

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 Shamaz Subhani
Unit A
48 Derby Street
Manchester
M8 8HN

Agent (if used)

Mohammad Farooq
Building Design Services
Via Email

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 3 (materials), 4 (servicing strategy), 5 (construction method statement), 8 (external equipment), 9 (contamination), 10 (cycle parking) and 11 (security measures) attached to planning permission 136035/FO/2023

Location: Unit A, 48 Derby Street, Manchester, M8 8HN

Date of application: 22 July 2024

Application number: CDN/24/0629

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.

Servicing strategy

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

- Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 5 July 2024.
- Supporting Information- Service and Delivery Management Plan, stamped and received by the City Council as Local Planning Authority on 5 July 2024.

The above details are considered to be acceptable to discharge the condition 4 attached to planning permission referenced 136035/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

External equipment

The following information has been submitted in respect of planning condition 8 (external equipment):

- Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 5 July 2024.

-Supporting Information- Condition Discharge Supporting Document, Paragraph 8 'Plant and Machinery', stamped and received by the City Council as Local Planning Authority on 5 July 2024.

The above details are considered to be acceptable to discharge the condition 8 attached to planning permission referenced 136035/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

Security measures

The following information has been submitted in respect of planning condition 11 (security measures):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 5 July 2024.

-Supporting Information- Condition Discharge Supporting Document, Paragraph 11 'Security Measures', stamped and received by the City Council as Local Planning Authority on 5 July 2024.

The above details are considered to be acceptable to discharge the condition 11 attached to planning permission referenced 136035/FO/2023 on the basis the development is fully implemented in accordance with the approved details.

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.

Materials

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

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 5 July 2024.

-Supporting Information- Condition Discharge Supporting Document, Paragraph 2 'Materials Details', stamped and received by the City Council as Local Planning Authority on 5 July 2024.

The information submitted to discharge condition 3 is not sufficient.

The outstanding evidence is required:

Confirmation on the facing wall materials to be used. Whilst red brick is proposed, the plans approved under 136035/FO/2023 show corrugated metal sheeting. No revised elevational drawing has been supplied for consideration. The agent was asked to clarify the materials via email on 9 August 2024 however no clarification was provided.

Until such details are received and agreed, condition 3 cannot be discharged.

Construction method statement

The following information has been submitted in respect of planning condition 5 (construction method statement):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 5 July 2024.

-Supporting Information- Construction Management Plan, stamped and received by the City Council as Local Planning Authority on 5 July 2024.

The information submitted to discharge condition 5 is not sufficient.

The outstanding evidence is required:

- Environmental Health require further information regarding dust control to include how this will be monitored to ensure dust emissions have not escaped from the site to the wider environment and neighbouring sites especially during any periods of windy conditions, details of how frequently it will be monitored, confirmation monitoring will be recorded and details of what action taken where it is found dust has escaped the site.
- Environmental Health require the inclusion of a complaints and consultation section within the Plan which should set out how neighbours / stakeholders will be consulted prior to the work starting and details of consultation and engagement throughout the work, especially during any noisier or more intrusive work that may lead to an impact to surrounding premises. Details of how complaints will be received, who is responsible and confirmation that any complaints will be recorded including details of action taken and confirmation that complaints will be responded to within 12 hours.

Until such details are received and agreed, condition 5 cannot be discharged.

Contamination

The following information has been submitted in respect of planning condition 9 (contamination):

- Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 5 July 2024.
- Supporting Information- Groundsure Report (Maps), stamped and received by the City Council as Local Planning Authority on 5 July 2024.
- Supporting Information- Groundsure Report (Report), stamped and received by the City Council as Local Planning Authority on 5 July 2024.
- Ground Survey- Contaminated Land Phase 1 Desk Study, report no. 2464-2, stamped and received by the City Council as Local Planning Authority on 5 July 2024.
- Ground Survey- Contaminated Land Phase 2 Intrusive Investigation Desk Study, report no. 2749-1, stamped and received by the City Council as Local Planning Authority on 5 July 2024.

The information submitted to discharge condition 9 is not sufficient.

The outstanding evidence is required:

Environmental Health require the following outstanding information to the Martin Environmental Solutions phase II intrusive ground investigation:

- 1.Elevated PAH have been found in trial pits 1 and 3 along with an odour in TP1. It has been recommended that these locations are excavated and removed and building services to be laid in trenches and backfilled with clean material. It has been recommended that a barrier pipe be installed.
- 2.Environmental Health require a UK water supplier risk assessment submitting to confirm the actual supply pipe required.
- 3.A remediation strategy will need to be submitted to expand on the recommendations in the phase II report which should include comment and recommendations to address the following points.
- 4.Comment and recommendations will be required with regard to any contaminated excavated soils to confirm how this material will be managed and stored once removed prior to disposal to prevent cross contamination or accidental re-use such as removed and placed on membrane, covered, delineated etc.
- 5.Once removed, details of further testing of the base and the sides of the excavated area will be required to ensure the contamination has been removed. Comment and

recommendations regarding this should be included in the remediation strategy and details of how this will be validated should also be provided.

6.Details of how clean material will be tested and validated will be required.

7.Further details of the service trench should be included such as depth, location, diagram and details of the material to be used and details of how this will be validated.

8.Environmental Health need ground gas monitoring to take place on site and a ground gas risk assessment submitting based on the result of the monitoring. The phase II report will need to be updated once the ground gas monitoring has been completed and any remediation required including in the remediation strategy.

Until such details are received and agreed, condition 9 cannot be discharged.

Cycle parking

The following information has been submitted in respect of planning condition 10 (cycle parking):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 5 July 2024.

-Supporting Information- Condition Discharge Supporting Document, Paragraph 10 'Bicycle Parking', stamped and received by the City Council as Local Planning Authority on 5 July 2024.

The information submitted to discharge condition 10 is not sufficient.

The outstanding evidence is required:

Plans show the provision of a sheltered cycle stand with provision for up to 4 bicycles located to the rear of the site. The cycle stand is not lockable/secure; however Highways would consider this to be acceptable should access to the rear yard to fully secured. The agent was asked to confirm the rear yard area is fully lockable/secure on 9 August 2024. No clarification was sought from the agent.

Until such details are received and agreed, condition 10 cannot be discharged.

Date: 16 September 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.