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 Martyn Brown
QSP Construction Group
23 Victoria Mews
Mill Field Road
Cottingley Business Estate
Bingley
BD16 1PY

Agent (if used)

Mr Dean Woodward
Design Studio - North
17-19 Stott Hill
Cathedral Quarter
Bradford
BD1 4EH

Part 1 – Particulars of the application/development

Proposal: Application to discharge conditions 8 (Acoustic Insulation), 9 (Waste Management), 10 (Construction Management), 11 (Community Use), 12 (Contaminated Land) and 14 (SuDs) attached to planning permission 110515/FO/2015/N2

Location: Dean Trust Ardwick , 223 Stockport Road, Manchester, M12 4DY

Date of application: 9 August 2017

Application number: CDN/17/0492

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 8 - Acoustic Insulation
The following information has been submitted for consideration:

o Cover letter from Design Studio North Architects dated 7th August 2017

The information submitted as listed above has been considered and the following comments can be made.

Confirmation has now been received that the Clubhouse will be used for community use in the manner that it supports the existing sports pitches on site. The changing rooms and social room will both support the use of the pitch by the community. The social room will not be used separately for functions or other events as this would compromise the pavilions ability to serve the pitches. There will be no music system for amplified sound used within the social room.

Therefore, providing that there will be no music system installed at the development and the development must not be used to host functions and/or events, this formally discharges Condition 8 of planning approval 110515/FO/2015/N2.

Condition 9 - Waste
The following information has been submitted for consideration:

o Cover letter from Design Studio North Architects dated 7th August 2017

The information submitted as listed above has been considered and the following comments can be made.

It has now been confirmed that there will be one bin for general waste within the social room kitchen and there will be one bin for recyclable waste in the same area. These bins will be emptied by the Academy's caretaking staff on a nightly basis and the waste and recycling will be transferred to the waste and recycling bins for the overall school site.

Therefore, on the basis that the site will utilise the existing waste provision at the school and so no additional provision is required, this formally discharges Condition 9 of planning approval 110515/FO/2015/N2.

Condition 10 - Construction Man
The following information has been submitted for consideration:

o Cover letter from Design Studio North Architects dated 7th August 2017

The information submitted as listed above has been considered and the following comments can be made.

It has now been confirmed that contractor's car parking will be located on site during the remaining contract period and that the existing turning head on South Street will be kept clear to ensure that the use of the road is not an issue for adjacent occupiers. It is acknowledged that the project is a small scale scheme which will have deliveries made by small trucks or vans and all of these will access the site via South Street and be unloaded on site and off the public highway. Deliveries will be organised to avoid busy times of the day and scheduled to avoid the stacking of any vehicles on the adopted highway. It is not envisaged that any temporary road closures or off site traffic management will be required because all works and associated unloading of vehicles will take place within the site boundary.

Therefore, on the basis of this additional information, this formally discharges Condition 10 of planning approval 110515/FO/2015/N2.

Condition 11 - Community Use
The following information has been submitted for consideration:

o Cover letter from Design Studio North Architects dated 7th August 2017
o Community Use Agreement dated 18th October 2016

The information submitted as listed above has been considered and the following comments can be made. The submitted Community Use Statement is considered to be acceptable and sufficient to discharge this condition.

Therefore, on the basis of this information, this formally discharges Condition 11 of planning approval 110515/FO/2015/N2.

Condition 12 - Contam Land
The following information has been submitted for consideration:

o Cover letter from Design Studio North Architects dated 7th August 2017
o Ground Gas Risk Assessment by Solmek Ltd.

The information submitted as listed above has been considered and the following comments can be made. A watching brief has been maintained at the site and no evidence of contamination has been identified. In addition, a ground gas survey has been carried out and the site has been confirmed as CS1 with no gas protection measures required.

Therefore, on the basis of this information, this formally discharges Condition 12 of planning approval 110515/FO/2015/N2.

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 14 - SuDs
The following information has been submitted for consideration:

o Cover letter from Design Studio North Architects dated 7th August 2017

The information submitted as listed above has been considered and the following comments can be made. The management and maintenance plan is considered to be acceptable. However, photographic evidence of the construction as per the design drawings is still required before this condition is finally discharged.

Therefore, it is not possible to formally discharge the Condition 14 of planning approval 110515/FO/2015/N2 until the matters raised have been satisfactorily addressed.

Date: 4 October 2017

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.