MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138804/NMC/2023
Date registered valid:	12 December 2023
Proposal:	Non-Material Amendment to planning permission 128700/FO/2020 to allow for amendments to condition no. 10 (Ecology - Precautionary Measures Method Statement for Amphibians)
Address:	Land At Sunbank Lane, Manchester, WA15 8XN
Ward(s):	Woodhouse Park Ward
Applicant:	Mr James Nichols THG Icon CP Propco Limited
Agent (if any):	Ms Katie Daniels Euan Kellie Property Solutions
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	APPROVE
Date of recommendation:	5 January 2024

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Standard consultations:
Printed: 20 December 2023 Expired: 13 January 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/area

Irregular shaped site located between Sunbank Lane and the M56 motorway, the site also sits within the boundaries of the World Logistic Hub (WLH). The site is informally landscaped consisting of hedging, most recently planted as part of the landscape mitigation for the WLH, and pasture land.

Listed building: no
Conservation area: no
Tree Preservation Order: no

Description of Development

The applicant obtained planning permission (128700/FO/2020) for a 163 space overspill car park to be used in connection with The Hut Group office which is located to the east of this site. That permission was subject to a number of conditions, one of which is condition no. 10:

> *10) Prior to the commencement of the development hereby approved, the Precautionary Measures Method Statement for Amphibians (Preliminary Ecological Appraisal and associated drawings prepared by Pennine Ecological, stamped as received on 19 February 2021) shall be implemented in full and thereafter maintained in accordance with the approved method statement.*
>
> *Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Manchester Core Strategy.*

On review of the approved Precautionary Measures Method Statement for Amphibians referenced in this condition it was noted that the methodology suggests that following vegetation clearance, the site should be left for 7 days with consecutive overnight temperatures greater than 6 degrees, which may not be possible in January. Pennine Ecological has confirmed that that this was only included in the methodology as the works were originally envisaged to take place the following Spring (2021) – when amphibians are active. However, given the works will now be undertaken in the winter months, it has been agreed with GMEU that there would be no requirement for the overnight temperatures to be above 6 degrees for 7 consecutive nights, although the 7-night pause should still take place, and alternatively two additional site checks will take place within this 7- day period.

As such, the Precautionary Measures Method Statement for Amphibians has been updated and the applicant is seeking to update the wording of condition 10 as follows (proposed changes highlighted in bold):

> *10) Prior to the commencement of the development hereby approved, the Precautionary Measures Method Statement for Amphibians* ***Addendum (TG Report No.13544_R02_NB- prepared by Tyler Grange), received on 12 December 2023****, shall be implemented in full and thereafter maintained in accordance with the approved method statement.*
>
> *Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Manchester Core Strategy.*

Consultations & Notification Responses

Greater Manchester Ecology Unit (GMEU) – GMEU accept that two site visits within the 7-day period following the cut, where ecologists will undertake a hand-search of the field and move-off any amphibians present towards the other end of the site, is an acceptable approach for the conservation of amphibians on the site. Therefore, GMEU raise no objections to the non-material amendment to the original wording of Condition 10.

Policies

The National Planning Policy Framework (December 2023) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of specific issues, of which the following are of most relevance for which more detailed guidance may be given within a supplementary planning document:-

- Effects relating to biodiversity, landscape, archaeological or built heritage.

Policy DM 2, *Aerodrome Safeguarding* – This policy states that development that would affect the operational integrity or safety of Manchester Airport or Manchester Radar will not be permitted.

Policy EC1, *Employment and Economic Growth in Manchester* – This policy states that key locations for major employment growth showing indicative distribution figures will be the Regional Centre and Manchester Airport and the surrounding area.

Policy EC10, *Wythenshawe* – This policy states that Wythenshawe is expected to provide 55 hectares of employment land within the office, research and development and light industry (Class B1) and logistics and distribution (Class B8) sectors.

Issues

Ecology – GMEU have confirmed that the proposed amendments to the Precautionary Measures Method Statement for Amphibians is acceptable. Accordingly, it is not considered that the proposal would have a detrimental impact upon any existing ecological features.

Visual and Residential Amenity – It is not considered that the amendments to the wording of condition no. 10 would have a detrimental impact upon the existing levels of residential and visual amenity enjoyed within the vicinity of the site.

Pedestrian and Highway Safety – It is not considered that the amendments to the wording of condition no. 10 would have a detrimental impact upon the existing levels of pedestrian and highway safety enjoyed within the vicinity of the site.

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

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

1) The details of the proposed amendments are:-

a) Amendments to the Precautionary Measures Method Statement for Amphibians given the changes to the construction schedule.

2) Following an assessment of the details submitted, I can confirm that the proposed amendments are considered to be of a non-material nature and are considered to be acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will have no material impact upon the levels of residential and visual amenity and pedestrian and highway safety enjoyed within the vicinity of the site or upon the measures proposed for the protection of amphibians.

3) Condition 10) Prior to the commencement of the development hereby approved, the Precautionary Measures Method Statement for Amphibians Addendum (TG Report No.13544_R02_NB- prepared by Tyler Grange), received on 12 December 2023, shall be implemented in full and thereafter maintained in accordance with the approved method statement.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Greater Manchester Ecology Unit

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 Zone - Within Outer Area
Green Belt Land - Greater Manchester Green Belt Local Plan 1984
Area Team Boundary - Name: SOUTH AREA