

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/25/0083

Date registered valid: 30 January 2025

Proposal: Discharge of condition 12C (electric vehicle charging), 19 (HGV routing strategy), 27a (biodiversity) attached to planning permission 140488/JO/2024

Address: Land To North Of Lawton Street , New Smithfield Market, Openshaw, Manchester, M11 2WJ,

Ward(s): Clayton & Openshaw Ward

Applicant: C/o Agent E&E Barton Estates Limited

Agent (if any): Steven Shaw, C4 Projects

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

Recommendation: Approve

Date of recommendation: 26 March 2025

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 4 February 2025 Expired: 25 February 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

Environmental Health – 06.02.2025

We have considered the information submitted for the above CDN application and can provide the following comments:

It is understood that condition 12C relates to the provision of cable-enabled car parking spaces for phases 1 and 2 of the development. The agreed requirement, as per our email of 18 December 2024 re variation application 140488/JO/2024, is for cable ducting to be installed for all staff spaces not subject to electric vehicle charging points.

The covering letter submitted for CDN/25/0083 states with respect to Unit 1 that "*The consented scheme provided a total of 58 car parking spaces on the site, as part of the revised proposals [under approval 140488/JO/2024], a total of 57 spaces will be provided*" and that

"these will be split over two locations either side of the unit. A total of 30 spaces will be provided in the southern area of the site, these spaces will be used by staff and visitors to the unit and the mobility impaired spaces are located adjacent to the main access into the unit. The remaining 27 spaces will be provided in the northern area of the site, it is proposed that these spaces will be used solely by staff of the site".

Submitted drawing no. 23131-C4P-80-S01XX-D-A-8004_P01, drawing no. 23131-C4P-80-S01XX-D-A-8003 rev.P07 included in the covering letter, and drawing no. 23131-C4P-80-S01XX-D-A-8003 rev.P08 submitted under approved variation 140488/JO/2024, show a total of 31 spaces in the southern area of the site rather than 30 as stated in the covering letter. The 'Warehouse Car Park' marked in the northern area of Unit 1 shows 27 spaces on all drawings, which corresponds to the covering letter. 8 spaces in this area are marked as cable-enabled therefore clarification is required of how many of the remaining 19 are staff spaces. The spaces in the southern area of the site marked as 'Office Car Park' include 21 spaces, 9 of which have EVCP, and 2 of the remaining 12 are shown as cable-enabled. All staff spaces are required to be cable-enabled.

The covering letter makes no reference to Unit 2 with respect to the requirements of condition 12C, but it is understood that 108 car parking spaces, including 20 staff parking spaces with 4 x EVCP, are to be provided for Unit 2, as per approval 133759/FO/2022 and approved drawing no. AS763-03 rev.H cited in condition 12B of variation approval 140488/JO/2024. It is noted that drawing no. 23131-C4P-80-S01XX-D-A-8003 rev.P08, also submitted for 140488/JO/2024, shows a different number of parking spaces for Unit 2 however, as we understand that 20 staff parking spaces including 4 with EVCP are approved and the correct drawing to reference is no. AS763-03 rev.H, proposals for cable ducting are required for the remaining 16 staff parking spaces for Unit 2.

Due to the above outstanding issues they cannot currently recommend discharge of the condition.

Further comments 25.05.2025 – following clarification application relates to Phase 1

The covering letter submitted for CDN/25/0083 states with respect to Unit 1 that *"The consented scheme provided a total of 58 car parking spaces on the site, as part of the revised proposals [under approval 140488/JO/2024], a total of 57 spaces will be provided"* and that *"these will be split over two locations either side of the unit. A total of 30 spaces will be provided in the southern area of the site, these spaces will be used by staff and visitors to the unit and the mobility impaired spaces are located adjacent to the main access into the unit. The remaining 27 spaces will be provided in the northern area of the site, it is proposed that these spaces will be used solely by staff of the site".*

Submitted drawing no. 23131-C4P-80-S01XX-D-A-8004_P01, drawing no. 23131-C4P-80-S01XX-D-A-8003 rev.P07 included in the covering letter, and drawing no. 23131-C4P-80-S01XX-D-A-8003 rev.P08 submitted under approved variation 140488/JO/2024, show a total of 31 spaces in the southern area of the site rather than 30 as stated in the covering letter. The 'Warehouse Car Park' marked in the northern area of Unit 1 shows 27 spaces on all drawings, which corresponds to the covering letter. 8 spaces in this area are marked as cable-enabled therefore clarification is required of how many of the remaining 19 are staff spaces. The spaces in the southern area of the site marked as 'Office Car Park' include 21 spaces, 9 of which have EVCP, and 2 of the remaining 12 are shown as cable-enabled. All staff spaces are required to be cable-enabled.

Further comments 18.03.2025

The agent has confirmed that all allocated staff spaces have cable routes therefore they have no further objection to the discharge of condition 12c.

Highway Services-

In regard to Condition 12c (electric vehicle charging) plans have been submitted to confirm EV charging spaces and future ducting. The information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

In regard to Condition 19(HGV routing strategy) plan '4446-SP01' demonstrates that an HGV can access, manoeuvre and egress safely. The information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

GMEU - 20.02.2025

Condition 27a – Biodiversity Enhancement Measures – phase 1

Whilst no planting schedule has been provided, given the baseline habitats for this part of the site had no vegetation, the proposed tree, shrub and hedge planting will be a clear enhancement of the biodiversity of the site no matter which species are utilised. Therefore, there can be no objection to the discharge of the prior to part of the condition. They would however request that the planting schedule include native or wildlife friendly species.

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: Approve

Article 35 Declaration

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

Condition 12C (electric vehicle charging ducting)

12c) The details on the Site plan as proposed plan ref: 23131-C4P-80-S01XX- D-A- 8003 rev. P09 and Site Plan – Ducting as proposed plan ref: 23131-C4P-80-80-S01XX-D-A- 8004 rev. P02 received 6th March 2025 have been examined and are considered to be acceptable in regard to ducting.

On the basis that the ducting is implemented in accordance with the details on the plans referenced above, prior to the building in phase 1 being occupied, condition no.12 c is discharged in respect of Phase 1 of the development.

Condition no.19 (HGV routing strategy)

19) The HGV routing strategy referenced in the Transport Note 01 dated September 2024 has been reviewed in relation to Phase 1 of the development. On the basis that Phase 1 of the development is operated in strict accordance with the approved strategy for that phase for as long as the development is operational, condition no.19 is discharged in relation to Phase 1 of the development.

Condition no.27a (biodiversity)

27a) The details on the Landscape Masterplan – Hard and soft landscape finishes ref: 23131-C4P- 15-S01XX-D-A – 1502 rev. P06 received 24th February 2025 have been examined and are considered to be acceptable. On the basis that the biodiversity enhancement measures for phase 1 of the development are implemented in accordance with the Landscape Masterplan – Hard and soft landscape finishes ref: 23131-C4P- 15-S01XX-D-A – 1502 rev.P06 received 24th February 2025, prior to the occupation of the building within phase 1 of the development, condition 27a is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Ecology Unit

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
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA