

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 Zulfi Belaj
42 Kilmington Drive
Manchester
M8 9BP

Agent (if used)

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

Part 1 – Particulars of the application/development

Proposal: Discharge of planning conditions 2 (Materials), 4 (CMP), 5 (Ground Conditions), 6 (Verification Report), 7 (Drainage), 9 (Security Measures), 10 (Electric Vehicle Charging), 11 (Landscaping), 13 (Environmental Standards), 14 (Acoustics), 15 (Cycle provision) and 16 (Highways Works) associated with planning permission 125845/FO/2020

Location: Land Adjacent To 929 Oldham Road , Manchester

Date of application: 23 November 2021

Application number: CDN/21/0884

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 2 (materials)

The external materials detailed within the submitted materials schedule (revision A) dated 3 August 2021, received by the City Council as Local Planning Authority on 23 November 2021, are acceptable. Namely:

Bricks - Forterra dark multi smooth 65mm wire cut facing brick;
Cills - Proctor cast stone in Yorkstone (stone colour);
Roof - Marley Modern interlocking roof tile (smooth grey);
Rainwater Goods - Brett Martin half round and round downpipes (black);
UPVC soffits and fascias (black);
Composite front door (black);
UPVC French doors (black);
UPVC casement windows (black Ash).

Subject to implementation of the agreed materials, condition 2 may be discharged.

Condition 4 (CMP)

The information contained within the submitted Construction Management and Environmental Plan (August 2021 V.1) received by the City Council as Local Planning Authority on 23 November 2021, is satisfactory. Subject to implementation of the agreed details, condition 4 can be discharged.

Condition 10 (EV Charging)

The electric vehicle charging point document, together with the Pod Point Solo Smart Charger specification, is acceptable. Subject to implementation of the agreed details prior to first occupation of the dwellinghouse, condition 10 can be discharged.

Condition 11 (Landscaping)

The landscaping scheme shown on drawing referenced 2103/P/01 received by the City Council as Local Planning Authority on 23 November 2021, is satisfactory. Subject to full implementation of the agreed details, condition 11 can be discharged.

Condition 13 (ES Standards)

The details contained within the submitted Environmental Standards Statement received by the City Council as Local Planning Authority on 23 November 2021, are satisfactory. Subject to implementation of the agreed details, condition 13 can be discharged.

Condition 15 (Cycle Provision)

The cycle storage area shown on drawing referenced 2103/P/01 received by the City Council as Local Planning Authority on 23 November 2021, is satisfactory. Subject to full implementation of the agreed details, condition 15 can be discharged.

Condition 16 (Highway Works)

The repaving/surfacing strategy and details of a scheme for the management and maintenance of the area of unadopted road immediately adjoining the frontage of the application site, as detailed on drawing referenced J7678/EX01 and Highway Maintenance Plan produced by Bell Munro Consulting Ltd, is satisfactory. Subject to ongoing implementation of the agreed details, condition 16 can be 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 5 (Ground Conditions)

Condition 5 cannot be recommended for discharge for the following reasons:

- No gas monitoring data has been provided in the report and monitoring is stated to be ongoing;
- The response zones for the gas monitoring are all in the natural clay and no monitoring will be from the made ground. It is stated that the made ground may be retained on site, so there will be no data to suggest if there is any ground gas from the made ground.

-A detailed ground gas risk assessment is required which cross checks back to the conceptual site model and takes into account what will be happening on site, i.e foundation type and retention of made ground;

- Elevated PAH and TPH have been found, but there has been no specification, so it is not known if there are any vapour risks or if further delineation sampling will be undertaken from the 'black' material.

- Consultation is required with UU regarding the potable water supply pipes. This will need to be provided as part of the validation report.

-A detailed remediation strategy will be required once all site investigation works have been completed (gas monitoring and any delineation sampling).

Until such time that details to address the above and been submitted and agreed, condition 5 cannot be discharged.

Condition 6 (Ground Verification)

Condition 6 requires that development be carried out in accordance with a previously agreed Remediation Strategy and a Completion/Verification Report be submitted. No such details have been received and as ground works have not been completed, it is premature to discharge this condition. As such, condition 6 cannot be discharged.

Condition 7 (Drainage)

The information submitted to discharge condition 7 is not sufficient.

The below outstanding evidence is required:

-Confirmation of the invert level of the outfall, to ensure that a connection via gravity is feasible;

-Construction details of SuDS elements;

-Where surface water is connected to the public sewer, agreement in principle from United Utilities is required to demonstrate 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;

-A maintenance schedule.

Until such details are received and agreed, condition 7 cannot be discharged

Condition 9 (Security measures)

Insufficient security details have been submitted to meet with the requirements of condition 9, In particular, details of how the site, and adjoining alley way, would be secured, during and after the construction process to prevent unauthorised access to the adjoining alley way.

Until such time that satisfactory details are received and agreed, condition 9 cannot be discharged.

Condition 14 (Acoustic Insulation)

No details relating to condition 14 have been received. Until such time that details are submitted and agreed, condition 14 cannot be discharged.

Date: 7 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.