MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	CDN/23/0851
Date registered valid:	15 December 2023
Proposal:	Discharge of condition 13 (piling) attached to planning permission referenced 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:	31 January 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:
Printed: 18 December 2023 Expired: 11 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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses
Environment Agency - Have advised that their Groundwater and Contaminated Land (GWCL) Team have reviewed the following submission with regards to the protection of controlled waters:
▪ Pile Design Contaminated Land Risk Assessment. Bennett Street, Manchester. Report Reference 15-974-R5-1. Prepared by e3p Ltd on behalf of Kellen Homes. Dated September 2023
Environment Agency Position – Condition 13 (Piling)
As submitted, they have no objection to the discharge of condition 13 attached to 134504/FO/2022. In connection with the previously approved remedial strategy, they are satisfied that submitted Piling Risk Assessment (PRA) demonstrates that the proposed piling methodology (CFA piling) is appropriate with regards to matters associated with the protection of controlled waters.

Network Rail –
09-01.2024 Advised that Network Rail town planning cannot variation/discharge the conditions. This proposal – as per the original response – will require an interface with Network Rail due to the proximity of works to the existing operational railway boundary.
Network Rail will require the return of a signed BAPA (Basic Asset Protection Agreement).
The local planning authority (LPA) are not responsible for the safe operation of the railway or our assets and the issues raised by the developer/applicant will ultimately need to be agreed by Network Rail engineering to ensure the proposed development does interfere with the safety of the railway.

30,01.2024 – Network Rail Asset Protection Team.
Confirm a BAPA is in place for these works, but Network Rail Town Planning is not responsible for its production and/ or for its administration and as such the Town Planning dept doesn't know if one is in place or not which would be the reason for the earlier comments received.

With regards to piling works at this site the ASPRO (Asset Protection) team have approved the methodology for both the apartment blocks 3no and the houses and as such have no concerns.

They further advise that they are working with Kellan Homes to ensure they have no issues going forward and have a good working relationship with Kellen Homes.

31.01.2024 Network Rail Town Planning
Network Rail asset protection can take this proposal forwards and there are no town planning comments.

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.13 – Piling

13. The Piling Design Contaminated Land Risk Assessment , Bennett Street ref: 15-974-R5-1 dated September 2023 have been reviewed and is considered to be acceptable.

On the basis that the development is implemented in accordance with the measures detailed in the Piling Design Contaminated Land Risk Assessment , Bennett Street ref: 15-974-R5-1 dated September 2023, condition no.13 is discharged.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Environment Agency
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