

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0311

Date registered valid: 18 May 2023

Proposal: Discharge of conditions attached to conditions 5 (off site highway works), 7 (cycle storage), 8 (traffic calming), 9 (travel plan), 10 (EV), 12 (no infiltration of surface water drainage), 18 (noise and vibration), 19 (waste management plan, residential), 24 (finished floor levels), 26 (lighting), 30 (bio diversity net gain), 42 (local labour), attached to planning permission referenced 1134504/FO/2022

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

Ward(s): Ardwick Ward

Applicant: Miss Kirsty Wright Kellen Homes

Agent (if any):

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

Recommendation: SPLIT DECISION Approve /Refuse

Date of recommendation: 30.01.2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 24 May 2023 Expired: 14 June 2023

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

Environment Agency 25.05.2023 - will look to consider the e3p ltd report attached as part of forthcoming further consultation response to CDN/23/0239 (remedial strategy) and CDN/23/0311 (infiltration drainage control).

31.05.2023 - Environment Agency Position – Condition 12 (Infiltration Drainage Control)
As submitted, they are unable to recommend the discharge of condition 12 , as insufficient information has presently been provided as part of this application to demonstrate comprehensively that any surface water infiltration drainage occurring on- site will not potentially risk the occurrence of adverse impact to controlled water resources. Whilst they acknowledge that the presently intended surface water drainage system for the development site (subject of condition 22 sought for discharge as part of CDN/23/0239) does not seek to utilise formalised

infiltration drainage technologies, they consider that as part of the wider open-space areas intended for the proposed development site (whereby infiltration is possible), unless an appropriate remedial strategy for the development is first implemented addressing contamination known/suspected (subject of condition 7 attached to the planning permission) then a notable potential risk remains for adverse impact to controlled waters to occur as part of the proposed development.

In conjunction with the above, they note attention to approved landscape masterplan (BS LP001 REV C) which illustrated that the proposed development will contain a notable proportion of open-space areas and also commentary provided by the EA under formal response letter SO/2033/123142/02 for CDN/23/0239, whereby they have identified the current remedial strategy submission (15-425-R2-2 – July 2022) submitted in support of this discharge application as insufficient.

They consider our position outlined above to be in accordance with guidance outlined with the National Planning Policy Framework (NPPF). We advise reference to paragraph 174 of the NPPF.

19.06.2023 – Environment Agency Position (Updated) – Condition 12 (Infiltration Drainage Control) Subject to the submissions detailed above, they have no objection the discharge of condition 12 attached to planning permission 1134504/FO/2022

Highway Services – In regard to Condition 5 (off-site highway works) and Condition 8 (Traffic Calming) MCCs Statutory Approvals Team has provided the following comments: they are in the early stages of the technical review. No RSA has yet been undertaken and further appraisal is required before the conditions can be discharged. Therefore, the information is not sufficient at this stage to allow them to recommend the discharge of the condition from a Highways perspective.

Condition 7 (cycle store) - drawing 'Cycle Store GA' shows the proposed cycle parking arrangements. The information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

Condition 9a (travel plan)- a Residential Travel Plan has been submitted. The TP provides details on the Travel Plan aims and benefits, management, targets, monitoring and review. The information is sufficient to allow us to recommend the discharge of the condition from a Highways perspective.

Condition 9b states that within six months of first occupation of the development or reaching 50% occupation a travel survey will be undertaken and targets updated and on receipt of this Condition 9b can be discharged.

Condition 10 (EV) the applicant has confirmed that 100 7.4kw charging points would be provided for the apartment buildings (100% provision) and each individual dwelling will have a 7.4kw charging point. The information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

In regard to Condition 17 (waste management, community centre) and Condition 19 (waste management, residential) drawing 'Waste Management Plan' and 'Bin Store GA' provides details on the waste management at the community centre and residential uses. The information is sufficient to allow them to recommend the discharge of the condition from a Highways perspective.

Work and Skills - the applicant has attached an intention letter re local labour, but the KPI figures need to be provided before the condition can be before discharged.

05.06.2023 – Would be happy to discharge the condition once the local labour commitments have been completed on the KPI spreadsheet provided as per the guidance.

They have advised that they are happy to discharge on the basis of the submitted information, as the project is in the early stages, but would expect them to increase the local labour figures as the development progresses, and of these number to be submitted.

GMEU – 14.06.2023

Condition 26 – Based on the lux levels shown on S38 STREET LIGHTING DESIGN (SHD690-SHD-HLG-BENN-DR-EO-Lighting Layout-R2) the proposals should have no impact on any protected species. Therefore, from an ecological perspective the condition can be discharged.

Condition 30 – The information submitted includes a Biodiversity Net Gain Assessment. This 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 Master Plan with 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 programmed for delivering any biodiversity enhancement has been included and neither are there any details of bird or bird boxes. They are therefore unable to recommend that the condition be discharged at this time.

18.07.2023 – It was the Biodiversity Net Gain Assessment that was incorrect in terms of the wild flower grassland not the landscaping plan. The landscaping plan needs to include bat and bird boxes.

LLFA – 16.06.2023

The following information has been considered: -

Uploads to the Planning Portal 17 to 18 May 2023 - Flood Risk Assessment uploaded to 134504/FO/2022.

They have the following comments: Standing Advice prescribes that finished floor levels should be a minimum of whichever is higher of 300mm above the: - average ground level of the site - adjacent road level to the building - estimated river or sea flood level The estimated river flood level is shown in the FRA to not affect the site. 300mm above adjacent road is widely achieve. However the FFL layout appears to show some FFLs which are less than 300mm above the adjacent road particularly along Road 2 Plots 157 to 172. Plots 157-161 appear to show FFLs which are lower than Road 2 (based on MH CL). The rest of the layout should also be reviewed. they would request clarity on the proposed FFLs for the site with relation to average ground level of the site / adjacent road level to the building.

24.08.2023

Thank you for giving us opportunity to comment on Condition 12. As they were not the author of this comment, they recommend deferring to the EA for comment. They advise there will be no further comment from them on Condition 12 and will reserve their comment on drainage matters until the discharge of Condition 22.

Environmental Health 21.12.2023-

Condition 10

This condition can be discharged.

Condition 18a

The vibration assessment is sufficient.

The applicant must confirm the 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 fences must be submitted 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.

Condition 19

The applicant must confirm the bin sizes and provision for recycling to be provided at each property. Additional information is required with regard to the waste strategy for the Community Centre.

They also noted that the hours of use for the Community Centre are provided and these will be sufficient to discharge the condition relating to that.

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: SPLIT DECISION

Article 35 Declaration

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

Condition no.5 (Highway works)

5.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 August 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. 7 (Cycle storage)

7. 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. 8 (Traffic calming)

8.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 August 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.9a (Travel plan)

9a. 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)

10. 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 of surface water)

12. 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. 18a (Noise and vibration)

18a. 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. 19 (Waste management plan, residential)

19. 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.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. 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 1of 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. 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.

Condition no.42a (Local labour)

42a. 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.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Work & Skills Team
Environment Agency
Central Neighbourhood Team
Greater Manchester Ecology Unit
Network Rail

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