

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/25/0084

Date registered valid: 30 January 2025

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

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

Ward(s): Charlestown Ward

Applicant: Mr James Reeveley Casey Construction

Agent (if any): John McCall John McCall Architects

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Split- Approved and Refused

Date of recommendation: **23 April 2025**

Application details

Type of application: Approval of condition application

Development type: Notifications

Date of site visit:

Standard consultations:

Printed: 4 February 2025 Expired: 25 February 2025

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: No

Tree Preservation Order: No

Description of area

Description of development

Consultations & Notification Responses

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- Approved and Refused

Article 35 Declaration

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

11) 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.

17) 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.

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.

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.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA