

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

Partial approval of details reserved by condition

Applicant

McCaul
McCauls Group Ltd
First Floor
362 Manchester Road
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Agent (if used)

Mr Nick Berry
OMI Architects
31 Blackfriars Road
Salford
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Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 7 (Materials), 18 (CMP), 22 (Street Trees investigation), 30a (Noise) and 49 (Off Site Highways) attached to application ref no 128911/FO/2020 as amended by 133218/NMC/2022 (New Build)

Location: 32-34 Laystall Street, Manchester, M1 2JZ

Date of application: 22 December 2022

Application number: CDN/22/0930

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 7 (Materials),

On the basis of the following:

(a) OMI's Schedule of Materials in e-mail dated 21-08-23, site visit 21-04-23 and dwgs 1383-OMI-00-ZZ-DR-A-A2002-P02 and 1383-OMI-00-ZZ-DR-A-A2003-PO2;

(b) Laystall Street, Construction Management Plan Rev 1 - 10th March 2023 by Eric Wright Construction; and

(c) Eric Wright Construction - Project Quality Plan Rev 2 12-04-23

the pre-commencement requirements of the condition are discharged.

Condition 18 (CMP)

Condition 18 (CMP): On the basis of ongoing compliance with the following:

the condition is discharged

Condition 22 (Street Trees investigation)

Condition 22 (Street Trees investigation): On the basis of the CONDITION 22 - STREET TREE FEASIBILITY SKETCH 2-212-21 SK05 the condition is discharged

Condition 30a (Noise)

Condition 30a (Noise): On the basis of implementation in accordance with the following:

Specifications and noise levels set out within the 32-34 Laystall Street, Manchester, Acoustic Planning Report, 1001/APR1 14 November 2022 by Lighthouse Acoustics (glazing as detailed in Section 6.6 and trickle vents as per Section 6.7.1) as amended by Lighthouse Acoustics Memo dated 28-03-23; and

Specification set out within the TM59 Thermal Comfort Summary Report, LAYSTALL STREET, MANCHESTER, M1 2JZ, REF: 220805b Dated 29/11/2022

For the avoidance of doubt the approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

The following noise criteria will be required to be achieved:

Bedrooms (night time - 23.00 - 07.00)	30 dB LAeq (individual noise events shall not exceed 45 dB L _{Amax,F} by more than 15 times)
Living Rooms (daytime - 07.00 - 23.00)	35 dB LAeq
Gardens and terraces (daytime)	55 dB LAeq

Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in the residential accommodation shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non compliance shall be suitably mitigated in accordance with an agreed scheme.

the precommencement requirements of the condition is 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 49 (Off Site Highways)

Condition 49 (Off Site Highways): On the basis that the following information required to discharge the condition has not been submitted:

1. No online S278 application appears to have been made by the applicant
2. Footway resurfacing should be provided to the perimeter footway surrounding the development
3. It is unclear why the submitted plan indicates that the stopping up of part of the footway on Pigeon Street is required and clarification is sought

4. The provision of an on-street car club bay is required through the promotion of a traffic regulation order

the condition cannot be discharged at this time

Date: 13 September 2023

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.