

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Partial approval of details reserved by condition

Applicant

Miss Kirsty Wright
Kellen Homes
1st Floor
103 Dalton Avenue
Warrington
WA3 6YF

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions attached to conditions 5 (off site highway works), 7 (cycle storage), 8 (traffic calming), 9a (travel plan), 10 (EV), 12 (no infiltration of surface water drainage), 18a (noise and vibration), 19 (waste management plan, residential), 24 (finished floor levels), 26 (lighting), 30 (bio diversity net gain), 42a (local labour), attached to planning permission referenced 134504/FO/2022

Location: Storage Land, Olympic Freight Terminal, Bennett Street, Manchester, M12 5NL

Date of application: 18 May 2023

Application number: CDN/23/0311

Part 2 – Particulars of decision (a)

Manchester City Council gives notice that the following detail(s) referred to in Part 1 are **approved** in accordance with the information set out below.

Condition no. 7 (Cycle storage)

The information on the plan referenced below has been examined.

- Cycle Store GA KH006 A-73

The details has been examined and are considered to be acceptable in design terms, but only on the proviso that the Sheffield hoops shown are securely affixed to the ground and that a robust lock mechanism forms part of the door and surround to secure access to the apartment cycle stores.

Furthermore, the content of the email from Kellen Homes dated 30th January 2024 confirming the provision of 1no. fold up bicycle for each dwellinghouse has been noted. In addition the provision of 2no. Sheffield cycle stands for use by visitors to the community centre shown on plan ref: KH006 A-100 rev.Q and cycle stand specifications received 30th January 2024 has also been noted.

On the basis that cycle storage measures specified above for the apartments, houses and community centre are implemented in accordance with the approved details specified above, and all the agreed works are completed prior to the proposed accommodation being brought into use, and be retained thereafter , condition no.7 is discharged.

Condition no.9a (Travel plan)

The content of the Residential Travel Plan Framework has been examined, and on the basis of the implementation of the measures within this document condition no.9a is discharged.

Condition no. 10 (EVC's)

The content of the Kellen Homes EV-Charging Strategy examined. On the basis of the implementation of the measures within this document at both the apartments and houses shown on plan ref: A100 rev.K within the development, and that the approved scheme to install the electric vehicle charging point applicable to any dwellinghouse and to parking spaces for the apartments is completed prior to that accommodation being occupied, and thereafter managed and maintained in accordance with the approved details, condition no.10 is discharged.

Condition no.12 (No infiltration)

The contents of documents referenced below have been examined.

1. Letter Report - Bennett Street, Manchester. Discharge of Condition 11a Planning Permission 134504/FO/2022 - Response to EA Comments Received 9 th June 2023. Prepared by e3p ltd. No Report Reference. Dated 13 th June 2023
2. Construction Environmental Management Plan - Bennett Street, Manchester, M12 5NL. Prepared by Kellen Homes. No Report Ref. Dated June 2023.
3. Remediation and Enabling Works Strategy, Bennet Steet, Manchester. Prepared by e3pl ltd. Report Ref: 15-974-R1-2. Version2. Prepared by e3p ltd. Dated July 2022.
4. Phase I and II Geoenvironmental Site Assessment, Bennett Street, Manchester. Report Ref: 15-974-R1-2. Version 2 Prepared by e3p ltd. Dated December 2022.

On the basis that the development is implemented in full accordance with the measures within the documents listed above condition no.12 is discharged.

Condition no. 19 (Waste Residential)

The details shown on the Waste Management Plan Bin Store plan ref: GA KH 006 A-702 have been examined and considered in conjunction with the Waste Management Strategy and waste management plan ref: KH-006 A-700 accompanying the planning application, and are considered to be acceptable .

On the basis that the development details shown on the Waste Management Plan Bin Store plan ref: GA KH 006 A-702, waste management plan ref: KH-006 A-700 and the Waste Management Strategy and accompanying the planning application and remains in situ whilst the dwellings and apartments are occupied, condition no.19 is discharged.

Condition no. 26 (External lighting)

The details in the Bennett Street Lighting Strategy November 2023 and on the following plans have been examined .

- Section 38 Street Lighting Design Sheet 1of 1 plan ref: SHD 690 R2
- Section 38 Solar Lighting Design Sheet 1of 2 plan ref: SHD 691 R2

- Section 38 Solar Lighting Design Sheet 1 of 2 and 2 of 2 plan ref: SHD 692 R2
Received 25th January 2024

On the basis that the development is implemented in full accordance with the measures within the documents listed above condition no.26 is discharged.

Condition no.42a (Local labour)

The details in the Local Benefit Proposal as updated by Local labour KPI document received 03.01.2024, have been reviewed are considered acceptable. On this basis condition no.42a is discharged.

Part 2 – Particulars of decision (b)

Manchester City Council gives notice that the following detail(s) referred to in Part 1 are **refused** in accordance with the information set out below.

Condition no.5 (Highway works)

The information within the documents referenced below has been examined.

- Section 38 agreement plan ref: 22122/112/01 rev. B received 19.12.2023
- Bennett Street Road Safety Audit Stage 1 / 2 report dated 2nd Augst 2023
- Bennett Street Road Safety Audit Stage 1 / 2 response report dated 13th November 2023.

However, the applicant has stated that Technical Approval by Highways will not be issued until an emergency access has been removed from the highway layout which is shown on the Section 38 agreement plan. It is further noted that the applicant is submitting a Non-Material Change application to address this matter. As such condition no.5 cannot be discharged on the basis of the drawings referenced above.

Condition no. 8 (Traffic calming)

The information within the documents referenced below has been examined.

- Section 38 agreement plan ref: 22122/112/01 rev. B received 19.12.2023
- Bennett Street Road Safety Audit Stage 1 / 2 report dated 2nd Augst 2023
- Bennett Street Road Safety Audit Stage 1 / 2 response report dated 13th November 2023.

However, the applicant has stated that Technical Approval by Highways will not be issued until an emergency access has been removed from the highway layout which is shown on the Section 38 agreement plan. It is further noted that the applicant is submitting a Non-Material Change application to address this matter. As such condition no.8 cannot be discharged on the basis of the drawings referenced above.

Condition no. 18a (Noise and vibration)

The submitted Noise and Vibration Impact Assessment Ref50-636-R1-4 dated July 2022 also accompanied the original planning application submission.

The submitted documentation, however, does not confirm the finalised mitigation measures for the properties that will be most affected by noise from the trainline (in the gardens). Two options are proposed, brick or wood fences. The applicant must confirm which is preferred and, if the wood fence is chosen, then a maintenance plan for the fencing will need to be for review and to be agreed. All other mitigation measures, as set out in the submitted report, must be implemented in full and the applicant must submit details for the ventilation systems to be installed. In view that there are outstanding matters which need to be addressed, condition no.18a cannot be discharged at this time.

Condition no.24 (Finished floor levels)

The details shown on the External Works Drawings 106 01 (rev D), 106 02 (rev C), 106 03 (rev C), 106 04 (rev D), 106 05 (rev D), 106 06 (rev D) have been examined and considered with the in details in email dated 19th December 2023. However, as condition no.22 (drainage) is currently under consideration as part discharge of condition application ref: CDN/23/0755, and currently cannot be discharged , as finalised floor levels may be impacted by the drainage proposals , condition no.24 is not discharged at this time.

Condition no.30 (Bio-diversity net gain)

The details in the document Biodiversity Net Gain Baseline Assessment have been reviewed.

The Biodiversity Net Gain Assessment demonstrates the proposals will achieve a net gain for biodiversity, but states that the trading rules of the metric will be broken and makes recommendations for the inclusion of areas of wildflower planting. However, the submitted Landscape masterplan ref: YD2_22-13_BS_L001 rev.C 23.01.2023 accompanying the original application included such areas, so the calculations appear to have been made based on a different plan.

In addition, the condition states that "a scheme and programme for delivering biodiversity enhancement at the site (including the provision of bird boxes/sparrow terraces and bat boxes/bricks) shall be submitted". It does not appear that any programme for delivering any biodiversity enhancement has been included and no details of bird or bird boxes have been submitted for consideration. Condition no.30 therefore cannot be discharged at this time.

Date: 31 January 2024

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.