

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Partial approval of details reserved by condition

Applicant

Mr James Reeveley
Casey Construction
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Rochdale
OL12 9PS

Agent (if used)

John McCall
John McCall Architects
No1 Arts Village
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Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 11 (flood risk management), 17 (cycle storage) 21 (external plant) & 22 (acoustic enclosures) attached to planning permission 135788/FO/2022

Location: Former White Moss Road Day Care, Benmore Road, Manchester, M9 6LD

Date of application: 30 January 2025

Application number: CDN/25/0084

Part 2 – Particulars of decision (a)

Manchester City Council gives notice that the following detail(s) referred to in Part 1 are **approved** in accordance with the information set out below.

Condition 11 (flood risk management)

The following information has been submitted in respect of planning condition 11 (flood risk management):

- Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 30 January 2025.
- Supporting Information- Videos x12, stamped and received by the City Council as Local Planning Authority on 30 January 2025.
- Flood Risk Assessment- AJP Ref: 223-008, dated 30 June 2023, stamped and received by the City Council as Local Planning Authority on 30 January 2025.
- Drainage Information- MSCC5 Sewers & Drainage GB (SRM5 Scoring), stamped and received by the City Council as Local Planning Authority on 30 January 2025.
- Drainage Information- S104 Agreement Plan, numbered 223-008 BEN-AJP-ZZ-00-DR-C-1000 AB, stamped and received by the City Council as Local Planning Authority on 30 January 2025.
- Drainage Information- Section 104 Pre-Start Form with Invoice, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Drainage Information- External Works Details, numbered DR-C-1430 P01, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Photos- Photos re Drainage, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Photo- Hydro Brake Benmore, stamped and received by the City Council as Local Planning Authority on 21 March 2025.

-Photo- Hydro Brake Benmore 2, stamped and received by the City Council as Local Planning Authority on 21 March 2025.

-Supporting Information- Hydro Brake Design Drawing, numbered SHE-0100-5000-1350-5000, stamped and received by the City Council as Local Planning Authority on 21 March 2025.

-Supporting Information- Hydro Brake Hydraulic Characteristics, numbered SHE-0100-5000-1350-5000, stamped and received by the City Council as Local Planning Authority on 21 March 2025.

-Supporting Information- Hydro International Delivery Note, stamped and received by the City Council as Local Planning Authority on 21 March 2025.

-Photo- Permeable Paving x4, stamped and received by the City Council as Local Planning Authority on 21 March 2025.

-Drainage Information- Section 104 Email, stamped and received by the City Council as Local Planning Authority on 26 March 2025.

The above details are considered to be acceptable to discharge the condition 11 attached to planning permission referenced 135788/FO/2022 on the basis the development is fully implemented in accordance with the approved details.

Condition 17 (cycle storage)

The following information has been submitted in respect of planning condition 17 (cycle storage):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Supporting Information- 5X3 Pent Bike Shed, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Drawing- Proposed- Bike Storage Locations, numbered PL.032, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

The above details are considered to be acceptable to discharge the condition 17 attached to planning permission referenced 135788/FO/2022 on the basis the development is fully implemented in accordance with the approved details.

Part 2 – Particulars of decision (b)

Manchester City Council gives notice that the following detail(s) referred to in Part 1 are **refused** in accordance with the information set out below.

Condition 21 (external plant- part A)

21) a) The following information has been submitted in respect of planning condition 21 (external plant- part A only):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Supporting Information- Daikin Altherma 3M, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Supporting Information- Heating Design Pack- Benmore Road Block A & F, project ref: DR24-0522-004, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Supporting Information- Heating Design Pack- Benmore Road Block B & D, project ref: DR24-0522-004, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Supporting Information- Heating Design Pack- Benmore Road Block C, project ref: DR24-0522-004, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Supporting Information- Heating Design Pack- Benmore Road Block E, project ref: DR24-0522-004, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Noise Information- Technical Note- Conditions 21 and 22 (ref: 50-477-TN3-1 dated 6 January 2025), stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Noise Information- Post Completion Noise Testing and Verification Report, ref: 51-608-R1-1 dated March 25, stamped and received by the City Council as Local Planning Authority on 21 March 2025.

The information submitted to discharge condition 21a is not sufficient.

The outstanding evidence is required:

The assessment indicates that the noise level from the proposed units will not exceed the criteria in the garden spaces during the day and will meet the target of 35dB at the façade of 1st Floor bedroom windows at night. The assessment includes a 2dB feature correction penalty which we agree with.

However, the assessment doesn't include assessment of cumulative noise impact of more than 1 unit in operation which is likely, especially at those properties and blocks where the units are in very close proximity to each other as requested in our earlier comments.

We will need a cumulative rating at the 1st floor bedroom windows at night and when considering that the current predicted rating is currently the same as the target, the cumulative noise level of more than 1 unit in close proximity may lead to an exceedance of the criteria and in which case mitigation measures will be required.

Until such details are received and agreed, condition 21a cannot be discharged.

Condition 22 (acoustic enclosures)

22) The following information has been submitted in respect of planning condition 22 (acoustic enclosures):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Supporting Information- Daikin Altherma 3M, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Supporting Information- Heating Design Pack- Benmore Road Block A & F, project ref: DR24-0522-004, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Supporting Information- Heating Design Pack- Benmore Road Block B & D, project ref: DR24-0522-004, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Supporting Information- Heating Design Pack- Benmore Road Block C, project ref: DR24-0522-004, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Supporting Information- Heating Design Pack- Benmore Road Block E, project ref: DR24-0522-004, stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Noise Information- Technical Note- Conditions 21 and 22 (ref: 50-477-TN3-1 dated 6 January 2025), stamped and received by the City Council as Local Planning Authority on 30 January 2025.

-Noise Information- Post Completion Noise Testing and Verification Report, ref: 51-608-R1-1 dated March 25, stamped and received by the City Council as Local Planning Authority on 21 March 2025.

The information submitted to discharge condition 22 is not sufficient.

The outstanding evidence is required:

No information has been submitted to address this condition and there hasn't been any comment in the report with reference to any acoustic enclosures. Written confirmation is required as to whether any acoustic enclosures are to be installed and if so, provide details.

Until such details are received and agreed, condition 22 cannot be discharged.

Date: 23 April 2025

Signed:



Julie Roscoe

Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.