

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 D. Maisuria
64 Burnside Drive
M19 2LZ

Agent (if used)

Mr DK Seddon
Howard & Seddon ARIBA
64 Washway Road
M33 7RE

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 3 (Materials), 4 (Contaminated Land), 9 (Acoustic Insulation), 15 (Off Site Highway Works), 17 (Cycle storage), 18 (Boundary treatment), 19 (Street Boundary Treatment), 22 (Landscaping) and 25 (Drainage) planning permission reference 129000/JO/2020

Location: 72 Errwood Road, Manchester, M19 2QH

Date of application: 19 July 2021

Application number: CDN/21/0224

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.

C3 Materials

The discharge of condition 3 (Materials) is approved on the basis that the development shall be implemented in accordance with the following materials and specifications, which shall be maintained in situ thereafter:

- i. Roof tiles - Marley Anglia Interlocking Clay Roof Tile - Antique Red;
- ii. Facing Brick: Ibstock New Burntwood Red
- iii. Windows : White UPVC - Smooth Finish
- iv. Window Cills and Heads - Stone painted Black
- v. Fascia & Soffits: Black Fascia And Soffits and Black Ogee uPVC Fascia

C4 Contam land

The discharge of condition 4 (Contaminated land) is approved on the basis that the development is fully implemented in accordance with documents ref:

- i. Geo Smart Information Enviro Smart Plus Phase 1 Contaminated Land Assessment dated March 2021 Ref:73695.01 R1;

ii. Asbestos Refurbishment Survey by Angel Environmental Ltd T/A 0800 Asbestos Report No J0184443 dated 9 April 2021.

In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this.

C17 Cycle storage

The discharge of condition 17 (Cycle storage) is approved on the basis that, before to the occupation of the development, the details for cycle storage specified in the following drawings are fully implemented and maintained in situ at all times thereafter:

- i. Landscape General Arrangement Plan Ref: PR/19/DM02/GA/01 Rev D;
- ii. Garden shed and cycle store details Ref: 13.542/28 Amendment A;
- iii. The proposed garden shed should be fitted with equivalent to Sold Secure™ hasp and staple, Sold Secure™ padlock and have a Sold Secure™ ground anchor fitting.

C18 Boundary

The discharge of condition 18 (Boundary treatment) is approved on the basis that, before the occupation of the development, the boundary treatment details on the following drawings are fully implemented and maintained in situ at all times thereafter:

- i. Landscape General Arrangement Plan Ref: PR/19/DM02/GA/01 Rev D;
- ii. Proposed boundary fencing details Ref: 13.542/29 Amendment A.

C19 Street boundary

The discharge of condition 19 (Street Boundary Treatment) is approved on the basis that, before the occupation of the development, the street boundary treatment details on the following drawings are fully implemented and maintained in situ at all times thereafter:

- i. Landscape General Arrangement Plan Ref: PR/19/DM02/GA/01 Rev D;
- ii. Proposed gate and railings to Errwood Road and Crompton Road.

C22 Landscaping

The discharge of condition 22 (Landscaping) is approved on the basis that the development is undertaken in accordance with drawings ref: Landscape General Arrangement Plan Ref: PR/19/DM02/GA/01 Rev D and previously approved tree protection measures as details in drawings referenced: Tree protection plan (Demolition) CW/9197-P-TP-DEM_1; Tree protection plan (Construction) CW/9197-P-TP-CON_1; Tree survey schedule CW/9197-SS-4 Updated 8 October 2019.

The landscaping details hereby approved shall be implemented within the first full planting season following the completion of the development and maintained in situ at all times thereafter.

C25 Drainage

The discharge of condition 25 is approved on the basis the development is undertaken in accordance with the following drawings and documents

Bell Munro drawings:

Drainage Layout Ref: J7036/EX01 Rev B

Drainage Detail Ref: J7036/EX2 Rev A

Flooding Routing Plan Ref: J7036/EX3

United Utilities email dated 14 October 2021

Hydrobrake detail by Hydro International Ref: J7036

Detailed Hydraulic Calculations Rev A - 72 Errwood Road dated February 2022 by Munro Consulting Ltd.

The development shall be constructed and completed in accordance with the approved details, which shall remain in situ thereafter

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.

C9 Acoustic

The development shall be fully implemented in accordance with the following document related to the discharge of condition 9 (Noise attenuation): Environmental Noise Assessment-

72 Errwood Road, Burnage Manchester M19 2QH by Martec Environmental Consultants Ltd. Ref: Report Date: 23 September 2020 Ref: 20200923 8893 Burnage ProPG.docx .

The approved noise insulation scheme shall be completed before any of the dwelling units are occupied. On this basis the pre-commencement element of the condition has been complied with.

However, condition no.9 cannot be formally discharged at this time, as there is a requirement for the submission of a verification report to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report ,upon completion of the development and before first occupation of the residential units. This report shall include the results of the post completion testing which has been undertaken 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. The approved details shall be maintained in situ at all times thereafter.

C15 Off site highways

The discharge of condition 15 (Off Site Highway Works) is refused as insufficient details have been submitted regarding proposed off site highways works related the development.

Date: 7 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.