

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0991

Date registered valid: 22 October 2024

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

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

Ward(s): Charlestown Ward

Applicant: Mr James Reeveley Casey Construction

Agent (if any): 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: **13 January 2025**

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 30 October 2024 Expired: 20 November 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: 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 (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:

- Hydro-brake (Control MH S4)

- Oversized 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.

17) 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.

19) 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.

21) 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.

22) 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.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
MCC Flood Risk Management
Greater Manchester Ecology Unit

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 -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH AREA