MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/24/0189
Date registered valid:	13 March 2024
Proposal:	Discharge of conditions 5 (Highways), 8 (Highway Routes) and 24 (Finished Floor Levels) attached to 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):	Ray Collins, Kellen Homes
Case officer:	Sue Wills Tel: 0161 234 4524 Email: sue.wills@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	14 May 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 18 March 2024 Expired: 10 April 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

Highway Services 25.03.2024
In regard to Condition 5 (Highways) plans have been submitted detailing the proposed highways works. MCCs Statutory Approvals Team were approached for comments and they have advised that the highways design has not been finalised yet. The information is insufficient to allow them to recommend the discharge of the condition from a Highways perspective.

In regard to Condition 8 (Highway Routes) plans have been submitted detailing the proposed highways works. MCCs Statutory Approvals Team were approached for comments and they have advised that the highways design has not been finalised yet. The information is insufficient to allow them to recommend the discharge of the condition from a

Highways perspective.

Further comments 08.04.2024
It is confirmed that the design has not been technically approved yet and therefore they are unable to discharge this condition at this time.

Further comments 16.04.2024
In relation to this application - CDN/24/0189, subject to the Applicant continuing ongoing discussions with the MCC Highways team regarding the Highways Works and Section 278 agreement (pursuant to the Highways Act 1980), the condition can be discharged from a Highways perspective.

LLFA Comments 24/04/2024

Comments in relation to condition 23:

Condition 23 relates to both the surface water drainage system and the ordinary watercourse diversion. Until the site wide drainage system has been constructed and evidence has been submitted in accordance with this condition, they would be unable to recommend the discharge condition 23.

However, the land drainage consent approval (MCC024/11/2022) requires the developer to supply as-built drawings of the constructed watercourse diversion. If construction is completed, they would recommend the developer supplies this information as soon as possible.

Comments in relation to condition 24:

They have no further comment to make on condition 24. The proposed level plan corresponds with the overland flow routing layout (drawing no. 22122/101/2/E) submitted under discharge of condition application ref: CDN-24-0145.
Therefore, they would recommend condition 24 is discharged.

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. 5 (Highways)
5) The details on the Section 38 agreement General Arrangement plan ref:22122/118/1 rev.E and Section 38 and 278 and legal agreement plan ref:22122/112/1 rev.J have been reviewed. On the basis that the highway works are implemented in accordance with the approved details and approved delivery sequence, and all the agreed works are completed prior to the first dwelling unit being occupied , condition no.5 is discharged.

Condition no. 8 (Highway Routes)
8) The details on the Section 38 agreement General Arrangement plan ref:22122/118/1 rev.E and Section 38 and 278 and legal agreement plan ref:22122/112/1 rev.J. On the basis that the highway works are implemented in accordance with the approved details before the development is occupied , and the measures are retained at all times thereafter, condition no.8 is discharged.

Condition no. 24 (Finished Floor Levels)
24) The plans referenced below have been reviewed solely in relation to Finished Floor Levels and are considered to be acceptable in regard to Finished Floor Levels.
External Works Drawing no.1 plan ref: 22122/106/1 rev.K
External Works Drawing no.2 plan ref: 22122/106/2 rev.i
External Works Drawing no.3 plan ref: 22122/106/3 rev.H
External Works Drawing no.4 plan ref: 22122/106/4 rev.i
External Works Drawing no.5 plan ref: 22122/106/5 rev.i
External Works Drawing no.6 plan ref: 22122/106/6 rev.i

On the basis that the development is implemented in accordance with the Finished Floor Levels detailed on the plans referenced above , condition no.24 is discharged.

Appendix 1 – List of consultees & neighbours notified

Highway Services
MCC Flood Risk Management

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
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