

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/25/0778

Date registered valid: 12 August 2025

Proposal: Discharge of Condition 11B (Ground Conditions) attached to planning permission 134504/FO/2022 in relation to plots nos. 23-28, 50-59, 66,67,73,128-131 and apartment blocks 1 ,2 and 3.

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: Approve

Date of recommendation: 20th October 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 20 August 2025 Expired: 11 September 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

Consultations & Notification Responses

Environmental Health – 09.09.2025 have been through the latest validation reports, the following plots can now be recommended for discharge:

- 23-28
- 50-59
- 66-67
- 73
- 128-131
- Apartment block 1 (237-272)

Apartment block 2 (205-236) we have had landscaping only

Apartment block 3 (173-204) we have had membrane only

They also raised issues in respect of the validation report for the landscaping around block 1, and the geotextile membrane in proximity to block 1, but advised this is communal landscaping/grass and they not expecting it to be used for growing fruit/vegetables.

Further comments 17.10.2025 – They can now recommend discharge of condition 11B for apartment blocks 2 and 3.

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:

Article 35 Declaration

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

11b) The content of the documentation specified below has been reviewed:

Garden Validation plot nos. 128-131 dated 28th March 2025 ref: 15-974 V14

Garden Validation plot nos. 72-79 dated 12th June 2025 ref: 15-974 V19

Garden Validation plot nos. 60-63, 65-69 dated 12th June 2025 ref: 15-974 V20

Garden Validation Blocks 1 and 2 dated 30th June 2025 ref: 15-974 V21

Garden Validation plot nos. 23, 26-28, 50-52, 56-59 dated 15th July 2025 ref: 15-974 V24

Garden Validation plot nos. 53-54 dated 22nd July 2025 ref: 15-974 V25

Garden Validation plot nos. 24, 25, 46-49, 55 dated 1st August 2025 ref: 15-974 V26

Gas Membrane Validation plot nos. 49-59 and 149-150 dated 28th January 2025 ref: 15-974 V26

Gas Membrane Validation plot nos. 24-25 dated 6th February 2025 ref: 15-974 V28

Gas Membrane Validation Apartment Block 3 dated 11th March 2024 ref: 15-974 V4

Gas Membrane Validation Apartment Block 1 dated 15th March 2024 ref: 15-974 V5

Gas Membrane Validation plot nos. 130-135 dated 28th June 2024 ref: 15-974 V8

Gas Membrane Validation plot nos. 95, 96, 101-104, 128, 129 dated 24th September 2024 ref: 15-974 V14

Gas Membrane Validation plot nos. 71-76 dated 14th November 2024 ref: 15-974 V20

Gas Membrane Validation plot nos. 66-70 dated 4th December 2024 ref: 15-974 V25

Gas Membrane Validation plot nos. 26-28 dated 20th March 2025 ref: 15-974 V33

Gas Membrane Validation plot nos. 20-23 dated 28th January 2025 ref: 15-974 V27

Gas Membrane Validation Apartment Block 2 report dated 20th March 2024 ref: 15-974 V6
received 11th September 2025

Garden Validation Apartment Block 3 report dated 14th October 2025 ref: 15-974 V33 received
14th October 2025

On the basis of the documents referenced above condition no. 11b is discharged in respect of
plot nos. 23-28, 50-59, 66,67,73,128-131 and apartment blocks 1 ,2 and 3.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

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 (Middle) -

Susceptible to Surf Water Flood (More) -

Area Team Boundary - Name: NORTH AREA