

**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**

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**Proposal:** Discharge of conditions 7 (ground conditions), 15 (external plant), 16 (noise), 20 (SBD), 22 (car parking), 23 (cycle parking), 24 (off site highway works) and 30a (EV charging) attached to planning permission referenced 130586/VO/2021

**Location:** Silk Street, Newton Heath, Manchester, M40 1HE

**Date of application:** 14 June 2023

**Application number:** CDN/23/0389

**Part 2 – Particulars of decision (a)**

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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 7 (ground conditions)**

The following information has been assessed by Environmental Health as being acceptable:

Documents received by the City Council as Local Planning Authority on 17 January 2024:

- Garden Validation Report produced by E3P (Ref: 16-698 V1-Rev 1) - Blocks 4, 5, 7 & 8 (Plots 49-58, 65-69);
- Garden Validation Report produced by E3P (Ref: 16-698 V2-Rev 1) - Plots: 59-63;
- Garden Validation Report produced by E3P (Ref: 16-698 V1-Rev 1) - Blocks 4, 5, 7 & 8 (Plots 49-58, 65-69);
- Garden Validation Report produced by E3P (Ref: 16-698 V2-Rev 1)- Plots: 59-63;
- Garden Validation Report produced by E3P (Ref: 16-698 V3-Rev 1) - Plot 64;

- Garden Validation Report produced by E3P (Ref:16-698 V4) - Plots: Front Gardens 49-58;
- Cover System Validation Report produced by E3P (Ref: 16-698 V6) - Plots: Apartment Landscaping POS 108-110;
- Cover System Validation Report produced by E3P (Ref: 16-698 V5) - Plots: Apartment Landscaping POS 101-107.

- Emails from E3P dated 10 and 12 January 2024;

- Waste Transfer notes received by the City Council as Local Planning Authority on 30 November 2023;

- Email from E3P dated 24 October 2023

On the basis of the above details, condition 7 can be discharged.

**Condition 15 (external plant)**

On the basis that it has been confirmed that no external equipment is to be installed, as per the submitted e-mail from Roots Mechanical, dated 12 June 2023, condition 15 can be discharged.

**Condition 16 (noise)**

The details contained within the submitted Acoustic Testing Report, produced by Azymuth Acoustics UK (Ref: Z39428) are acceptable. On the basis of implementation of the agreed measures and criteria, condition 16 can be discharged.

**Condition 22 (car parking)**

The submitted 'as built' photographs relating to Plot 66 and Plots 67-69, which show the implementation of the car parking, is acceptable. Provided the development is completed on this basis, condition 22 can be discharged.

**Condition 23 (cycle parking)**

The details of the cycle parking shown on drawing referenced 90-030/P01, received by the City Council as Local Planning Authority on 14 June 2023, is satisfactory. Subject to implementation of the agreed details, condition 23 can be discharged.

**Condition 24 (off site highway works)**

The details shown on drawing referenced 0304/P07 (S278 works, Highway Kerbing and Surfacing), produced by Ridge, received by the City Council as Local Planning Authority on 14 June 2023, are satisfactory. Highway Services have confirmed that provided that the applicant continues ongoing discussion with the City Council to secure implementation of the agreed details, condition 24 can be discharged.

**Condition 30 (EV charging)**

The details of electric vehicle charging for the dwellinghouses, shown on drawing referenced P0176/EVPV/AF, received by the City Council as Local Planning Authority on 11 July 2023, is satisfactory. Subject to implementation of the agreed details, condition 30a can be discharged.

## **Part 2 – Particulars of decision (b)**

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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 20 (SBD)**

The details contained within the letter from Greater Manchester Police (Design for Security) dated 26 May 2023 and received by the City Council as Local Planning Authority on 14 June 2023, is satisfactory to enable partial discharge. Full discharge of the condition can be provided upon the submission and agreement of the certificate to confirm that 'Secured by Design' accreditation has been achieved.

Date: 17 January 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](http://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.