

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 John Heenan
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Agent (if used)

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HD7 6LF

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 3 (Materials), 5 (Acoustic report), 6 (Swept Path for Basement), 7 (Construction Management Plan) and 11 (Waste Management) attached to planning permission 124848/FO/2019

Location: The Quadrangle , 6 Albany Road, Manchester, M21 0AW

Date of application: 28 January 2022

Application number: CDN/22/0048

Part 2 – Particulars of decision (1)

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 3 - Materials

The information provided in the Materials Schedule submitted on the 30th March 2022 which includes details of the following is acceptable for the discharge of Condition 3 from application Ref: 124848/FO/2019:

Walls above DPC: Sikka rendered cladding coloured Merlin Grey (RAL 1804005)

Walls below DPC: Vac-Vac treated timber cladding - self coloured.

Roof: GRP flat roof coloured Merlin Grey (RAL 1804005)

Doors & windows: Linia Flush Sash UPVC double glazed coloured Anthracite Grey (RAL 7016)

Condition 6 - Swept path for basement

The information submitted to the City Council as Local Planning Authority on the 30th of March 2022 which includes Drawing NMB/AR/003 dated 30/03/2022 shows the relevant swept paths and EV charge points.

Condition 6 can be discharged from application 124848/FO/2019.

Condition 7 - CMP

The information submitted to the City Council as Local Planning Authority on the 30th of March 2022 which includes the revised construction management plan dated 29/03/2022 includes further details in relation to working proximity to Metrolink, pedestrian access, vehicle routing and contractor parking.

Condition 7 is discharged from application 124848/FO/2019.

Condition 11- Waste Management Plan

The information submitted to the City Council as Local Planning Authority on the 30th of March 2022 including the Waste Proforma is acceptable for this proposal.

Condition 11 can be discharged from application reference: 124848/FO/2019.

Part 2 – Particulars of decision (2)

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 5 - Acoustic report

The details contained within the Braiden Acoustics report (19 January 2022) are acceptable for the glazing which should be installed in accordance with the details in the report.

As set out in Condition 5, the condition can be fully discharged once a Post-Completion Verification Report has been submitted and signed off by the City Council as Local Planning Authority, prior to first occupation of the residential units. For the avoidance of doubt, the second part of Condition 5 states that:

Upon completion of the development and before first occupation of the residential units, 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. The report shall also undertake post completion testing to confirm that the internal noise criteria has 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 internal noise criteria.

Date: 26 April 2022

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.