

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 Tahir Ahmed
177 Lees Road
Oldham
OL4 1TP

Agent (if used)

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

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 4 (CMP), 5 (Local Labour), 6 (Air Quality), 7 (Materials to be approved), 8 (Secured by Design), 9 (Noise - Residential Accommodation), 10 (Flood Risk) and 12 (Full and Final Details) attached to Planning Permission 118558/FO/2017.

Location: 58 Richmond Street, Manchester, M1 3LY

Date of application: 21 September 2023

Application number: CDN/23/0632

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 5 - Local Labour

Condition 5 is hereby discharged on the basis that the local benefit proposal prepared by Howard and Seddon received by the City Council as local planning authority on 19 October 2023 would be implemented.

Condition 8 - Secured by Design

Condition 8 is hereby part discharged on the basis of the email from Howard and Seddon dated 23 February 2024 and the letter from Design for Security dated 11 January 2023. The required certificate was required to fully discharge this condition.

Full and Final Details - discharge

Condition 12 is hereby part discharged as follows:

Part i) of Condition 12 is hereby part discharged on the basis of the drawing referenced 501 Rev A and the email from Howard and Seddon dated 23 February 2024.

Part i) cannot be fully discharged as detailed sections, interfaces with other materials, fixing details, sections through roof were not submitted.

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 4 (CMP)

Condition 4 is not discharged because the Construction Management Plan did not include a community consultation strategy, emergency contact information, a plan is required which shows the proposed closures and diversions or details are required for the Electric Connection or required closures/traffic management. This information was required to discharge the condition.

Condition 6 - Air Quality

Condition 6 is not discharged as the Air Quality report was required to include the measures that would be implemented and did not do so. An amended report that included this information was required to be submitted to discharge the condition.

Condition 7 - Materials to be Approved

Condition 7 is not discharged for the following reasons:

- No physical samples were submitted.
- The reveal for the windows wouldn't provide enough depth and would need to be increased considerably.
- Brick patterning was not acceptable and did not provide consistency or reflect the approved pattern.
- Windows would have unnecessary joints making them look poor quality.
- The detailed design of the main entrance was not submitted.
- A paint analysis was not submitted.

This information would have been required to discharge the condition.

Condition 9 - Noise - Residential

Condition 9 is not discharged as the new acoustic report does not make any reference to the approved report, does not include the same hours, does not assess entertainment noise being part of the background and only talks about traffic noise and presents a lower typical background than the previous Martec report. The report also lacked in calculations. An amended report that included this information was required to be submitted to discharge the condition.

Condition 10 - Flood Risk

Condition 10 is not discharged because the following information was required to be included in an amended proposal:

- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for climate change in any part of a building was required and was not submitted.

- Construction details of flow control and SuDS attenuation elements or a timescale for implementation of these was required and was not submitted.
- Volume of storage was required to be provided on drainage layout and was not submitted.
- The correct width, depth, and length per chamber was required and was not submitted.
- Easements from attenuation tank were required and were not submitted.
- The drainage layout indicates a connection onto the public sewer. Confirmation from United Utilities confirming the proposed connection is acceptable was required and was not submitted.
- the developer would have been required to confirm orifice size, given the significantly low discharge rate, a monthly inspection would have been expected to be included within the maintenance plan and was not submitted.

Condition 10 could not be discharged as this information was not included in the submission.

Full & Final Details - refused

The following parts of Condition 12 are not discharged:

Part a) is not discharged because brickwork samples and visuals and options for red, buff and the proposed 'dark brick' were not submitted.

Part b) is not discharged because a detailed programme of works for the repair of the listed building and the construction of the extension has not been submitted.

Part c) is not discharged because details of the final treatment and decoration of the facade have not been submitted.

Part d) is not discharged as the details of new doors and windows where non-originals are being replaced were unacceptable. The reveal for the windows wouldn't provide enough depth and would need to be increased considerably and new windows were shown to have unnecessary joints making them look poor quality.

Part e) is not discharged because details of the removal of the grilles from the front of the building have not been submitted.

Part f) is not discharged because details, samples and specifications of the roof repairs and new works to the roof i.e. build up of insulation' have not been submitted

Part g) is not discharged as details of any external works associated with the provision of M&E have not been submitted.

Part f) is not discharged as the detailed design of the brickwork patterning was not acceptable as it did not provide consistency or reflect the approved pattern.

Part g) is not discharged as the reveal for the windows wouldn't provide enough depth and would need to be increased considerably and new windows were shown to have unnecessary joints making them look poor quality.

Part h) is not discharged as the amended details of new doors was not submitted and the design submitted was not based on research on the original design.

Part j) is not discharged as the details of external lighting were not submitted and it was not confirmed if any was proposed.

Condition 12 cannot be fully discharged as parts a) to h) and part j) cannot be discharged.

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.