MANCHESTER CITY COUNCIL

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 Shoaib Mohammad
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96-98 Heywood Street
Manchester
M8 0DT

Agent (if used)

Mrs Lida Sklirou
Lumitekton Ltd
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M13 0HR

Part 1 – Particulars of the application/development

Proposal: Application to discharge conditions 3 (Materials), 4 (Drainage), 5 (noise outbreak), 6 (Acoustic Treatment), 7 (Waste Disposal), 8 (Construction Management Plan), 9 (Bicycle storage), 10 (car park management), 13 (hours of operation) and 15 (Boundary treatment) attached to planning permission 134400/FO/2022

Location: 96 - 98 Heywood Street, Manchester, M8 0DT

Date of application: 7 March 2024

Application number: CDN/24/0167

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.

4 (Drainage) X
The following information has been submitted for consideration in respect of this planning condition:

Surface Water Drainage Document by Reford, stamped as received on the 7 March 2024.

The above information submitted has been considered and is acceptable. The development shall now be carried out in accordance with the above.

Condition 4 is now formally discharged.

5 (noise outbreak)X
The following information has been submitted for consideration in respect of this planning condition:

Clement Acoustic assessment dated 2nd Feb 2024 reference 17578-TN-01

The above information submitted has been considered and is acceptable to discharge part (a) of the condition.

To fully discharge the condition a verification report is required to satisfy part (b). Therefore, condition 5 has been partially discharged.

Should the materials to be used on the development change, a further acoustic assessment would have to be undertaken, and submitted to the city council as local planning authority to satisfy predicted noise levels.

6 (Acoustic Treatment)X
Prior to occupation of the development 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, Clement Acoustic assessment dated 2nd Feb 2024 reference 17578-TN-01.

There report shall also undertake post completion testing to confirm that acceptable 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
agreed noise criteria.

Therefore, condition 6 is partially discharged.

9 (Bicycle storage) X
The following information has been submitted for consideration in respect of this planning condition:

190-PL-06, stamped as received on the 7 March 2024.

The above information submitted has been considered and is acceptable. The development shall now be carried out in accordance with the above.

Condition 9 is now formally discharged.

13 (hours of operation) X
The proposed hours of operation:17:30 to 19:00 Monday to Friday, stated within the letter from LUM Lumitekton stamped as received on are considered to be acceptable. Therefore, condition 13 can be discharged.

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.

3 (Materials) X
The following information has been submitted for consideration in respect of this planning condition:

190-PL-06, LU190-BR04, The letter from LUM Lumitekton containing material details, stamped as received on the 7 March 2024.

The above information submitted is not consistent with the roof and window materials on the approved drawings for the approved scheme made under reference number 134400/FO/2022.

Therefore, condition 3 cannot be discharged.

7 (Waste Disposal) X
The drawings referenced 190-PL06, stamped as received on the 7 March 2024 show an existing 1100 litre and 1 x new 660 litre container. Details will need details providing to confirm which waste stream these containers are for to discharge the condition. Therefore, condition 7 cannot be discharged.

8 (Construction Management Plan) X
Further details are required to discharge the construction management plan condition.

- Pedestrian and traffic management plans are required to show the following:

*Effect on vehicular and pedestrian movement.
*Are there any temporary road/footway closures or diversions required to facilitate the development.
*Are works to the back of kerb or right on the kerb edge.
*Any requirements for licensing, hoarding / scaffolding, skips.

Therefore, the submitted information is insufficient to discharge condition 8 . Condition 8 cannot be discharged.

10 (car park management) X
A travel plan is required. This should include baseline figures to indicate modal split with incentives to improve these figures. Targets and travel plan initiatives should be indicated, with a plan for regular monitoring and reviews of travel patterns by a designated Travel
Plan Coordinator. Therefore, condition 10 car park management cannot be discharged.

15 (Boundary treatment) X
The following information has been submitted for consideration in respect of this planning condition:

190-PL-06, LU190-BR04, The letter from LUM Lumitekton containing material details, stamped as received on the 7 March 2024.

The above information submitted is not consistent with the boundary treatment materials on the approved drawings for the approved scheme made under reference number 134400/FO/2022.

Therefore, condition 15 cannot be discharged.

Date: 2 May 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.