MANCHESTER CITY COUNCIL

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 Chris Fothergil
John Southworth
Ravensfield Industrial Estate
Charles Street
Dukinfield
SK16 4SD

Agent (if used)

Mr Daniel Tomlinson
GWP Architecture
1 Lidgett Lane
Leeds
LS8 1PQ

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 7 (Highways Works) and 12a (Acoustics) attached to planning permission 137764/FO/2023

Location: Land Between Simister Street And Jonas Street, Princedom Street, Manchester,

Date of application: 3 January 2025

Application number: CDN/25/0004

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.

Acoustics (part A only)
The following information has been submitted in respect of planning condition 12a (acoustics):
-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 3 January 2025.
-Noise Assessment (DMG-240924 dated 26 September 2024), stamped and received by the City Council as Local Planning Authority on 3 January 2025.
-Supporting Information- Response to EH Comments, stamped and received by the City Council as Local Planning Authority on 3 January 2025.
-Addendum to Main Acoustic Report, stamped and received by the City Council as Local Planning Authority on 3 January 2025.

The above details are considered to be acceptable to discharge the condition 12a attached to planning permission referenced 137764/FO/2023 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.

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.

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 3 January 2025.
-Drawing- Proposed- S278 Agreement Plan, numbered PV2309-APP-94-XX-DR-C-2020 REV P01, stamped and received by the City Council as Local Planning Authority on 3 January 2025.
-Drawing- Proposed- Surface Finishes Plan, numbered PV22309-APP-94-XX-DR-C-2100 REV P01, stamped and received by the City Council as Local Planning Authority on 3 January 2025.
-Transport Information- S278 Construction Details, numbered PV2309-APP-94-XX-DR-C-2021 REV P01, stamped and received by the City Council as Local Planning Authority on 3 January 2025.

The information submitted to discharge condition 7 is not sufficient.
Condition 7 (highway works) attached to planning permission 137764/FO/2023 was previously discharged under CDN/24/0939.

During the course of the application, the agent explained the discharge application had been re-submitted to incorporate changes to the design including the service alleyway to the south as part of changes to broader highways works as applied for under 141731/JO/2024.

The application of 141731/JO/2024 is yet to be determined.
As such, the amendments to highway works cannot be determined within the current discharge application and so cannot be recommended for discharge.

Date: 27 February 2025

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

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.