

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 Ibraheem AL-Bayati
MAI Construction
15 St Brannocks Road
Chorlton
Manchester
M21 0UP

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 3 (materials), 4 (Construction Management Plan), 8 (Electric car charging points), 11 (External Plant), 13 (Contaminated Land) and 14 (Drainage) attached to planning permission 131985/FO/2021

Location: Land At Moss Lane East And Broadfield Road, Manchester, M14 4WB

Date of application: 17 November 2022

Application number: CDN/22/0835

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.

materials

The information submitted for the palette of materials to be used on the external elevations as shown in the Materials used for external building schedule are considered acceptable. The proposed materials are:

The bricks used will be a red brick called 'Bradgate Claret'

Mortar to be used-Terracotta Dark Coloured mortar for the ground floor and Black Dark Coloured mortar for the first and second floors.

The Fibre Cement Board that will be used will be 'Viroc by Investwood'

All windows and doors will have an Aluminium frame and will be double glazed. The colour of the window frames will be Grey colour RAL 7045.

The roof windows will have a grey standard exterior finish.

Dark grey tiles will be used for the roof. Western Slate Roof Tiles Range from Mannok (mannokbuild.com)

Gutters and downpipes used will be UPVC in a black finish.

The coping around the flat roof parapet walls and the head detail over some of the windows on the front façade will be a pre-cast semi dry concrete made to resemble natural stone. It will also be a natural stone colour of off-white.

Condition 3 materials is considered discharged so long as implemented in accordance with the approved details.

Construction Management plan

In regard to Condition 4 (CMP) the information provided by the applicant in regards to the hoarding, marshalling, deliveries together with confirmation that Salisbury Street will not be required to close is sufficient to allow the full discharge of the condition.

Electric car charging points

Based upon the information provided on plan 'MLE/PL/101' The condition is considered discharged so long as implemented in accordance with the approved plan.

External Plant

Condition 11 (External Plant) - As no external plant is proposed this condition is considered discharged (as per CDN/24/0328).

Drainage

Based upon the following information submitted for the discharge of Condition 14
Drainage:

10417-1001 Rev P01 Drainage Design Details

WML Consulting-Storm Sewer Design Criteria 10417-WML-00-XX-CA-C-0002 received
6th April 2023

WML Consulting-Drainage Design GA 10417-1000 Rev T1 received 6th April 2023.

The condition is considered fully 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.

contaminated land

The local planning authority are in receipt of a SI and RS by Earth Environmental and Geotechnical. It is considered unacceptable that most of the investigations took part in a small area of the land that will not be used as rear gardens. The investigations would need to be a better spread.

Any future validation reports are to include:

Removal of asbestos

Waste transfer notes

Validation of new soil

Validation of depth and capping layer

Validation of Naphthalene delineation.

Based on the above Condition 13 Contaminated Land cannot be discharged.

Date: 4 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.