

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Approval of details reserved by condition

Applicant

Mr Mark Barnes
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Agent (if used)

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L1 5BS

Part 1 – Particulars of the application/development

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

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

Date of application: 22 November 2023

Application number: CDN/23/0803

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Approved** in accordance with the information set out below.

Materials

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.

Highway works

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.

Waste

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.

Ground conditions

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.

EV charging

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.

Invasive species

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.

Tree removal

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.

Small mammals

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.

Date: 9 February 2024

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers 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.

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 his 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.