

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Partial approval of details reserved by condition

Applicant

Conlon Construction
C/o Agent

Agent (if used)

Ms Nicola Simpson
Avison Young
11 York Street
Manchester
M2 2AW

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 15 (ground conditions), 18 (cricket nets), 20 (CMP) 29a (local benefit) 31 (MUGA sports pitches) and 32 (mini football pitch) attached to planning permission referenced 135936/FO/2023.

Location: Land To The West Of Heywood Street, Manchester

Date of application: 7 August 2023

Application number: CDN/23/0539

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 18 - Cricket Nets

On the basis of the information submitted Condition 18 (Cricket Nets) attached to planning permission 135936/FO/2023 can be discharged.

Condition 29a - Local Benefit

On the basis of the information submitted Condition 29a (Local Benefit) attached to planning permission 135936/FO/2023 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.

Condition 15 - Ground Conditions

At this time Condition 15 (Ground Conditions) attached to planning permission 135936/FO/2023 cannot be discharged due to the following:

In our last response we accepted the uk water supplier risk assessment and the PE barrier supply pipe to be installed. But we still needed recommendations for the supply trench construction (depth, clean materials and how arisings to be stored and disposed of)

Also, the following was still outstanding from the previous comments on point 3:

-Additionally, during recent contact with the consultant, it has been suggested that a reduced dig across the entire site will be undertaken which will remove the existing made ground. This should be referenced in the remediation strategy and how these potentially contaminated excavations will be stored prior to removal and how they will be disposed of and validated-

Condition 20 - Construction Management

At this time Condition 20 (Construction Management) attached to planning permission 135936/FO/2023 cannot be discharged due to the following:

We will need the noise level to be agreed and the site will require monitoring as outlined previously due to the location of the development in relation to nearby residential properties, the existing background noise level and the duration of the work. Based on the ABC assessment method found in BS5228 the site would fall into the Category A threshold criteria of 65dB. We can look to adopt a more relaxed criteria using the higher threshold found in category B(70dB) as a compromise but the proposed trigger level of 77dB would need to be reduced.

We also still require all the mitigation measures to be adopted on site. So far the only noise mitigation appears to be control of hours which is standard across all developments. There are some generic noise mitigation measures found in BS5228 which should at least be included within the CMP and if we are to agree a higher threshold trigger level then we will need to see robust mitigation measures being proposed and included within the CMP.

Condition 31 - Muga Sports

Please provide accurate plans showing sufficient detail to discharge Condition 31 (Muga Sports) attached to planning permission 135936/FO/2023.

Condition 32 - Mini Football Pitch

For the discharge of Condition 32 (Pitch) attached to planning permission 135936/FO/2023 the comments of Manchester Active dated 22nd September and 6th November 2023 need to be addressed. As such there is insufficient information for the discharge of the condition.

Date: 2 February 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.