

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 Conditions 4 (CMP), 8 (Drainage), 12 (Off Site Highway work), 14 (Noise), 16b (Air Quality), 17 (a) (Preliminary Risk Assessment) and 27 (Materials) attached to Planning Permission 135789/FO/2022.

Location: Land On The Corner Of Sedgeford Road And Queens Road, Manchester, M40 8TQ

Date of application: 16 September 2024

Application number: CDN/24/0891

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.

CMP

The following information has been submitted for consideration in respect of this planning condition, received by the City Council as the Local Planning Authority on 23 October 2024:

- Construction Environmental Management Plan Rev B

The above information submitted has been considered and is acceptable. Condition 4 is now formally discharged.

Off Site Highway Work

MCC Highway Services confirmed on 22 October 2024 that the deposit has been provided for the S278 agreement.

The footway reinstatement between Sedgeford Road and Queens Road and installation of dropped kerbs for driveway access from Palgrave Avenue to be approved under the S278 agreement shall be implemented as part of the development and be in place prior to the first occupation of the development.

On the above basis Condition 12 is now formally discharged.

Preliminary Risk Assessment

(a) The following information has been submitted for consideration in respect of this planning condition, received by the City Council as the Local Planning Authority on 23 October 2024:

- Curtins Letter Report 'Phase 2 Geo-Environmental and Geotechnical Report', Ref. 077873-CUR-00-XX-RP-GE-043-P02, dated 15th August 2024
- BEK Remediation Strategy, Ref: BEK-24083-1-Rev A

The above information submitted has been considered and is acceptable and this part of the condition is discharged.

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.

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.

Drainage

The following information has been submitted for consideration in respect of this planning condition, received by the City Council as the Local Planning Authority on 16 September 2024:

- Drainage Strategy
- Storm Sewer Design by the Modified Rational Method

And received by the City Council as the Local Planning Authority on 23 October 2024:

- S278 Agreement QAV-AJP-ZZ-00-DR-C-1690-C01
- S278 Construction Details QAV-AJP-ZZ-00-DR-C-1630-C01
- External Works Details QAV-AJP-ZZ-00-DR-C-1420-C01

- Cut & Fill Plan QAV-AJP-ZZ-00-DR-C-1410-C01
- External Works Layout QAV-AJP-ZZ-00-DR-C-1400-C01
- Control Manhole Detail QAV-AJP-ZZ-00-DR-C-1090-C01
- Attenuation Tank Details QAV-AJP-ZZ-00-DR-C-1070-C01
- Typical Drainage Details 1 of 2 QAV-AJP-ZZ-00-DR-C-1060-C01
- Typical Drainage Details 1 of 2 QAV-AJP-ZZ-00-DR-C-1061-C01
- S W Catchment Plan QAV-AJP-ZZ-00-DR-C-1040-C01
- Manholes Schedules QAV-AJP-ZZ-00-DR-C-1010-C01
- Outline Drainage Plan QAV-AJP-ZZ-00-DR-C-1000-C01
- 60740 CCTV SURVEY

In order to discharge condition 8 (Drainage), the following information is required:

- an updated layout with confirmed invert level and resubmit hydraulic calculations with the updated Invert level for the existing outfall manhole

The above information submitted has been considered and is acceptable. Condition 8 is now formally discharged.

Noise

The following information has been submitted for consideration in respect of this planning condition, received by the City Council as the Local Planning Authority on 23 October 2024:

- Noise Impact Assessment 50-477-R3-2 dated August 2024

The above information submitted has been considered. The acoustic consultant's rationale is accepted but as a TM59 overheating assessment is required, together with any further recommendations as necessary, we cannot currently recommend the condition discharge. The overheating assessment was received on the 27 November 2024, but there was not enough time provided in order for it to be reviewed by statutory consultees before the fee return date for this condition.

On this basis, condition 14 cannot be recommended for discharge.

Air Quality

The following information has been submitted for consideration in respect of this planning condition, received by the City Council as the Local Planning Authority on 21 November 2024:

- Predicted Energy Assessments
- Summary for Input Data

Condition 16b is now formally part discharged on this basis.

Materials

The following information has been submitted for consideration in respect of this planning condition, received by the City Council as the Local Planning Authority on 21 November 2024:

- Schedule of materials
- Physical sample of the Ridings Weathered CR070 brick

The above information submitted has been considered and is acceptable in relation to the following elements:

- Facing brick

Satisfactory samples are still required for the following:

- Roof tiles

On this basis, Condition 27 cannot be discharged.

Date: 6 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.