

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/24/0096

Date registered valid: 13 February 2024

Proposal: Discharge of conditions 6 (CMP), 10 (drainage), 12 (noise) attached to planning permission referenced 135788/FO/2022.

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

Ward(s): Charlestown Ward

Applicant: Mr Mark Barnes Casey Construction

Agent (if any): Mr David Smith John McCall Architects

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

Recommendation: Approve

Date of recommendation: **8 April 2024**

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 21 February 2024 Expired: 13 March 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

During the course of the application, the agent made contact via email on 26 February 2024 requesting condition 22 to be removed from the application and from consideration. The application description was amended accordingly.

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: Approve

Article 35 Declaration

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

6) The following information has been submitted in respect of planning condition 6 (CMP):

- Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 13 February 2024.
- Supporting Information- Vibrock Seismograph V901- Calibration Certs, stamped and received by the City Council as Local Planning Authority on 27 March 2024.
- Supporting Information- Vibrock-Operator-Manual, stamped and received by the City Council as Local Planning Authority on 27 March 2024.
- Noise Assessment or Information- Noise Assessment, stamped and received by the City Council as Local Planning Authority on 27 March 2024.
- Supporting Information- Construction Environmental Management Plan, stamped and received by the City Council as Local Planning Authority on 4 April 2024.

The above details are considered to be acceptable to discharge the condition 6 attached to planning permission referenced 135788/FO/2022 on the basis the development is fully implemented in accordance with the approved details.

10) The following information has been submitted in respect of planning condition 10 (drainage):

- Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 13 February 2024.
- Flood Risk Assessment or Drainage- Infiltration Testing Results, stamped and received by the City Council as Local Planning Authority on 13 February 2024.
- Supporting Information- Calibration Certificates, stamped and received by the City Council as Local Planning Authority on 14 March 2024.
- Flood Risk Assessment or Drainage- Proposed SW Network, stamped and received by the City Council as Local Planning Authority on 26 March 2024.
- Drawing- Proposed- S104 Agreement Plan, numbered BEN-AJP-ZZ-00-DR-C-1000-P04, stamped and received by the City Council as Local Planning Authority on 26 March 2024.
- Drawing- Proposed- Domestic Drainage Layout, numbered BEN-AJP-ZZ-00-DR-C-1001-P01, stamped and received by the City Council as Local Planning Authority on 26 March 2024.
- Drawing- Proposed- S104 Control Manhole Detail, numbered BEN-AJP-ZZ-00-DR-C-1090-C0, stamped and received by the City Council as Local Planning Authority on 26 March 2024.
- Flood Risk Assessment or Drainage- Design Drawing, stamped and received by the City Council as Local Planning Authority on 26 March 2024.
- Flood Risk Assessment or Drainage- Hydraulic Characteristics, stamped and received by the City Council as Local Planning Authority on 26 March 2024.
- Supporting Information- UU Section 104 Pre Start Invoice, stamped and received by the City Council as Local Planning Authority on 26 March 2024.

The above details are considered to be acceptable to discharge the condition 10 attached to planning permission referenced 135788/FO/2022 on the basis the development is fully implemented in accordance with the approved details.

12) The following information has been submitted in respect of planning condition 12 (A) (noise):

- Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 13 February 2024.
- Supporting Information- Discharge of Condition 12 numbered 50-477-TN1, stamped and received by the City Council as Local Planning Authority on 13 February 2024.
- Supporting Information- Discharge of Condition 12 numbered 50-477-TN1-2, stamped and received by the City Council as Local Planning Authority on 13 February 2024.
- Supporting Information- Discharge of Condition 12 numbered 50-477-TN1-3, stamped and received by the City Council as Local Planning Authority on 13 February 2024.

The above details are considered to be acceptable to discharge the part A of condition 12 attached to planning permission referenced 135788/FO/2022 on the basis the development is fully implemented in accordance with the approved details.

b) Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason- To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Informatives

1) MCC records highlights an underground culverted watercourse (Lionfield Brook) is located within close proximity to the site (approximately 30m north of the site and 60m west of the site), while our records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all MCC underground assets. Therefore, we would request that the applicant informs the onsite contractor to remain observant and to take the appropriate safety precautions during excavation works. If any major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and MCC should be contacted immediately.

2) The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Network Management via Email - highwaylicences@manchester.gov.uk and highwaynetworkmanagement@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
United Utilities Water PLC

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected

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