MANCHESTER CITY COUNCIL

# Planning

## Growth & Development

## Delegated officer report for planning application

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| **Application no.** | 130126/JO/2021 |
| **Date registered valid:** | 21 April 2021 |
| **Proposal:** | Variation of planning condition 11 (opening hours) associated with planning permission 121841/FO/2018 to allow external operations at the site between the hours of 07:00 and 19:00, seven days a week; and internal operations to the building between the hours of 07:00 and 22:00 hours, seven days a week. |
| **Address:** | Reliance Street Waste Management Site , Reliance Street, Manchester, M40 3EZ |
| **Ward(s):** | |
| **Applicant:** | Mrs Helen Kelly Suez Recycling and Recovery UK Ltd West Sleekburn IWMF, West Sleekburn Industrial Estate, Northumberland, NE22 7LQ |
| **Agent (if any):** | |
| **Case officer:** | Jennifer Atkinson<br>Tel: 0161 234 4517<br>Email: jennifer.atkinson@manchester.gov.uk |
| **Recommendation:** | Approve |
| **Date of recommendation:** | **27.05.2021** |

**Application details**

**Type of application:** Variation or Removal of Condition

**Development type:** Minor Other

**Date of site visit:**

**Standard consultations:**
Printed: 27 April 2021 Expired: 18 May 2021

**Neighbour notifications**
No neighbour notifications have been printed and sent.

**Site notice**
Posted: Expired:

**Press advert**
Published: 4 May 2021 Expired: 25 May 2021

**Departure from Development Plan:** No

**Environmental Statement:** Not required

**Description of site/building**

The application site comprises the Reliance Street Waste Management Site which consist of the following:

- Household waste recycling centre (HWRC)
- Mechanical Biological Treatment (MBT) with anaerobic digestion (AD) plant; and
- Waste reception building.

The application site is situated towards the end of Reliance Street within a largely industrial area close to junction 22 of the M60 which is access off Oldham Road.

The existing buildings at the site are industrial and commercial in nature and reflect the characteristics of the local area. There are also areas of existing car parking which provide spaces for the workers and visitors to the site.

**Listed building:** Not applicable

**Conservation area:**

**Tree Preservation Order:**

**Description of area**

The site is bounded to the west by Reliance Street, Directly opposite the site entrance lies a number of industrial units and residential properties. To the south of the site lies a railway line, a siding off which services the waste management facility. Beyond this there are residential properties on Lilmore Avenue and an industrial estate. To the east, the application site is

bounded by a scrap yard. To the north, there is an earth mound and trees before the land falls steeply to form a ravine with the Moston Brook.

## Description of development

Planning permission was granted in 2018 for the replacement of existing waste reception building with modern purpose built Mechanical Treatment and Reception (MTR) building and associated welfare facilities (121841/FO/2018).

No change was proposed to the type and volume of waste managed at the site as part of this planning permission. The MTR building would be designed to receive up to 130,000 tonnes of waste per annum, the same as the existing facility planning permission allows, and associated vehicle movements would be unchanged from the existing operation.

There would be approximately 3,000 tpa of co-mingled containers, and 3,000 tpa mixed newspaper and card (pulpables), with the remaining tonnage being MSW. The waste material to be handled on the site would continue to be the currently approved municipal waste generated primarily from the Manchester City Council area.

The MTR building would comprise of a waste transfer loading station for co-mingled containers, pulpables (waste paper and cardboard) and residual waste (MSW). The co-mingled containers and pulpable waste streams would be bulked in dedicated bunkers and removed from site for recycling at other facilities. The residual waste would be processed and compacted to create a fuel to send by rail to an Energy from Waste (EfW) facility at Runcorn.

This would require the demolition of the existing waste reception and processing building, the existing contraries building and the compaction building (see Appendix B). Although this is the primary focus of the proposals, the planning application boundary also includes the extant MBT and AD plant which is to be mothballed. The proposed application area comprises 3.5 hectares (ha).

The development would incorporate all waste handling and processing within a single purpose-built building to minimise any potential (significant) adverse odour and noise effects with mitigation controls.

A pre-fabricated amenities building would be provided for the staff on the site.

The Household Waste Recycling Centre would be unaffected by the Proposed Development

This planning permission is currently being implemented at the site.

This application seeks planning permission for the variation of planning condition 11 (opening hours) associated with planning permission 121841/FO/2018 to allow external operations at the site between the hours of 07:00 and 19:00, seven days a week; and internal operations to the building between the hours of 07:00 and 22:00 hours, seven days a week.

## Consultations & Notification Responses

A site notice was displayed at the site and a press advert published in the local press. Letters were sent to a an extensive number of properties and businesses in the local area of the site.

**Local residents/public opinion –** No comments received

**Environmental Health –** No objections to the proposal

**Highway Services –** No objections to the proposal

**Design for Security at Greater Manchester Police -** No objections to the proposal

## Policy

**Manchester Core Strategy (2012) –** Relevant policies SP1, EC1, EC5, T1, EN4, EN6, EN8, EN14, EN15, EN16, EN17, EN8, EN19 and DM1

**Unitary Development Plan for the City of Manchester (1995) –** Relevant saved policy DC26

**Guide to Development in Manchester SPD (2007)**

**National Planning Policy Framework (2019)**

**Planning Practice Guidance**

**Greater Manchester Joint Waste Strategy DPD (2012)**

## Environmental Impact Assessment

The application was subject to a screening opinion under the environmental impact assessment regulations 2017. It was determined that this level of assessment was not required in this instance.

## Issues

The use of the site as a recycling facility is a long standing use at the site. Planning permission 121841/FO/2018 sought to refurbish the use and work is underway at the site.

Planning condition 10 stated the following:

*The development shall operate in accordance with the following operating hours:*

*07:00 to 18:00 seven days a week*

*Reason - In the interest of residential amenity and to minimise disturbance as a result of the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).*

The applicant wishes to amend the operating hours to allow external operations at the site between the hours of 07:00 and 19:00, seven days a week; and internal operations to the building between the hours of 07:00 and 22:00 hours, seven days a week.

They believe that the hours are too restrictive and not in accordance with the hours that were imposed on the original planning permission for the use of the site. In particular, the train which brings waste to and from the site does no leave the site until 18:40 and has operated like this since the site was originally granted planning permission.

Planning permission 091798/FO/2009/N1 (for the Replacement of original air clean up system with a Regenerative Thermal Oxidiser previously approved under 084335/FO/2007/N1 and amendments to approved infrastructure including changes to dimensions of plant and their position plus new infrastructure comprising sprinkler tank 9.5m high, two substations, gas meter building and sprinkler pump house) included the following conditions:

**Condition 7**

*The mechanical biological treatment facility shall not operate outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-*

*Waste reception (including Bulky Waste Compactor): 0700 to 1800 hours Monday to Saturday*
*08.00 to 18.00 hour Sunday and Bank Holidays*
*Mechanical Treatment (Dano Plant) 07.00 to 2200 hours Monday to Sunday*
*Pulper /Sludge Area 06.00 to 22.00 Monday to Sunday*
*Anaerobic Digestion: 24 hour operation Monday to Sunday.*

*Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.*

**Condition 12**

*The operational time for use of vehicles around the site , including deliveries, servicing and collections shall not take place outside the following hours*

*07.00 to 19.00 hours Monday to Saturday*
*08.00 to 19.00 Sundays and Bank Holidays.*

*Reason*

*To safeguard the amenities of the occupiers on nearby residential property pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.*

Environmental Health have considered the acoustic report which was submitted as part of 121841/FO/2018 which did stipulate and consider the later opening hours. There was an error in original planning documentation which did not refer to the later hours.

Environmental Health are satisfied with the proposed amended hours. It is considered that although there are nearby residential properties in the area, they would not be detrimentally affected by the changes over and above how the building and external areas operated prior to the planning permission being granted.

The verification elements of the acoustic and fume conditions would be re-imposed on this planning permission to ensure that the building and odours arrangements are in accordance with approved details.

All other planning conditions should be imposed on the planning permission.

**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 polices 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:**

**Article 35 Declaration**

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Pre application advice has been sought in respect of this matter where early discussions took place regarding the amendments to the hours. Further discussions have taken place with the applicant through the course of the application. The proposal is considered to be acceptable and therefore determined in a timely manner.

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

1) The development must be begun not later than the 13 March 2022.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawings approved as part of planning permission 121841

40292-wood-30-xx-DR-S-0006 P03, 40292-wood-30-xx-DR-S-0007 P03, 40292-wood-30-xx-DR-S-0004 P03and 40292-wood-30-xx-DR-S-0001 P02 stamped as received by the City Council, as Local Planning Authority, on the 13 November 2018

40292-wood-30-xx-DR-S-0005 P03 and 40292-wood-30-xx-DR-S-0003-P03 stamped as received by the City Council, as Local Planning Authority, on the 14 November 2018

Supporting information approved as part of planning permission 121841

Air quality, biodiversity survey and report, planning statement, visual appraisal, noise impact assessment, ecology report, drainage report, ground survey and transport statement stamped as received by the City Council, as Local Planning Authority, on the 13 November 2018

Predicated noise emission table stamped as received by the City Council, as Local Planning Authority, on the 8 February 2019

Email from Nienke Pengelly dated 18 February 2019

Email from Nienke Pengelly dated 7 January 2019

Email from Nienke Pengelly dated 19 December 2018

Email from Nienke Pengelly dated 14 December 2018

Drawings approved as part of Non material amendment to planning permission 121841/FO/2018

- RLs-ELE-0519-01, RIs-LAY-0519-02, RIs-RFPLN-0519-01 and RIs-PLN-0519-01 stamped as received by the City Council, as Local Planning Authority, on the 6 June 2019

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The drainage scheme shall be carried out in accordance with Drainage technical note stamped as received by the City Council, as Local Planning Authority, on the 22 July 2019, Existing drainage network drawings and associated survey report, proposed surface water drainage and email from Rizal Roney dated 12 August 2019 and Email from Rizal Roney dated 27 August 2019 including plan showing gullies.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

4) Construction Management shall be carried out in accordance with the Site construction management plan and environmental management plan prepared by I and H Brown stamped as received by the City Council, as Local Planning Authority, on the 22 July 2019 and Update stamped as received by the City Council, as Local Planning Authority, on the 18 September 2019.

The construction plan agreed shall be in place for the duration of the construction period.

Reason - To safeguard the amenities of nearby residents, highway safety and air quality, pursuant to policies SP1, EN16, EN19 and DM1 of the Manchester Core Strategy (July 2012).

5) The materials shall be carried out in accordance with the Schedule of materials stamped as received by the City Council, as Local Planning Authority, on the 22 July 2019. The approved materials shall then be implemented as part of the development.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

6) The installation of a proprietary gas protection membrane shall be carried out in accordance with - Drawing 3 Site investigation layout, Gas and Ground water monitoring data, CCG-C-19-10991: Structural/ground investigation interpretative report by CCG

The above documents were stamped as received by the City Council, as Local Planning Authority, on the 22 August 2019

-Gas data and Risk Assessment methodology

The above documents were stamped as received by the City Council, as Local Planning Authority, on the 11 October 2019. The approved scheme shall be implemented as part of development and retained and maintained in situ.

Reason - The development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas and a scheme is required to alleviate any

possibility of landfill gas ingress to the Building pursuant to policies DM1 and EN18 of the Core Strategy.

7) Prior to the first occupation of the development, details of the implementation, maintenance and management of the sustainable drainage scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include:

- Verification reporting providing photographic evidence of constriction;
- Management and maintenance plan for the lifetime of the development which shall include the arrangements adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason – To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

8) (a) The development shall be carried out in accordance with the acoustic report, emails stamped as received by the City Council, as Local Planning Authority, on the 13 November 2018 and dated 19 December 2018, 7 January 2019 and 8 February 2019 respectively.

(b) Prior to the first use of the development hereby approved a post completion survey (including appropriate additional mitigation measures and timescales for implementation if necessary) shall be submitted for approval in writing by the City Council, as Local Planning Authority. The measures agreed thereafter shall be retained and maintained in situ.

Reason: In order that the premises is acoustically insulated to an appropriate standard to prevent noise break out and disturbance in the interest of residential amenity pursuant to policies SP1, H1 and DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

9) (a) The development shall be carried out in accordance with the fumes and odour report within the planning statement, emails stamped as received by the City Council, as Local Planning Authority, on the13 November 2018 and 14 December 2018 respectively.

(b) Prior to the first use of the development hereby approved a post completion survey (including appropriate additional mitigation measures and timescales for implementation if necessary) shall be submitted for approval in writing by the City Council, as Local Planning Authority. The measures agreed thereafter shall be retained and maintained in situ.

Reason: In order that the fumes and odour system at the development is appropriate in the interest of residential amenity pursuant to policies SP1, H1 and DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

10) The development shall be carried out in accordance with the air quality report stamped as received by the City Council, as Local Planning Authority, on the 13 November 2018. This shall include the air quality measures outlined on page 25 of the document. The air quality measures shall remain in place for the duration of the construction and operation of the development.

Reason – In the interest of minimising the impact of the development on air quality pursuant to policy EN14 of the Manchester Core Strategy (2012).

11) The development shall operate in accordance with the following operating hours:

- External operations at the site between the hours of 07:00 and 19:00, seven days a week; and
- internal operations to the building between the hours of 07:00 and 22:00 hours, seven days a week.

Reason – In the interest of residential amenity and to minimise disturbance as a result of the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

12) The lighting scheme shall be carried out in accordance with the Lighting specification report stamped as received by the City Council, as Local Planning Authority, on the 22 July 2019. The approved scheme shall be implemented in full prior to the first use of development and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of policies SP1 and DM1 of the Core Strategy.

13) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

14) Prior to the first use of the development hereby approved, details of a travel plan framework shall be submitted for approval in writing by the City Council, as Local Planning Authority.

In this condition a Travel Plan means a document which includes:

i) the measures proposed to be taken to reduce dependency on the private car by those living at the development;
ii) a commitment to surveying the travel patterns of residents/staff during the first three months of the first use of the building and thereafter from time to time
iii) mechanisms for the implementation of the measures to reduce dependency on the private car
iv) measures for the delivery of specified travel plan services
v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first occupation of the building, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority. Any Travel Plan which has been approved by the City Council as Local Planning Authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel to the development, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy (2012).

15) Prior to the first use of the development, the details of the siting, scale and appearance of a secured cycle store shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented prior to the first use of the development and retained and maintained in situ for as long as the development remains in use.

Reason – To ensure there is sufficient cycles stand provision at the development and the residents in order to support modal shift measures pursuant to policies SP1,T1, T2 and DM1 of the Manchester Core Strategy (2012).

16) Prior to the first use of the development hereby approved, the car parking, as indicated on drawing40292-wood-30-xx-dr-s-0001 Rev P02 stamped as received by the City Council, as Local Planning Authority, on the 13 November 2018 shall be laid out, demarcated and made available. The car parking layout shall be retain and maintained for as long as the development remains in use.

Reason – To ensure car parking is available for the development pursuant to policies SP1, T1, and DM1 of the Manchester Core Strategy (2012).

17) Prior to the first use of the of the development hereby approved, a scheme of highway works and pedestrian improvements internal to the site shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include the following:

- Footway improvement in order to improvement pedestrian movements around the site;
- Provision of disabled bays within the car park layout.

The approved scheme shall be implemented and be in place prior to the first occupation of the residential element of the development hereby approved and thereafter retained and maintained in situ.

Reason - To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012) and in accordance with the New Cross Public Realm Strategy.

18) The removal of vegetation shall be carried out in accordance with the Covering letter stamped as received by the City Council, as Local Planning Authority, on the 22 July 2019. Any method statement shall then be implemented for the duration of the demolition works.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy (2012).

## Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

## 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 -
Historic Landfill Site 250m Buffer -
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 (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH1