MANCHESTER CITY COUNCIL

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 Anjum Majid
371 Oldham Road
Manchester
M40 8RR

Agent (if used)

Mr Jonathan Davidson
Jonathan Davidson Architects
Sun House
2-4 Little Peter Street
Manchester
M15 4PS

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 3 (Materials), 9 (Fume extraction) and 14 (Construction Management Plan) associated with planning permission 111699/FO/2016/N1

Location: 371 Oldham Road, Manchester, M40 8RR

Date of application: 21 November 2018

Application number: CDN/18/0883

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 following additional information has been submitted for consideration:

o Application Form
o Brick Sample - Grey
o SF52 Curtain Walling in RAL 7016 (Anthracite Grey)

The submitted information has been assessed and the following comments can be made:

The proposed list of materials for the extension is considered to be acceptable. Therefore, on the basis that the development is constructed in accordance with the approved details, this formally discharges Condition 3 of planning approval 111699/FO/2016/N1.

Condition 14 - Contruction Management

The following additional information has been submitted for consideration:

o Application Form
o Construction Environmental Management Plan

The submitted information has been assessed and the following comments can be made:

The proposed construction management plan for the extension is considered to be acceptable.

Notwithstanding this, it should be noted that the stated construction hours do not accord with the Environmental Protection guidelines for construction sites in Manchester. The permitted hours for sites in Manchester are as follows:

Work should normally only take place between:
oMonday to Friday: 7.30am to 6pm
oSaturday: 8.30am to 2pm

No work should be done on Sundays or Bank holidays.

The workers can arrive 30 minutes before they start work.

Any out of hours works must be made in writing at least 2 weeks prior to the start date to Environmental Health. This MUST be approved by Environmental Health before any out of hours work can commence.

Therefore, on the basis that the development is constructed in accordance with the approved details, and accords with the guidance given above in relation to working hours, this formally discharges Condition 14 of planning approval 111699/FO/2016/N1.

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 9 - Fume Extraction
The following additional information has been submitted for consideration:

o Application Form
o C312.1 Rev A Sheridan Suite-proposed layout
o Design Proposal April 2017 revised October 2018
o Daikin REYQ-T Cond Unit_Data book
o Daikin VAM 250-FC Data book (2 parts)
o Purified Air Brochure - low_res June 2016
o Sheridan main AHU condensers, Daikin ERQ250 data sheet
o Sheridan main heat recovery AHU data sheet (2 parts)
o C312.2 Sheridan Suite - Outdoor Control schematic
o C312.3 Sheridan Suite - Kitchen vent schematic

The submitted information has been assessed and the following comments can be made:

The information submitted to date is considered to be acceptable. However, the applicant also needs to provide a risk assessment and extract discharge rate, along with a maintenance strategy.

Therefore, Condition 9 of planning approval 111699/FO/2016/N1 cannot be formally discharged until the issues above have been appropriately addressed.

Date: 17 May 2019

Signed: 

Julie Roscoe
Head 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.