

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

Partial approval of details reserved by condition

Applicant

MPH Ancoats Limited
C/o Agent
Manchester

Agent (if used)

Mr Matthew Dixon
Dixon Planning Limited
Garden Place
Victoria Street
Altrincham
WA14 1ET

Part 1 – Particulars of the application/development

Proposal: Discharge of planning conditions 3a (Coal Mining), 9a (Local Labour), 10a (Drainage), 12 (Construction Management Plan), 13 (Materials), 15 (Boundary Treatment) and 21 (Waste Management) associated with planning permission 127971/FO/2020

Location: 271 Oldham Road, Manchester, M40 7PS

Date of application: 15 July 2021

Application number: CDN/21/0537

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 3a Coal Mining

The following information has been submitted in respect of this planning condition:

- Report on Coal Mining Related Site Investigation Works (June 2021, prepared by The Land Consultancy Limited) stamped as recieved by the City Council, as Local Planning Authority, on the 15 July 2021

The above information has been considered and is acceptable in order to discharge part (a) of this planning condition. The development must now be carried out in accordance with this information.

In order to discharge this condition in full parts (b) and (c) of this planning condition must be complied with. This requires the following:

(b) Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy identified by part (a) of this condition shall be implemented in full in order to ensure that the site is made safe and stable for the development proposed.

(c) Prior to the first occupation of the, written confirmation by a suitably qualified person to confirm that the site is, or has been made, safe and stable for the approved development shall be submitted for approval in writing by the City Council, as Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Condition 9a Local Labour

The following information has been submitted in respect of this planning condition:

- OY Employment and Skills Plan stamped as received by the City Council, as Local Planning Authority, on the 15 July 2021

The above information has been considered and is acceptable in order to discharged part (a) of this planning condition. The development must now be carried out in accordance with the above information.

In order to discharge this condition in full, part (b) of this condition must be complied with.

Condition 15 Boundary Treatment

The following information has been submitted in respect of this planning condition:

- Drawing 220-LYR-XX-ZZ-DWG-L-8000 Rev 3 Boundary Treatment Plan stamped as received by the City Council, as Local Planning Authority, on the 27 October 2021

The above information has been considered and is acceptable. Condition 15 is now formally discharged.

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 10a Drainage

The following information has been submitted in respect of this planning condition:

J7119 DR01 Rev B;

J7119 DR02 Rev A;

J7119 DR03; and

J7119 Drainage Calculations Rev A;

EC5623-231221-PRT1-APP - S106 UU approval;

UU Part 1 Approval Letter.

The above information has been considered. There remains outstanding issues which are outlined below:

- Phase 2 SI results, confirming that infiltration is not feasible;
- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 40% climate change in any part of a building. The model should also be run for other events including the 1 in 1 year and 1 in 30 year events; Drainage layout manhole numbers should be highlighted on the hydraulic model report, invert levels should also be included on the proposed drainage layout to ensure the hydraulic model and drainage layout correlate;
- 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.
- Construction details of flow control, SuDS elements and petrol interceptor.

Condition 10a is not formally discharged.

Condition 12 Construction Management Pla

The following information has been submitted in respect of this planning condition:

- Updated Construction Management Plan stamped as received by the City Council, as Local Planning Authority, on the 17 September 2021

The above information has been considered and is not acceptable in this instance. Further details are required including timelines regarding the build programme as well as mitigation methods for noise and vibration.

Condition 12 is not formally discharged.

Condition 13 Materials

The following information has been submitted in respect of this planning condition:

- External materials package stamped as received by the City Council, as Local Planning Authority, on the 3 November 2021

The above information has been considered. The materials cannot be agreed without the presentation of a materials panel.

Condition 13 is not formally discharged.

Condition 21 Waste

The following information has been submitted in respect of this planning condition:

- Waste management strategy stamped as received by the City Council, as Local Planning Authority, on the 15 July 2021
- Bin storage location stamped as received by the City Council, as Local Planning Authority, on the 3 November 2021

The above information has been considered and is not acceptable. There are concerns regarding the distance the bins are located from the residents. The details also show it would not be possible to use the bins on the back row.

Condition 21 is not formally discharged.

Date: 10 January 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.