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

Challenger Building Services Ltd
C/o Agent

Agent (if used)

Mrs Hayley Knight
Hayley Knight Planning Ltd
205 Stockport Road
Altrincham
WA15 7SW

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 12 (external materials), 13a (lighting scheme), 14a (acoustic insulation), 17 (waste management), 23 (Highway works), 25 (electric vehicle charging points) and 33 (Affordable Housing Scheme) from planning approval reference 136878/FO/2023

Location: 4B Albany Road, Manchester, M21 0AW

Date of application: 11 April 2025

Application number: CDN/25/0351

Part 2 – Particulars of decision (a)

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 13a) External Lighting Scheme
The submitted details are acceptable to discharge part a) of condition 13. There is a further requirement under condition 13 part b) to submit a verification report prior to first occupation of the development to ensure the details approved under part a) are achieved on site. The Council's looks forward to a submission in due course to deal with this matter.

For the avoidance of doubt condition b) states: "Prior to occupation of the development a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved light consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have 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 criteria."

Condition 23 - Highway Works

The submitted highway works details are accepted and subject to ongoing discussions with the Council with regards to the section 278 agreement for the inclusion of these works the details are agreed.

Please note in order to comply with this condition in full "The development shall not be occupied until all the necessary off-site highway works have an agreed timescale for implementation. The development shall only be occupied in accordance with the agreed works."

Condition 25 - EVCs
The submitted details of the electric vehicle charging points to be installed at the development are acceptable. Please note that in order to comply with this condition in full the following information is required:
"The approved details shall then be implemented as part of the development and be in place prior to the first occupation of the apartments and retained thereafter."

Condition 33 -Affordable Housing
The submitted affordable housing statement is acceptable. Please note the following provision within the amended wording of condition 33 as agreed under non-material amendment approval reference 139274/NMC/2024:

" The approved affordable housing scheme shall be implemented as part of the development and thereafter observed subject to the following exclusions and exemptions:
1. The affordable housing scheme shall not be binding upon a mortgagee, chargee or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (however appointed) including a housing administrator (each a receiver) of the whole or any part of the affordable housing or any persons or bodies deriving title through such mortgagee or chargee or receiver.
2. The affordable housing scheme which is the subject of this condition shall cease to apply (and shall be of no further effect) to any dwelling that has been acquired by an individual owner/purchaser and/or their mortgagee OR any dwelling in respect of which a statutory or voluntary right to buy or acquire has been exercised."

Part 2 – Particulars of decision (b)

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 12 - External Materials
Insufficient information has been provided in order to discharge condition 12 (external materials). For completeness condition 12 states:
"Prior to the commencement of above ground development, all materials to be used on all external elevations of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include the submission of samples (including a panel) and specifications of all materials to be used on all external elevations of the development along with jointing and fixing details. The approved materials shall then be implemented as part of the development. "

A sample panel of the proposed brick together with mortar type and finishing has not been provided for review. This sample panel should also include an example of the recessed brick detailing to form the ground floor of the external elevation. In addition other physical sample materials such as that to the mansard roof material togehter with jointing and fixing details together with details of the soffit and fascia samples have not been provided for review.

Condition 14 a) - Acoustic Insulation
The submission includes a detailed over heating assessment to support the acoustic report, this has concluded that all apartments will be provided with MVHR (system 4). The Council is still awaiting confirmation of the detailed design based on the previously accepted noise assessment and now the overheating assessment. To date only example glazing specifications have been provided. Condition 14a cannot be recommended for discharge at the current time.

Condition 17 - Waste Management Strategy
The submitted details are not currently sufficient to discharge condition 17. The external bin store meets the Councils area requirement for the size of the development, but all the bins are labelled as general waste, a future submission will need to include details to provide bins to cover all recycling streams including food waste not just general waste.

Date: 3 June 2025

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.