

Planning

Growth & Development

Delegated officer report for planning application

Application no. CDN/23/0803

Date registered valid: 22 November 2023

Proposal: Discharge of conditions 3 (materials), 7 (highways works), 8 (waste), 13 (ground conditions), 14 (EV charging), 18 (invasive species), 31 (tree removal) and 32 (small mammals) 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 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: 9 February 2024

Application details

Type of application: Approval of condition application

Development type: Notifications

Standard consultations:

Printed: 27 November 2023

Expired: 18 December 2023

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

It is to be noted during the course of the application, the agent wished to remove the following conditions for consideration and determination within this application:

- Condition 6- CMP
- Condition 10- drainage
- Condition 11- drainage maintenance
- Condition 12- noise

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

3) The following information has been submitted in respect of planning condition 3 (materials):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 22 November 2023.

-Supporting Information- Schedule of Materials, numbered PL.026 C, stamped and received by the City Council as Local Planning Authority on 5 February 2024.

The above details are considered to be acceptable to discharge the condition 3 attached to planning permission referenced 135788/FO/2022 on the basis the development is fully implemented in accordance with the approved details.

7) The following information has been submitted in respect of planning condition 7 (highway works):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 22 November 2023.

-Drawing- Proposed- External Works Layout, numbered BEN AJP ZZ 00 DR C -1400 P01, stamped and received by the City Council as Local Planning Authority on 22 November 2023.

-Supporting Information- S38/S278 Agreement Plan, numbered BEN AJP ZZ 00 DR C - 1590 P01, stamped and received by the City Council as Local Planning Authority on 22 November 2023.

-Supporting Information- Section 38 Typical Details, numbered BEN AJP ZZ 00 DR C -1530 P01, stamped and received by the City Council as Local Planning Authority on 22 November 2023.

-Supporting Information- S278 Permit Application Proforma, stamped and received by the City Council as Local Planning Authority on 20 December 2023.

-Correspondence- FW_210671H- Benmore Road, Manchester M9 6LG.EML, stamped and received by the City Council as Local Planning Authority on 20 December 2023.

The above details are considered to be acceptable to discharge the condition 7 attached to planning permission referenced 135788/FO/2022 on the basis the development is fully implemented in accordance with the approved details.

8) The following information has been submitted in respect of planning condition 8 (waste):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 22 November 2023.

-Drawing- Proposed- Typical Block External Works, numbered L.004A, stamped and received by the City Council as Local Planning Authority on 12 January 2024.

-Supporting Information- Vehicular Tracking Plan, numbered BEN AJP ZZ 00 DR C - 1570 P02, stamped and received by the City Council as Local Planning Authority on 12 January 2024.

-Waste Management- Waste Management Strategy, stamped and received by the City Council as Local Planning Authority on 5 February 2024.

The above details are considered to be acceptable to discharge part a of condition 8 attached to planning permission referenced 135788/FO/2022 on the basis the development is fully implemented in accordance with the approved details.

b) The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

13) The following information has been submitted in respect of planning condition 13 (ground conditions):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 22 November 2023.

-Supporting Information- Remediation Method Statement, stamped and received by the City Council as Local Planning Authority on 22 November 2023.

-Supporting Information- Condition 13- Response to Environmental Health, stamped and received by the City Council as Local Planning Authority on 12 January 2024.

-Supporting Information- BEK- UKWIR Risk Assessment, stamped and received by the City Council as Local Planning Authority on 17 January 2024.

The above details are considered to be acceptable to discharge part a of condition 13 attached to planning permission referenced 135788/FO/2022 on the basis the development is fully implemented in accordance with the approved details.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and prior to occupation a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development in each phase is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

14) The following information has been submitted in respect of planning condition 14 (EV charging):

- Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 22 November 2023.
- Supporting Information- Block Compliance, stamped and received by the City Council as Local Planning Authority on 22 November 2023.
- Drawing- Proposed- EV Charging Point Plan, stamped and received by the City Council as Local Planning Authority on 11 January 2024.

The above details are considered to be acceptable to discharge part a of condition 14 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 occupation of the development any agreed mitigation measures shall be implemented and verified as such in writing by the City Council as local planning authority and shall remain in situ whilst the use or development is in operation.

18) The following information has been submitted in respect of planning condition 18 (invasive species):

- Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 22 November 2023.
- Supporting Information- Eradication Plan for Invasive Species (Japanese Knotweed), stamped and received by the City Council as Local Planning Authority on 22 November 2023.

The above details are considered to be acceptable to discharge the condition 18 attached to planning permission referenced 135788/FO/2022 on the basis the development is fully implemented in accordance with the approved details.

31) The following information has been submitted in respect of planning condition 31 (tree removal):

- Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 22 November 2023.
- Ecology Report- Condition 31 Bats, stamped and received by the City Council as Local Planning Authority on 20 December 2023.

The above details are considered to be acceptable to discharge the condition 31 attached to planning permission referenced 135788/FO/2022 on the basis the development is fully implemented in accordance with the approved details.

32) The following information has been submitted in respect of planning condition 32 (small mammals):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 22 November 2023.

-Supporting Information- Condition 32- Hedgehogs, stamped and received by the City Council as Local Planning Authority on 20 December 2023.

The above details are considered to be acceptable to discharge the condition 32 attached to planning permission referenced 135788/FO/2022 on the basis the development is fully implemented in accordance with the approved details.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Ecology Unit

Appendix 2 – Planning constraints

[illegible]