

Planning

Growth & Development

Delegated Officer Report for Planning Application

Application no.	141306/FO/2024
Proposal:	Erection of a residential development of up to 115 dwellings with associated access, parking, landscaping and drainage following demolition of the existing B&M retail unit and associated garden centre
Address:	B&M Home Store , Kingsway, Manchester,M19 1BB
Ward(s):	Burnage Ward
Applicant:	Triple Jersey Limited
Agent (if any):	Chris Wallace DPP Planning
Case officer:	Robert Griffin Email: robert.griffin@manchester.gov.uk

1. Introduction

- 1.1 Planning and Highways Committee considered this application at their meeting on 20 February 2025 and resolved to approve this application subject to:

MINDED TO APPROVE subject to the signing of a Section 106 Agreement to secure a scheme for the provision of on-site provision of 8 residential units for affordable levels of rent and a late stage review of the viability to determine if there is any uplift in conditions to warrant a further contribution towards affordable housing; and, the provision of a long term maintenance and management scheme of on-site landscaping.

- 1.2 Since this resolution the Holcroft Moss Planning Obligations Joint Supplementary Planning Document (Holcroft Moss SPD) was issued by Greater Manchester Combined Authority (GMCA) to support the implementation of the adopted policies in the Places for Everyone Joint Development Plan (PfE). No other material changes have been made to planning policy since the resolution.
- 1.3 In relation to the Holcroft Moss SPD the proposed development was submitted with a transport assessment, given the site is currently in use as a retail store accessed by motor vehicles and HGVs and delivery vehicles the transport assessment conclude that the redevelopment of the site for residential purposes was likely to result in a net reduction in vehicle trips accessing the site.

- 1.4 The application was also accompanied by a financial viability assessment which demonstrated viability issues in delivering affordable housing provision in Manchester.

2. Purpose of the Report

- 2.1 In line with the Openness of Local Government Bodies Regulation 2014/2095 and, in particular, Regulation 7 regarding the recording of decisions, the purpose of this report is to advise the Director of Planning, Building Control and Licensing of the following matters:
 - 2.1.1 Any further representations and consultation responses received on the applications since the Planning and Highways Committee meeting of 20 February 2025.
 - 2.1.2 Any new or changed material planning considerations arising between the Planning and Highways Committee meeting of the 20 February 2025 and the completion of the S106 legal agreement and whether as a result the application should be returned to Planning and Highways Committee for further consideration before any planning permission is issued pursuant to the resolution of the original Committee.
 - 2.1.3 To demonstrate that the section 106 heads of terms before the original committee have been reflected in the finalised version of the S106 agreement published on 18 May 2026.
 - 2.1.4 Any amendments to the proposed conditions pursuant to those in the 20 February 2025 Committee Report.
- 2.2 In producing this delegated report, MCC officers have had regard to the tests set out in the *Kides case (R (On the application of Erine Kides) v South Cambridgeshire District Council [2002] EWCA Civ 1370)* as to circumstances when officers should refer applications back to Committee. This includes the requirements from paragraph 126 of the judgement as follows:

“126. In practical terms, therefore, where since the passing of the resolution some new factor has arisen of which the delegated officer is aware, and which might rationally be regarded as a ‘material consideration’ for the purposes of section 70(2), it must be a counsel of prudence for the delegated officer to err on the side of caution and refer the application back to the authority for specific reconsideration in the light of that new factor. In such circumstances the delegated officer can only safely proceed to issue the decision notice if he is satisfied (a) that the authority is aware of the new factor, (b) that it has considered it with the application in mind, and (c) that on a reconsideration the authority would reach (not might reach) the same decision.”
- 2.3 Under the City Council’s Scheme of Delegation Part 3 Section F, Chapter 3A (adopted May 2025), the Director of Planning, Building Control and Licensing has delegated powers so far as is relevant for present purposes:
 1. To discharge the functions of the Council as Local Planning Authority (within the meaning of Section 1(2) of the Town and Country Planning Act 1990) and other functions of the Council under the Building Act 1984 and its regulations except where the matter is:

- reserved to full Council or the Executive by statute or this Constitution; or
 - delegated exclusively to the Planning and Highways Committee; or
 - delegated to the Joint Committee for the Joint Waste Development Plan Document; or
 - delegated to another Officer; or
 - the Council, the Executive or the Planning and Highways Committee or this Constitution has expressly limited the extent of this delegation.
24. To approve (including approvals subject to conditions) applications for planning consent, for listed building consent and for development by other Council Committees and to determine applications to vary or delete conditions either where there is no objection from a third party of a planning nature or where there are objections of a planning nature from third parties but the proposal is clearly in accordance with approved Council planning policies.
25. Duties relating to the making of determinations of planning applications under Sections 69 and 92 of the 1990 Act and Articles 15-27, 32-35 and 40-43 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and directions made thereunder.
30. To enter into agreements under Section 106 of the 1990 Act.

3. Documents

- 3.1 The documents relied on in the consideration of this application and are publicly available to view on Manchester City Council's website and have been since the original resolution of the Planning Committee on 20th February 2025. The completed section 106 agreement has been published on the Council's website on the 18th May 2026 following earlier publication of the draft s106 on the 13th August 2025.

4. Objections

- 4.1 4 representations have been received since the Planning Committee on the 20th February 2025. One representation was received after the publication of the draft section 106 agreement.
- 4.2 One from a member of the public, received 3rd March 2025, raises issues regarding: Affordable housing and development viability and that the council must ensure that developers do not bypass affordability requirements for the sake of profit at the community's expense; the Strain on local infrastructure and healthcare services as a result of this and other residential developments in the area; and traffic noise and parking issues as a result of the proposed development. Another representation from the 24th August 2025 also raised concerns around the proposals adding to the busyness of the area.
- 4.3 Matters around scheme viability, and traffic and transport impacts were fully considered within the published Committee report that was reported to the 20th February 2025 meeting, the proposals are subject to a retesting of financial viability through the completed section 106 legal agreement in relation to any future potential contributions towards affordable housing above those contained within the section 106. Since the reporting of the application to committee proposals to improve medical provision within the wider area have been approved through the development of a medical centre on Moseley Road (reference 144426/FO/2025). It is considered that

the points raised by the objector do not provide such new or altered material planning considerations that would have altered the Planning Officer's recommendation, led Members to make a different decision or changed the outcome of the application. These matters do not therefore require the application to be referred back to Planning Committee.

5. Consultations

- 5.1 A response from United Utilities was received post reporting of the application to planning committee on the 14th March 2025 this requested that conditions relating to a surface water drainage scheme and maintenance and management regime be attached to any planning permission. Such conditions were set out in the Planning Committee report based upon the advice of the Lead Local Flood Authority.

6. Updates to Policy/Guidance

6.1 Draft National Planning Policy Framework - 16th December 2025

- 6.1.1 The government has published a consultation National Planning Policy Framework which is intended to improve housebuilding rates through a clearer, more predictable and faster policy basis for decision and plan making.
- 6.1.2 As a consultation document, the draft NPPF may be subject to change. Accordingly, whilst it has been considered by officers, it attracts limited weight.

6.2 Environment Agency Flood Map Data 2025

- 6.2.1 In March 2025 the Environment Agency updated the Flood Map for Planning with new data, including updated flood zones, surface water risk information, and climate change impact projections. The update incorporates the latest National Flood Risk Assessment (NaFRA2) data.
- 6.2.2 The applicant had submitted a Flood Risk Assessment alongside the application, and this considered that part of the site identified within flood zone 2 and that mitigation measures would be employed such as, finished floor levels and the design of the surface water drainage scheme for the site including suitable and appropriate attenuation measures.
- 6.2.3 Given the above, it is considered that the original conclusions around flood risk are still relevant and that there would be acceptable impacts on the proposed development and surrounding neighbours in terms of flood risk.

6.3 Net Zero Design Guidance March 2025

- 6.3.1 This introduces guidance documents for applicants on how to design to achieve Net Zero Carbon Buildings and how to deliver heating systems which are low carbon, cost effective and affordable for residents. It also includes submission guidance for PfE policy JP-S2. It is considered that this guidance is material in planning terms and relevant to the planning application.
- 6.3.2 It is considered that the application submission meets the Net Zero Design Guidance and the requirements of PfE policy JP-S2 Carbon and Energy. The

scheme's sustainability report incorporates energy efficient air source heat pumps within the development, waste water heat recovery and photovoltaics for a number of residential plots. It is considered that the proposed strategy is an effective solution for minimising operational energy intensity and reducing carbon dioxide emissions, which aligns with the requirements of PfE Policy JP-S2 – Carbon and Energy .

- 6.3.3 The development of this brownfield site would provide homes in a highly sustainable location that aligns with the updated NPPF, Net Zero Design Guidance and the development plan as a whole. There are no instances of substantial harm identified, and the proposal would result in a number of benefits, as set out in the Committee Report.

6.4 Holcroft Moss Planning Obligations Joint Supplementary Planning Document (HMSPD) May 2025

- 6.4.1 Places for Everyone Policy JP-C8 (Transport Requirements of New Development) requires planning applications with a Transport Assessment to consider air quality impacts on Holcroft Moss. Proposals resulting in increased traffic flows on the M62 past Holcroft Moss of more than 100 vehicles per day or 20 Heavy Goods Vehicles (HGVs) per day must devise a scheme specific range of measures to reduce reliance on cars, reduce trip generation, promote ultra-low emission vehicles, and provide a contribution towards restoration measures at Holcroft Moss, within the Manchester Mosses Special Area of Conservation (SAC).
- 6.4.2 HMSPD was adopted with effect from 8 May 2025 to supplement Policy JP-C8 and constitutes a material consideration in the determination of planning applications.
- 6.4.3 The purpose of HMSPD is to provide guidance on how Policy JP-C8 should be implemented to ensure new development does not have an adverse impact on the SAC. The SPD specifies that 'qualifying developments' resulting in increased traffic flows on the M62 past Holcroft Moss of more than 100 vehicles per day or 20 (HGVs) per day, are required to make a proportionate contribution towards restoration measures at Holcroft Moss. The level of financial contributions payable by qualifying developments are set out in the statement of estimated project costs and required contributions published alongside this SPD and equate to £37 per residential unit and £7 per 100sqm in relation to employment floorspace.
- 6.4.4 A Transport Assessment was submitted alongside the planning application. No significant movements of traffic were identified as using the M62 or the M62 past Holcroft Moss. The conclusions of the TA are that the proposed development are to result in a net reduction in vehicle trips on the local highway network given the baseline position and lawful use of the site. There is no evidence to suggest that the construction phase of the development would give rise to trips on the M62 that would meet the criteria and triggers contained within the HMSPD that would require financial contributions. As a result the proposal is, not considered to be a "qualifying development" for the purposes of Policy JP-C8 and the HMSPD.

6.5 Manchester Draft Local Plan

- 6.5.1 The Manchester Draft Local Plan went out to Regulation 18 consultation on 22 September 2025. The Plan will set out a framework for how land in Manchester should be developed and will guide decisions on planning applications. However, due to its formative state, under paragraph 49 of the NPPF it has very limited weight in the determination of this application.

7 Conclusion

- 7.1 It is considered that the policy and data changes set out above do not provide such new or altered material planning considerations that would have altered the Planning Officer's recommendation, led Members to make a different decision or changed the outcome of the application. These matters do not therefore require the application to be referred back to Planning Committee.

8 Other Legislative Requirements

8.1 Equality Act 2010

- 8.1.1 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.
- 8.1.2 Officers are satisfied that the impacts of the proposals have been appropriately considered within the assessment of the application, including matters relating to accessibility, inclusive design, and the reasonable needs of all sections of the community. It is considered that the proposals would not result in any unlawful discrimination or adverse equality impacts that would weigh against the recommendation set out in this report.

8.2 Human Rights Act 1998 considerations

- 8.2.1 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.
- 8.2.2 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.

9. Recommendation: Approve

14. Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 141306/FO/2024 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.