

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 N Lowrey
Vestacare UK Ltd
1069 Rochdale Road
Manchester
M9 8AJ

Agent (if used)

Mr Andrew Chapman
Urban Vision NW Ltd
1 Oxhey Lane
Bolton
Manchester
BL6 4AN

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 4 (boundary treatment), 5 (car parking), 6 (ground conditions), 7 (landscaping), 8 (materials), 9 (Travel plan), 10 (SBD), 11 (wheel wash), 12 (acoustic insulation), 13 (external equipment), 14 (servicing), 15 (waste management), 16 (further bat survey), 17 (demolition by hand), 18 (new roosting opportunities) and 20 (site levels) attached to planning permission referenced 094690/FO/2010/N1

Location: 60 Victoria Avenue East, Manchester, M9 6HB

Date of application: 11 March 2019

Application number: CDN/19/0201

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.

Car Parking

The following information has been submitted for approval in respect of planning condition 5:

Drawing no. 190007 stamped and received by the City Council as local planning authority on 11 March 2019.

The submitted information is considered acceptable and condition 5 attached to planning permission 094690/FO/2010/N1 is hereby fully discharged for provided the development is carried out in accordance with the above information.

Ground Conditions

The following information has been submitted for consideration:

- Phase 1 desk study reference CL-602-CL1678-01 dated July 2010 stamped and received by the City Council as local planning authority on 11 July 2019.
- Letter LKC Reference: CL1678-02 stamped and received by the City Council as local planning authority on 11 March 2019.

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

The submitted information is considered to be acceptable for the pre-commencement element of the proposed development. Therefore, providing the development is constructed in accordance with the above details, this formally discharges Condition 6a of planning approval 094690/FO/2010/N1

However, before part b of this condition can be finally discharged, a satisfactory site completion report which should include the findings of the watching brief, any testing of imported soils and copies of all waste transfer notes for soil removed from the site is required to be submitted and approved in writing by the Local Planning Authority.

Materials

The following materials were submitted for consideration of condition 8:

- Marley Edgemere Tile
- Raeburn 65mm sandy red multi wire cut brick
- REHAU TOTAL70 Window and Door system

The above information is considered to be acceptable and condition 8 is now formally discharged, subject to the development being completed using these approved materials.

travel plan

The following information has been submitted for approval in respect of planning condition 9:

Travel Plan prepared by azh consultancy, project no: T1901089 dated 28th February 2019.

The submitted information is considered acceptable and condition 9 attached to planning permission 094690/FO/2010/N1 is hereby fully discharged for provided the development is carried out in accordance with the above information.

Acoustic Insulation

The following information has been submitted for approval in respect of planning condition 12:

Environmental Noise Survey prepared by AB Acoustics dated February 2019 stamped and received by the City Council as local planning authority on 11 March 2019.

The submitted information is considered acceptable and condition 12 attached to planning permission 094690/FO/2010/N1 is hereby fully discharged for provided the development is carried out in accordance with the above information.

external equipment

The following information has been submitted for approval in respect of planning condition 13:

Environmental Noise Survey prepared by AB Acoustics dated February 2019 stamped and received by the City Council as local planning authority on 11 March 2019.

The submitted information is considered acceptable and condition 13 attached to planning permission 094690/FO/2010/N1 is hereby fully discharged for provided the development is carried out in accordance with the above information.

servicing

Condition 14 is discharged providing that deliveries, servicing and collections, including waste collections, shall not take place outside the following hours:

07:30 to 20:00, Monday to Saturday

no deliveries/waste collections or servicing on Sundays/Bank Holidays

Waste Management

The following information has been submitted for approval in respect of planning condition 15:

Discharge of Condition 15 - Waste storage and disposal scheme - RevA stamped and received by the City Council as local planning authority on 11 March 2019.

The submitted information is considered acceptable and condition 15 attached to planning permission 094690/FO/2010/N1 is hereby fully discharged for provided the development is operated in accordance with the above information.

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.

Boundary Treatment

Notwithstanding the details contained within drawings no. 0.01, insufficient detail has been submitted with regards to the materials and finishes for the proposed boundary front treatment. As such, condition 4 cannot be discharged at this time.

Landscaping

Details of the proposed paving and other hard landscaping are required.

As such, condition 7 cannot be discharged at this time.

SBD

No Information has been submitted in relation to condition 10. To fully discharge this condition details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved and a Secured by Design certificate must be submitted following its issue by Greater Manchester Police.

Wheel Wash

No Information has been submitted in relation to condition 11, therefore the condition cannot be discharged at this time.

Further bat survey

This condition requires a bat survey to be undertaken prior to demolition works, as building on site has already been demolished prior to the latest survey condition 16 therefore cannot be discharged.

Demolition by hand

No evidence has been provided that this condition has been complied with and therefore condition 17 cannot be discharged at this time.

new roosting opportunities

No evidence has been provided in relation to condition 18 and therefore the condition cannot be discharged.

site levels

No information has been submitted in respect to this condition and therefore condition 20 cannot be discharged at this time.

A series of existing and proposed cross-sections through the area and details/locations of any retaining walls/structures proposed at the side boundaries with adjacent properties is required to discharge this condition.

Date: 8 November 2019

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.