MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/24/0312
Date registered valid:	18 April 2024
Proposal:	Discharge of Conditions 18a (Acoustics), 30 (Bird and Bat Boxes) and 32b (landscaping) attached to planning permission 134504/FO/2022
Address:	Olympic Freight Terminal, Bennett Street, Manchester, M12 5NL
Ward(s):	Ardwick Ward
Applicant:	Mr Ray Collins Kellen Homes
Agent (if any):	
Case officer:	Sue Wills Tel: 0161 234 4524 Email: sue.wills@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	13 June 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 25 April 2024 Expired: 17 May 2024

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
GMEU -16.05.2024

Condition 30 – The information submitted is satisfactory. I would therefore recommend that the first part of the condition, as it relates to the submission and approval of the bat and bird box scheme be discharged.

Condition 32b – The proposed grassland mix includes several species that are not locally native to Manchester and are unlikely to survive in the long term. The following species should be removed: Wild Carrot, lady's bedstraw, field scabious, salad burnet and cowslip. Alternatively a different species mix should be used which has species for neutral grasslands.

FURTHER COMMENTS 12.06.2024
Unfortunately the majority of commercially available seed mixes are not suitable for our area.

For the one they have listed the following species would need to be replaced:

Daucus carota – Wild Carrot

Galium verum – Lady's Bedstraw

Knautia arvensis – Field Scabious

Poterium sanguisorba – Salad Burnet

Primula versis – Cowslip

Ranunculus bulbosus – Bulbous Buttercup

Alternatively, the following mix only has one species that is generally not found in our area (pepper saxifrage) and this is at low levels: https://www.dlf.co.uk/wildflowers/pro-flora-3-damp-soils. Although it is labelled for damp soils the species are generally found on drier sites.

FURTHER COMMENTS 12.06.2024
Confirmed that they would be happy if the scheme were switched to the pro flora mix.

Environmental Health – 17.05.2024
The information submitted is sufficient for part a of condition no.18 .

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 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: Approve

Article 35 Declaration

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

Condition no. 18a (Acoustics)
18a) The content of the Noise and Vibration Impact Assessment report ref: 50-636-R1-4 dated 14th July 2022 has been reviewed and is considered to be acceptable . On the basis that the mitigation measures within the Noise and Vibration Impact Assessment report ref: 50-636-R1-4 dated 14th July 2022 are implemented in full before any of the directly associated dwelling units to the nearby rail lines are occupied, condition no.18a is discharged.

Condition no. 30 (Bird and Bat Boxes)
30) The Bennett Street Bat and Bird Box Strategy by Ecus dated 25th March 2024 (including locations shown on Figure 1 -Bat and bird box locations), together with visuals of the Schwegler Sparrow terrace and Schwegler Starling Nest box and Ibstock Enclosed Bat Box 'C' received 12.06.2024 have been examined and are considered to be acceptable. On the basis that the scheme is implemented in accordance with the measures within the report and visuals referenced above, prior to the occupation of the buildings, and retained at all times thereafter, condition no.30 is discharged.

Condition no. 32b (Landscaping)

32b) The species, and associated planting locations, together a management and maintenance strategy, for the proposed landscaping referenced in the documents and shown on the plans specified below have been examined.

Revised BNG Assessment - Technical Note dated 15.03.2024
25 year management plan ref: YD1_2_013_BS_LMR001
Received 18th April 2024

Composite Plant Schedule ref: YD2 _CD_LP010 rev.T2
Composite Plant Schedule ref: YD2 _CD_LP100 rev.T4
Planting plan sheet 1 of 8 ref: YD2 _CD_LP101 rev. T4
Planting plan sheet 2 of 8 ref: YD2 _CD_LP102 rev. T4
Planting plan sheet 3 of 8 ref: YD2 _CD_LP103 rev T4
Planting plan sheet 4 of 8 ref: YD2 _CD_LP104 rev. T4
Planting plan sheet 5 of 8 ref: YD2 _CD_LP105 rev. T4
Planting plan sheet 6 of 8 ref: YD2 _CD_LP106 rev. T4
Planting plan sheet 7 of 8 ref: YD2 _CD_LP107 rev T4
Planting plan sheet 8 of 8 ref: YD2 _CD_LP108 rev. T4

Received 13th June 2024. On the basis that the development is implemented in accordance with the details on the plans and in the documentation referenced above condition no.32b is discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Ecology Unit

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
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA