

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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Philip Lambert Architecture
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Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 3 (materials), 9 (waste management), 10 (construction management plan), 13 (cycle storage), 14A (noise), 15 (drainage) and 18a (contaminated land) attached to planning permission 131356/FO/2021

Location: Vacant Land To The North/rear Of 111- 117 North Road, Manchester, M11 4NE

Date of application: 1 June 2023

Application number: CDN/23/0347

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.

C3 materials

The discharge of condition 3 (Materials) is approved on the basis that the development is implemented in accordance with the following materials, which shall be maintained in situ thereafter:

Walls - Wienberger Durham claret stock facing brick
Roof - Tapco synthetic slate tile in pewter grey
Windows - Flush synthetic UPVC windows
Dormers - Vieo standing seam zinc dormer.

C9 waste

The discharge of condition 9 (Waste management) is approved the basis that the development is implemented in accordance with the detail of drawings referenced: Proposed Site Plan Ref: 23-570-00-01 Rev A and email from Philip Lambert Architect

dated 26 July 2023 confirming internal kitchen storage for recycling caddy. The authorised details shall be implemented before occupation of the development and maintained in situ thereafter.

C10 CMP

The discharge of condition 10 (Construction management plan) is approved on the basis that the development is implemented in accordance with the detail of document referenced Discharge of conditions supporting information Version 2 - July 2023 by Philip Lambert Architect (Condition 10). The approved measures shall be implemented upon commencement of the construction phase and maintained in situ until completion of construction work.

C13 Cycle store

The discharge of condition 13 (Cycle storage) is approved on the basis that the development is implemented in accordance with the detail of document referenced Discharge of conditions supporting information Version 2 - July 2023 by Philip Lambert Architect (Condition 13) confirming the installation of Turvec Solutions Cobra Cycle rack for one cycle in the positions shown on drawing referenced Proposed Site Plan Ref: 23-570-00-01 Rev A. The cycle storage racks shall be installed before the occupation of Units 1 and 2 and maintained in situ thereafter.

C14A Noise

The discharge of condition 14A (Noise) is approved on the basis that the development is implemented in accordance with document referenced Noise Impact Assessment Ref: AA0473 North Road M11 4NE Manchester dated 5 May 2023 by Azymuth Acoustics UK.

Prior to first occupation of the residential units, a verification report will 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.

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.

C15 Drainage

The discharge of condition 15 (Drainage) is refused as agreement in principle has not been received from United Utilities confirming approval of a new point of connection into the existing combined sewer.

C18 A Contam land

The discharge of condition 18a (Contaminated land) is refused as the following details are required:

- i. Details referenced in the Groundtech Consulting Geo-Environmental Appraisal, Ref. GRO-23050-4802, Dated 18 June 2024 relating to the undertaking of an

ecology survey to determine if there is invasive Japanese Knotweed on the site before the implementation of the construction phase:

- ii. A remediation strategy informed by the above invasive species investigation and survey.
- iii. The remediation strategy should also include a site completion / verification proposals in accordance with Council guidance.
- iv. Imported or site-won material for use in soft landscaped areas should meet the sampling requirements as set out in Council guidance.

Date: 9 July 2024

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written in a cursive style.

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.