

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 Nurul Haque
55 Slack Road
Manchester
M9 8NJ

Agent (if used)

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Manchester
M9 8RN

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 2 (specified plans), 3 (materials), 4 (noise), 5 (waste), 6 (air quality) 7 (ground conditions), 8 (cycle storage), 9 (CMP), 10 (EV), 11 (drainage), 12,(landscaping), 13 (boundary treatment), and 14 (ES) and attached to planning permission referenced 134434/FO/2022.

Location: 55 Slack Road, Manchester, M9 8NJ

Date of application: 24 January 2024

Application number: CDN/23/0779

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.

3 (materials) X

The details of the materials shown on the following drawings is satisfactory:

A100 and A103, Stamped as received on the 15 November 2023,

Ibstock Calderstone Russett Brick data and Marley Concrete Tiles Data, stamped as received on the 24 January 2024,

Subject to implementation of the agreed details, condition 3 can be discharged.

5 (waste) X

The details of the waste arrangements shown on the following drawings is satisfactory:

A100 and A103, Stamped as received on the 15 November 2023,

Subject to implementation of the agreed details, condition 5 can be discharged.

6 (air quality) X

The details of air quality shown on the following drawings is satisfactory:

The Air Quality Assessment by Noise Air Acoustics and Air Quality, stamped as received on the 15 November 2023 and the Tethered Charger Data sheet, stamped as received on the 24 January 2024.

Subject to implementation of the agreed details, condition 6 can be discharged.

8 (cycle storage) X

The details of cycle storage shown on the following drawings is satisfactory:

A100 and A103, Stamped as received on the 15 November 2023,

Subject to implementation of the agreed details, condition 8 can be discharged.

10 (EV) X

The details of electrical car charging shown on the following drawings is satisfactory:

Tethered Charger Data sheet, stamped as received on the 24 January 2024.

Subject to implementation of the agreed details, condition 10 can be discharged.

12(landscaping) X

The details of landscaping shown on the following drawings is satisfactory:

A100 and A103, Stamped as received on the 15 November 2023,

Subject to implementation of the agreed details, condition 12 can be discharged.

13 (boundary treatment) X

The details of the boundary treatment shown on the following drawings is satisfactory:

A100 and A103, Stamped as received on the 15 November 2023,

Subject to implementation of the agreed details, condition 13 can be discharged.

14 (ES)

The details of the environmental standards shown on the following drawings is satisfactory:

Environmental Standards Statement by Element Sustainability, stamped as received on the 24 January 2024 and Tethered Charger Data sheet, stamped as received on the 24 January 2024.

Subject to implementation of the agreed details, condition 14 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.

4 (noise) X

The conclusions and recommendations of the submitted Noise Air Noise Impact Assessment Report, Ref: P6558-R1-V1, dated 23rd July 2023, are accepted, namely that the following acoustic glazing and trickle ventilators are proposed:

- * Glazing 38 dB Rw+Ctr
- * Trickle Ventilators 38 dB Dne,w+Ctr

The proposed scheme satisfies part a) of condition 4, however verification is required for part b) in order to fully discharge the condition.

7 (ground conditions) X

The findings and recommendations of the submitted Demeter Environmental Phase I Desk Study (Ref: 23-03-08 Revision 0, dated March 2023) are accepted, namely that an intrusive investigation and ground gas monitoring be undertaken as per the details included in Table 14 and Appendix D (Drawing 4) of that report, and that the relevant risk assessments are undertaken and any necessary remedial measures submitted for approval (the Site Investigation Report, and Remediation Strategy where necessary).

Part a) of condition 7 requires the approval of the Site Investigation Report and/or Remediation Strategy, and part b) of the condition requires the approval of a Completion/Verification Report, therefore neither part can currently be recommended for discharge.

9 (CMP) X

The contractor should be made aware that, rather than being a greenfield site as stated in the submitted CMP, the site has been previously developed and is situated within the curtilage of a former chemical works, as detailed in the submitted Phase I Desk Study. As per the recommendations of the Phase I report, construction workers should be advised to take any necessary precautions in the event of encountering ground contamination during site works.

Site contact details should also be displayed at the site for use by the general public if necessary.

Due to these outstanding issues the construction Management plan, condition 9 cannot be discharged.

11 (drainage) X

In order to consider discharging condition 11, please see our LLFA comments highlighted in red below:

- A finalised drainage layout showing all components, outfalls, levels, finished floor levels, and connectivity.
- Permeable surfacing of driveways >5m² where feasible, in-line with government guidance.
- Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.

Considering the above the drainage condition cannot be discharged.

Date: 20 March 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.