

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 Karl Illingworth
Stockport Developments Ltd
The Pump House
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Stockport
SK3 0XX

Agent (if used)

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2 Nicholas Street Mews
Chester
CH1 2NS

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 5 (drainage), 6 (drainage maintenance), 9 (ground conditions), 10 (noise), 11 (noise residential), 23 (ES) and 27 (off-site highway works) of planning permission referenced 129623/JO/2021

Location: 351 - 359 Palatine Road, Manchester, M22 4FY

Date of application: 3 February 2025

Application number: CDN/25/0094

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.

Condition 5 (drainage)

Condition 5 (drainage) - The submitted information is considered acceptable. Therefore, on the basis the development is implemented in accordance with this information, the condition is considered discharged.

Condition 9 (ground conditions)

Condition 9 (ground conditions) - The submitted information is considered acceptable. Therefore, on the basis the development is implemented in accordance with this information, the condition is considered discharged.

Condition 23 (ES)

Condition 23 (ES) - The submitted information, received on 24 March 2025, is considered acceptable. Therefore, on the basis the development is implemented in accordance with this information, the condition is considered discharged.

Condition 27 (off-site highway works)

Condition 27 (off-site highway works) - The submitted information in respect of the rear servicing arrangements is considered acceptable. Therefore, on the basis the development is implemented in accordance with this information, the condition is considered discharged.

It is noted that the street trees were substituted for additional trees at the rear of the site, as approved under application CDN/21/0182 in July 2023.

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.

Condition 6 (drainage maintenance)

Condition 6 (drainage maintenance) - The submitted information is insufficient to discharge this condition.

Condition 10 (noise)

Condition 10 (noise) - The submitted information is insufficient to discharge this condition.

Neither of the noise reports describe what the commercial use is, and the likely noise levels that will be produced. Therefore, the Council is not able to confirm if the proposed insulation scheme will be adequate. There was no information on what the noise levels will be in the commercial unit, and what the resultant noise levels will be in the adjacent residential premises. Once this information has been submitted and the construction is complete, the Council will need sight of a verification report which demonstrates that the relevant noise criteria has been met.

Condition 11 (noise residential)

Condition 11 (noise residential) - In order to fully discharge this condition a verification report will need to be submitted and approved by the City Council as Local Planning Authority.

Date: 25 April 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.