

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

Approval of details reserved by condition

Applicant

Mr Peter Armistead
APL
1 Crossland Road
Manchester
M21 9GU

Agent (if used)

Mr Simon James
Simon James Arq Ltd
Flat 1
346 Barlow Moor Road
Manchester
M21 8AY

Part 1 – Particulars of the application/development

Proposal: Discharge of condition numbers 5 (Drainage), 9 (acoustic insulation), 10 (contaminated land) and 11 (construction management plan) from planning approval reference 124976/FO/2019

Location: 59 Upper Chorlton Road, Manchester, M16 7RQ

Date of application: 3 December 2021

Application number: CDN/21/0909

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Approved** in accordance with the information set out below.

Condition 5 Drainage

Subject to the implementation of the details contained in the following documents
Condition 5 Drainage is discharged.

UCR-MaG-ZZ-00-DR-C-100 P3 received 10 March 2022

UCR-MaG-ZZ-00-DR-C-101 P2 received 10 March 2022

Email dated 10 March 2022 from Marston & Grundy LLP Consulting Engineers

Condition 9 Acoustic Insulation.

The submitted scheme as amended by the email from Simon James dated 17 March 2022 is satisfactory and subject to the submission of a satisfactory validation report upon completion of the works condition 9 Acoustic Insulation is Discharged.

Condition 10 Contaminated Land

The submitted Peak Environmental Solutions report (ref. 42173R1/Iss-RevB, dated 5th October 2021) is a Phase 1 Environmental Assessment and, whilst the Council accept the findings and recommendations of this report, which include proposals for a Phase 2 (intrusive) investigation following demolition of the existing building and site clearance, the report in itself is not sufficient to discharge any part of condition 10. However, the

Council would have no objection to demolition and site clearance works commencing following completion of the recommended asbestos demolition survey, and would be content to provide further comments in due course upon receipt of the proposed scope of the Phase 2 site investigation and subsequent reports. Condition 10 Contaminated Land is not therefore discharged.

Condition 11 CMP

The Construction Management Plan received on 10 January 2022 is acceptable and subject to the provisions of the plan being adhered to Condition 11 Construction Management Plan is discharged.

Date: 13 April 2022

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written over a horizontal line.

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers 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.

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 his 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.