

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

Partial approval of details reserved by condition

Applicant

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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Discharge of Condition 3 (Materials), 4 (Construction Management Plan), 5 (Secured by Design), 6 (Electric Vehicle Charging), 7 (Environment Standards), 8 (Surface Water Drainage), 9 (Noise), 10 (Waste Management), 11 (Ground Conditions), 12 (Ground Verification), 13 (Landscaping), 14 (Boundary Treatment), 15 (Biodiversity), 16 (BNG), 17 (Off site Highways Works) attached to planning permission 140374/FO/2024

Location: Land Between Old Market Street And Grant Close , Manchester, M9 8DX

Date of application: 23 April 2025

Application number: CDN/25/0320

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 3 (materials)

The following external material details received by the City Council as Local Planning Authority on 31 March 2025 are satisfactory:

- Bricks - Forterra - Village Harvest Multi;
- Roof Tile - Marley Eternit Thrutone textured;
- Windows + Doors - Frames to be anthracite RAL 7016.

Subject to implementation of the agreed details, condition 3 can be discharged.

Condition 5 (Security)

The security measures detailed within the submitted Secured By Design Specification document, received by the City Council as Local Planning Authority on 31 March 2025,

are satisfactory. Subject to implementation of the agreed measures, condition 5 can be discharged.

Condition 7 (ES)

The details contained within the submitted Environmental Standards Statement (Ref: 2021.212- Version 1.0) produced by Element Sustainability and received by the City Council as Local Planning Authority on 31 March 2025, are satisfactory. Subject to the approved measures outlined within the Statement being implemented in the construction of the approved development, condition 7 can be discharged.

Condition 13 (landscaping)

The landscaping scheme shown on drawing referenced GSD/OMS/001 and accompanying Landscape Specification Report and Landscape Report, produced by Greenspace, Design and Consultancy UK, received by the City Council as Local Planning Authority on 31 March 2025, is satisfactory. Subject to the implementation of the agreed details and compliance with the condition requirements, condition 13 can be discharged.

Condition 14 (boundary treatment)

Insufficient details have been submitted in relation to boundary treatment. Elevational details are required, along with material specification.

Until such time that satisfactory details are received and agreed in writing by the City Council as Local Planning Authority, condition 14 cannot be discharged.

Condition 16 (BNG)

On the basis that off-site credits are to be purchased to achieve biodiversity net gain, condition 16 can be discharged.

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 4 (CMP)

The submitted Construction Management Plan is not satisfactory. Further details are required in relation to contractor parking; a highway dilapidation survey including photographs and commentary on the condition of carriageway/footways on construction vehicle routes adjoining the site should be undertaken, along with details of an emergency contact; site compound location; details of the location of material storage and waste storage including skips; the location of loading/unloading areas; any site access points into the site; the routeing of vehicles within the site - evidenced with appropriate swept-path assessment; any proposed site hoarding / fencing required and details of a banksman.

Until such time that satisfactory details are received and agreed in writing by the City Council as Local Planning Authority, condition 4 cannot be discharged.

Condition 6 (EV charging)

Details of the EV charger are unclear. A dimensional plan is required to demonstrate the location of the EV charger. The EV charger should have a minimum charging unit of 7kW.

Until such time that satisfactory details are received and agreed in writing by the City Council as Local Planning Authority, condition 6 cannot be discharged.

Condition 8 (drainage)

The submitted surface water drainage details is insufficient. The following details are outstanding:

Details of showing progression through the drainage hierarchy which should be evidence based and supported by site investigation, including assessments of ground conditions and infiltration testing in accordance with BRE365. Proposals of attenuation should achieve half drain time within 24 hours;

A finalised surface water drainage layout, including all components, levels and connectivity;

A plan indicating easements. SuDS features (including attenuation tanks) should be appropriately positioned, including a 2.5m easement from the existing highway and a 5m easement from any dwellings, guaranteeing accessibility for future maintenance and contingency for asset failure. This practice is in accordance with SuDS Manual (C753);

A maintenance and management plan.

Until such time that satisfactory details are received and agreed in writing by the City Council as Local Planning Authority, condition 8 cannot be discharged.

Condition 9 (noise)

The submitted acoustic report concludes that acoustic glazing and ventilation is required and states the proposal for the mechanical ventilation system is not known at this stage.

As such, it is not possible to assess atmospheric sound emissions from the proposed mechanical ventilation systems to the nearest noise sensitive receptors. Once details for the proposed mechanical ventilation systems is known, an assessment of atmospheric sound emissions from the proposed mechanical ventilation systems to the nearest noise sensitive receptors should be undertaken.

A Verification Report upon completion of the development, is also required as per the requirements of part of condition 9.

Until such time that satisfactory details are received and agreed in writing by the City Council as Local Planning Authority, condition 9 cannot be discharged.

Condition 10 (waste management)

In sufficient waste management details been received. Details are required in relation to the proposed collection point and completion of the Council's waste management pro forma.

Unit such time that satisfactory details are received and agreed in writing by the City Council as Local Planning Authority, condition 10 cannot be discharged.

Condition 11 (ground conditions)

Environmental Health have reviewed the submitted information. The following comments are made:

1. EEG Phase 1 Desk Study, Report No. A3274/19 dated Nov 2019:

a. They have previously commented on the Phase 1 report (our memo dated 30 April 2020), where it was advised that sampling/monitoring proposals should be agreed with Environmental Health. This has not been undertaken.

2. Sub Surface Ground Investigation Report, Report No. 7268 dated August 2021:

a. The contamination analysis is limited with respect to the sampling depths and analytical suite, and would not usually be considered in accordance with MCC's guidance.

b. The report states that ground gas monitoring was incomplete at the time of the report's production (2/6 monitoring visits carried out) and that section 4.7 would be updated, which has not been undertaken.

c. Atmospheric pressure trends during the monitoring visits should be provided, together with the calibration certificate for the ground gas meter for the monitoring period.

3. Sub Surface Remediation Strategy Report, Report No. 7268B dated March 2022:

a. The report refers to 'Phase II Gas Updated Report, ref.7268A and dated November 2021 by Sub Surface Consultants Limited'; this report should be submitted for review, together with the ground gas meter calibration certificate for the additional monitoring period.

b. With respect to ground gas protection, the report concludes that the site is CS2 and a score of 3.5 is required. Comment can only be provided when the updated gas report is received.

c. The report recommends 600mm clean topsoil/subsoil cover in back gardens, and 450mm in front and side gardens and other open spaces, due to elevated concentrations of PAH compounds identified in the made ground. Notwithstanding the limited contamination assessment undertaken, 600mm clean cover is accepted, however 450mm clean cover in any parts of private gardens is not in accordance with City Council guidance, particularly in light of the limited assessment.

d. The report recommends that bushes and trees should be pit planted in clean topsoil. The rooting depths provided in Table 1 in MCC's guidance for vegetation types should be specified.

e. References to Yorkshire and Lincolnshire Pollution Advisory Group guidance are not appropriate; MCC's guidance should be referenced with respect to imported and reused materials sampling requirements.

Until such time that satisfactory details are received and agreed in writing by the City Council as Local Planning Authority, condition 11 cannot be discharged.

Condition 12 (ground verification)

No information (Completion/Verification Report) appears to have been submitted for this condition. Until such time that satisfactory details are received and agreed in writing by the City Council as Local Planning Authority, condition 12 cannot be discharged.

Condition 15 (biodiversity)

Notwithstanding details submitted, no details of the location of the house sparrow terrace has been received. Until such time that satisfactory details are received and agreed in writing by the City Council as Local Planning Authority, condition 15 cannot be discharged.

Condition 17 (off site highway works)

A Section 278 application for highways works has not yet been received, therefore Highways cannot currently support the discharge of this condition

Applications for off-site highways works condition discharge may only be submitted following securement of cash bond or surety provision of the total costs of the associated highways works as provided by the statutory approvals team. Evidence of this should be provided with the condition discharge documents.

Unit such time that satisfactory details are received and agreed in writing by the City Council as Local Planning Authority, condition 17 can not be discharged.

Date: 20 May 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.