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

Anna Lucas
Manchester City Council
Capital Programmes Major Projects
Corporate Core Directive
PO Box 532
Town Hall
Manchester
M60 2LA

Agent (if used)

Mr Andrew Thompson
Fletcher-Rae
Level 12
Tower 12
18-22 Bridge Street
Manchester
M3 3BZ

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 8 (Cycle Shelter Details), 13 (Secure by Design), 21 (Biodiversity Enhancement), 31 (Fence Details) and 33 (Roof Access Stairs) attached to planning permission 137572/JO/2023

Location: Hammerstone Road Depot, Hammerstone Road, Manchester, M18 8EQ

Date of application: 19 February 2024

Application number: CDN/24/0116

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 no. 8 - Cycle Shelter Details
The contents of the Cycle Shelter Report - HRD-FRA-ZZ-XX-RP-A-80-6111-C01 dated 22.01.2024, and details on the General Arrangement Manchester Cycle Compound plan ref: HRD-BRO-XX-XX-DR-X-0001 P01 rev.B received 19th February 2024 have been reviewed and are considered to be satisfactory.

On the basis that the development is implemented in accordance with the scheme for the provision of space and facilities for bicycle parking on plan ref: HRD-FRA-00-XX-DR-A-90-0200 rev. C06 Proposed Site Plan GA; the Cycle Shelter Report - HRD-FRA-ZZ-XX-RP-A-80-6111-C01 dated 22.01.2024, and details on the General Arrangement Manchester Cycle Compound plan ref: HRD-BRO-XX-XX-DR-X-0001 P01 rev.B; that all the agreed works are completed prior to the proposed accommodation being brought into use, and the approved space and facilities are then retained and permanently reserved for bicycle parking, condition no.8 is discharged.

Condition no. 13 - Secure by Design
The Secure by Design Accreditation Gold Award certificate is noted. On this basis condition no.13 is discharged.

Condition no. 21 - Biodiversity Enhance
The details on the Proposed west elevation Bird Box Location and details plan ref: HRD-FRA-01-XX-DR-A-20-1215 rev. C02 (Schwegler 1SP House sparrow nest box located in 4no. groups of 2no. boxes (8no. boxes total), minimum 3m above external ground level and recessed into existing wall) ; Data Sheet - SCHWEGLER 79_2021 Sparrow terrace, and Photographs of Bird Boxes 1 - 4 have been reviewed . On the basis of the information referenced above, and that the measures are thereafter retained condition no.21 is discharged.

Condition no. 31 - Trespass proof fence
The Survey relating to fencing details in proximity to the railway in email entitled Discharge of Condionn no.31 from the contractor to the planning agent is noted. Furthermore, that the works identified to the boundary with the rail line are Area 13 - dense trees and shrubs present; Area 14 - which relates to the removal and replacement of damages D-section palisade pales and the removal and replacement of damaged palisade angle rails , and Area 15 - Removal of and replacement of damaged palisade rails and removal and replacement of damaged palisade rails is noted (as annotated on existing site plan ref: 18021-FRA-00-XX-DR-91-0002-rev.P1.

On the basis of the implementation of the works set out above, the retention of the existing shrubs and trees to survey Area 13, and an existing BAPA being in place at the site , condition no.31 is discharged.

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 no. 33 - Roof Access Stairs
The content of the Curtins report ref: HRD-CUR-ZZ-XX-RP-S-00005 dated 10.11.2023 and details on the External Escape Stairs 1 &2 Foundation General Arrangement Plan ref: HRD-CUR-01-FN-DR-S-16003 rev.C02 received 19th February 2024 has been examined. However, the information provided is insufficient to enable a thorough evaluation of the impact of the proposed roof access stairs on the culvert's integrity and safety, and on this basis condition no.33 is not discharged.

Date: 19 April 2024

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.