

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 Steven Brown
John Southworth
Ravensfield Industrial Estate
Charles Street
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SK16 4SD

Agent (if used)

Mr Daniel Tomlinson
GWP Architecture
1 Lidgett Lane
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Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 3 (Materials), 4 (Reveals), 6 (Construction Management Plan), 8 (Waste Management), 12a (Noise), 13a (Contamination), 16 (Landscaping) and 22 (Affordable Housing) attached to planning permission 137764/FO/2023

Location: Land Between Simister Street And Jonas Street Princedom Street, Manchester, M9 4JL

Date of application: 7 October 2024

Application number: CDN/24/0943

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 following information has been submitted in respect of planning condition 3 (Materials):

-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Supporting Information- External Finishes, numbered REV C, stamped and received by the City Council as Local Planning Authority on 16 December 2024.

-Drawing- Proposed- Brick Detail Panel 3b4p 1 of 2, numbered (515)2421-GWP-ZZ-ZZ-D-A-(20)-0035 REV P02, stamped and received by the City Council as Local Planning Authority on 10 December 2024.

-Drawing- Proposed- Brick Detail Panel 3b4p 2 of 2, numbered (515)2421-GWP-ZZ-ZZ-D-A-(20)-0036 REV P02, stamped and received by the City Council as Local Planning Authority on 10 December 2024.

The above details are considered to be acceptable to discharge the condition 3 attached to planning permission referenced 137764/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

Reveals

The following information has been submitted in respect of planning condition 4 (Reveals):

- Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.
- Drawing- Proposed- Typical Window Cill and Head Detail, numbered (515)2421-GWP-01-XX-D-A-(100)-0019 REV P02, stamped and received by the City Council as Local Planning Authority on 10 December 2024.

The above details are considered to be acceptable to discharge the condition 4 attached to planning permission referenced 137764/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

For the avoidance of doubt, the window reveal should have a 195mm depth for all windows.

Construction Management Plan

The following information has been submitted in respect of planning condition 6 (Construction Management Plan):

- Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.
- Supporting Information- Construction Management Plan, issue no.2, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

The above details are considered to be acceptable to discharge the condition 6 attached to planning permission referenced 137764/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

Waste Management

The following information has been submitted in respect of planning condition 8 (Waste Management):

- Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.
- Waste Management, numbered 12192 -AEW -XX -XX -DR - A -0507, stamped and received by the City Council as Local Planning Authority on 7 October 2024.
- Supporting Information- Kitchen, numbered (515)2421-GWP-ZZ-ZZ-D-A-(70)-0005 REV P01, stamped and received by the City Council as Local Planning Authority on 10 December 2024.

The above details are considered to be acceptable to discharge the condition 8 attached to planning permission referenced 137764/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

Contamination- Part A only

a) The following information has been submitted in respect of planning condition 13a (Contamination):

- Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Supporting Information- Remedial Strategy Report (4048-01, REV A- Report and Appendices 1-4), stamped and received by the City Council as Local Planning Authority on 16 December 2024.

The above details are considered to be acceptable to discharge the condition 13a attached to planning permission referenced 137764/FO/2023 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.

Landscaping

The following information has been submitted in respect of planning condition 16 (Landscaping):

-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Drawing- Proposed- Landscape Plan, numbered 7568.01, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Supporting Information- External Finishes, numbered REV C, stamped and received by the City Council as Local Planning Authority on 16 December 2024.

The above details are considered to be acceptable to discharge the condition 16 attached to planning permission referenced 137764/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

Affordable Housing

The following information has been submitted in respect of planning condition 22 (Affordable Housing):

-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Affordable Housing Statement, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

The above details are considered to be acceptable to discharge the condition 22 attached to planning permission referenced 137764/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

iv. The approved affordable housing scheme shall be implemented as part of the development and thereafter observed in perpetuity subject to the exclusions and exemptions set out in the approved affordable housing scheme.

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.

Noise - Part A only

a) The following information has been submitted in respect of planning condition 12a (Noise):

-Application Form, stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Noise Assessment- Eco Technology (DMG-240924, dated 26 September 2024), stamped and received by the City Council as Local Planning Authority on 7 October 2024.

-Supporting Information- Images from the Modelling, stamped and received by the City Council as Local Planning Authority on 27 November 2024.

-Noise Information- Addendum Report, Dated 4 December 2024, stamped and received by the City Council as Local Planning Authority on 10 December 2024.

-Correspondence- Acoustic Consultant Response following EH comments, stamped and received by the City Council as Local Planning Authority on 19 December 2024.

The information submitted to discharge condition 12a is not sufficient.

The outstanding evidence is required:

In the absence of direct measurement and considering the potential noise types from typical garage activities, it's not an unreasonable approach to apply the two rating penalties

for tonality and intermittency. The acoustician states that there's ample headroom to apply the corrections. Confirmation of such corrections should be supplied in email form.

Until such details are received and agreed, condition 12a cannot be discharged.

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.

Date: 23 December 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 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.