

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
Rydings Road
Rochdale
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Agent (if used)

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No1 Arts Village
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Liverpool
L1 5BS

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 11 (drainage maintenance), 17 (cycle storage), 19 (bio-diversity), 21 (external plant) and 22 (acoustic enclosure) attached to planning permission referenced 135788/FO/2022

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

Date of application: 22 October 2024

Application number: CDN/24/0991

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.

Bio-diversity

The following information has been submitted in respect of planning condition 19 (bio-diversity):

-Application Form, stamped and received by the City Council as Local Planning Authority on 22 October 2024.

-Drawing- Proposed- Bat and Bird Boxes, numbered PL.029, stamped and received by the City Council as Local Planning Authority on 22 October 2024.

The above details are considered to be acceptable to discharge the condition 19 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.

Drainage maintenance

The following information has been submitted in respect of planning condition 11 (drainage maintenance):

- Application Form, stamped and received by the City Council as Local Planning Authority on 22 October 2024.
- Flood Risk Assessment (Ref: 223-008, dated 2 July 2019), stamped and received by the City Council as Local Planning Authority on 22 October 2024.
- Supporting Information- External Works, numbered BEN-AJP-ZZ-00-DR-C-1430-P01, stamped and received by the City Council as Local Planning Authority on 22 October 2024.

The information submitted to discharge condition 11 is not sufficient.

The outstanding evidence is required:

- Verification report providing photographic evidence of construction as per design drawings. The developer will need to provide photographic evidence for the following components:
 - oHydro-brake (Control MH S4)
 - oOversized pipes installation
- No as-built drawings have been provided on MCC planning portal. The developer will need to provide an as-built layout for review. If there are major discrepancies from the previously approved layout under application no. CDN/24/0096, further information will be requested. If the layout remains the same as approved, an email from the developer confirming this will suffice.
- Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime: The developer must provide a plan demonstrating all areas which will be adopted by United Utilities via a S104 agreement.

Until such details are received and agreed, condition 11 cannot be discharged.

Cycle storage

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

- Application Form, stamped and received by the City Council as Local Planning Authority on 22 October 2024.
- Drawing- Visuals- 5x3 Pent Bike Shed, stamped and received by the City Council as Local Planning Authority on 22 October 2024.

The information submitted to discharge condition 17 is not sufficient.

The outstanding evidence is required:

- A plan clearly identifying the secured cycle storage and its position on site.

Until such details are received and agreed, condition 17 cannot be discharged.

External plant

The following information has been submitted in respect of planning condition 21 (external plant):

- Application Form, stamped and received by the City Council as Local Planning Authority on 22 October 2024.

- Supporting Information- Block A & F, project number: DR24-0522-004, stamped and received by the City Council as Local Planning Authority on 22 October 2024.
- Supporting Information- Block B & D, project number: DR24-0522-004, stamped and received by the City Council as Local Planning Authority on 22 October 2024.
- Supporting Information- Block C, project number: DR24-0522-004, stamped and received by the City Council as Local Planning Authority on 22 October 2024.
- Supporting Information- Block E, project number: DR24-0522-004, stamped and received by the City Council as Local Planning Authority on 22 October 2024.
- Supporting Information- Daikin Altherma 3 M 4-8 kW_Product catalogue_ECPEN22-764_English, stamped and received by the City Council as Local Planning Authority on 22 October 2024.
- Noise Information- 50-477-TN3-1 (dated 6 January 2025), stamped and received by the City Council as Local Planning Authority on 9 January 2025.

The information submitted to discharge condition 21 is not sufficient.

The outstanding evidence is required:

- 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 within previous Environmental Health comments.
- Environmental Health request sight of the cumulative rating at the 1st floor bedroom windows at night and when considering that the 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 mitigation measures may be required.

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

Acoustic enclosure

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

- Application Form, stamped and received by the City Council as Local Planning Authority on 22 October 2024.
- Supporting Information- Block A & F, project number: DR24-0522-004, stamped and received by the City Council as Local Planning Authority on 22 October 2024.
- Supporting Information- Block B & D, project number: DR24-0522-004, stamped and received by the City Council as Local Planning Authority on 22 October 2024.
- Supporting Information- Block C, project number: DR24-0522-004, stamped and received by the City Council as Local Planning Authority on 22 October 2024.
- Supporting Information- Block E, project number: DR24-0522-004, stamped and received by the City Council as Local Planning Authority on 22 October 2024.
- Supporting Information- Daikin Altherma 3 M 4-8 kW_Product catalogue_ECPEN22-764_English, stamped and received by the City Council as Local Planning Authority on 22 October 2024.
- Noise Information- 50-477-TN3-1 (dated 6 January 2025), stamped and received by the City Council as Local Planning Authority on 9 January 2025.

The information submitted to discharge condition 22 is not sufficient.

The outstanding evidence is required:

- Any acoustic enclosures to be used will need to be specified and recommended by the consultant and provided for review by the LPA.

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

Date: 13 January 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.