

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 3 (Construction Management Plan), 5 a) (Local Labour Agreement), 6 (Contaminated Land), 7 (Surface Water Drainage Scheme), 8 a) (Acoustic Insulation), 9 (Affordable Housing Statement), 12 a) (Biodiversity Enhancement Measures) and 13 (Materials) from planning approval reference 137485/FO/2023

Location: Greenbrow Road Social Club, Greenbrow Road, Manchester, M23 2TU

Date of application: 14 June 2024

Application number: CDN/24/0373

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.

Condition 3 - Construction Management PI

The submitted details contained in the revised Construction, Demolition & Environmental Management Plan received by email on the 6th August 2024 are acceptable.

Condition 5a - Local Labour Agreement

The submitted information is acceptable to discharge part a) of condition 5.

Part b) will need to be complied with at the appropriate time prior to construction works being completed.

Part b) states: Within one month prior to construction work being completed, a detailed report which takes into account the information and outcomes about local labour

recruitment pursuant to items (i) and (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority.

Condition 7 - Surface Water Drainage

The information on 8th May 2024, as updated by the further details that submitted on the 12th July 2024 is acceptable and the development shall be carried out in accordance with these agreed details.

Condition 8a (Acoustic Insulation)

The submitted Noise Impact Assessment prepared by ADT is acceptable in order that part a) of condition 8 has been complied with.

In order to discharge part b) of the condition the following will need to be provided prior to first occupation of the residential units:

"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"

Condition 9 - Affordable Housing

The submitted affordable housing statement is acceptable. The development shall be occupied in accordance with these agreed details.

Condition 12 a)- Biodiversity

The submitted details are acceptable in order to comply with part a) of condition 12. In order to discharge this condition in full part b) will require to be discharged and the information required is as follows:

b) Prior to the first occupation of the development a verification report and supporting evidence confirming the inclusion of the biodiversity enhancements within the development shall be submitted to and approved in writing by the City Council as local planning authority.

Condition 13 - Materials

The submitted details of materials to be used on the external elevations of the development are acceptable. The development shall be carried out in accordance with these 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.

Condition 6 - Contaminated Land

This condition cannot be discharged at the current time, although sufficient information has been provided to allow enabling works including demolition to commence on site.

The following will be required to be submitted following demolition of the building on site:

- Post demolition site investigations.
- Copies of the calibration certificates for the ground gas monitoring equipment used.
- Updated final risk assessment and remediation strategy (depending on results of the further testing as they may alter).

Date: 16 August 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.