- Drainage Details Aqua Spira Sheet 2 (ref: 17300-CIV-P1-XX-D-C-310006 C01);
- Drainage Details Aqua Spira Sheet 3 (ref: 17300-CIV-P1-XX-D-C-310007 C01); and,
- Manhole Schedule prepared by Civic Engineers (ref: 17300-CIV-P1-XX-D-C-350001 P03).

Relevant Planning History

71974 - Application for the discharge of condition 18 (Bird Nesting and Roosting provisions), condition 22 (Highway Improvement Works) and condition 40 (Low/Zero Carbon Energy Sources) pursuant to application reference 70449 - Under Consideration

70449 - Discharge of pre-commencement conditions pursuant to application 70449 for Phase 1A of the development.

70449 - Hybrid Planning Application constituting EIA Development comprising:

Full application for demolition of existing buildings/structures and erection of phased mixed use development including Community Hub with flexible uses of library, offices, medical/health services (Classes F1 (a-f), F2(b), E(c), E(e), E(g)) & retail uses (Classes E(a), E(b) F2(a)) & Sui Generis (hot food takeaway & bar), new Market Hall (Classes E(a), E(b) & Sui Generis (hot food takeaway and bar)), Commercial Building with flexible uses including retail, offices, gymnasium (Classes E(a), E(b), E(c), E(d), E(g), F2(a), Travel Hub with car parking & cycle parking (Sui Generis), public square & realm, associated landscaping, car parking provision, cycle storage & associated works; and,

Part Outline application (all matters reserved) - mixed use development of residential (Class C3), flexible commercial, business, service, local community & learning uses (Classes E, F) & Sui Generis (hot food takeaway & bar), engineering works to Rectory Lane, new public realm, associated landscaping, car parking provision, cycle storage & associated works.

Approved with Conditions and subject to a S106 agreement, 26/09/2024

Publicity

Not applicable

Statutory/Non-Statutory Consultations

United Utilities (Water and waste) - No objections.

Pre-start Conditions - Not applicable

Development Plan and Policies

NPPF National Planning Policy Framework
JP-S4 Flood Risk and the Water Environment

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

- The elimination of discrimination, harassment and victimisation;
- The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
- The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

ASSESSMENT

Fundamentally, the drainage system is as previously submitted. The discharge rate and point of connection (as agreed with United Utilities) and the volume of attenuation provided, remains the same. The attenuation system has however, been amended to provide an oversized pipe product as opposed to crates. Oversized pipes, such as the proposed Aqua Spira, are an established method for attenuating surface water and are commonly used on projects of this nature throughout the country. The key rationale put forward for the slight amendments proposed are as follows:

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1. Health and Safety - The installation of a crate system requires a larger area to be excavated and secured by fencing whilst the attenuation system is installed. This may mean that the excavated area is open for a longer time period. However, an oversized pipe system can be installed in phases with trenches dug, the attenuation installed and then covered without the need leave the area open and secured by fencing for extended periods.
2. Maintenance - The maintenance of oversized pipes, via manholes, is far easier than crates as it allows for jetting etc. if any blockages form. However, a crate system cannot be jetted due to its structure and would require more significant works to be undertaken to maintain if any issues arise.
3. Construction Programme - The installation of oversized pipes would produce some construction programme efficiencies allowing the Travel Hub to come into active use more quickly.

United Utilities has reviewed all of the above mentioned documents and have confirmed they have no objections to the condition being discharged for Phase 1A of the development, which relates to the erection of a Travel Hub building on the former Fairfax Road Council Car Park. As a result Condition 42 is discharged for Phase 1A of the development approved under application 70449.

Recommendation: Approve

Conditions and Reasons:

This decision relates to the following plans and documents:

- Surface Water Design Report prepared by Causeway (dated 19th September 2024);
- Drainage General Arrangement Ground Floor Sheet 1 (ref: 17300-CIV-P1-00-D-C-300001 C02);
- Drainage Details Aqua Spira Sheet 1 (ref: 17300-CIV-P1-XX-D-C-310005 C01);
- Drainage Details Aqua Spira Sheet 2 (ref: 17300-CIV-P1-XX-D-C-310006 C01);
- Drainage Details Aqua Spira Sheet 3 (ref: 17300-CIV-P1-XX-D-C-310007 C01);
- and,
- Manhole Schedule prepared by Civic Engineers (ref: 17300-CIV-P1-XX-D-C-350001 P03).

The condition is hereby partly discharged in so far as the above details are satisfactory for Phase 1A of the development approved only.

Providing that the development of Phase 1A is carried out in accordance with the above-mentioned details, the requirements of the condition relating to Phase 1A will be complied with.

Please note, Phase 1A of the scheme shall be implemented in accordance with the approved details before the Travel Hub approved is brought into use and shall be maintained as such thereafter.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
CB	03/07/2025		