

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 Stuart Malcolm
Manchester Foundation Trust
Manchester Royal Infirmary
Cobbett House
Oxford Road
Manchester
M13 9WL

Agent (if used)

Mr Azhar Kapadi
Day Architectural Ltd
77 Deansgate
Manchester
M3 2BW

Part 1 – Particulars of the application/development

Proposal: Discharge of planning conditions 4 (Construction Management Plan), 5 (Servicing), 14 (Air Quality), 15 (Archaeology), 16 (Drainage) and 22 (Japanese Knotweed) associated with planning permission 128651/FO/2020

Location: Cobbett House, Manchester Royal Infirmary, Oxford Road, Manchester, M13 9WL

Date of application: 19 July 2022

Application number: CDN/22/0489

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.

Servicing

Condition 05 (Servicing) attached to planning permission application reference 128651/FO/2020 is a compliance condition approved under the aforementioned application and so is considered to be discharged. If the applicant wishes to vary the house outlined in this condition, then a Section 73 application to vary the condition must be submitted to and approved in writing by the City Council, as Local Planning Authority.

Air Quality

The following information has been submitted in respect of condition 14 (Air Quality) attached to planning permission application reference 128651/FO/2020:

-Supporting Information AIR QUALITY ASSESSMENT

-Supporting Information REVISION P01 VENTILATION, EXTRACTION AND ODOUR STATEMENT

Both received by the City Council, as Local Planning Authority, on 27/07/2022

The submitted information is considered acceptable and condition 14 (Air Quality) attached to planning permission application reference 128651/FO/2020 is hereby discharged provided the development is carried out in accordance with the above information.

Archaeology

The following information has been submitted in respect of condition 15 (Archaeology) attached to planning permission application reference 128651/FO/2020:

-Supporting Information ARCHAEOLOGICAL DESK BASED ASSESSMENT

-Supporting Information BELOW-GROUND ARCHAEOLOGICAL

Both received by the City Council, as Local Planning Authority, on 19/07/2022

The submitted information is considered acceptable and condition 15 (Archaeology) attached to planning permission application reference 128651/FO/2020 is hereby discharged provided the development is carried out in accordance with the above information.

Drainage

The following information has been submitted in respect of condition 16 (Drainage) attached to planning permission application reference 128651/FO/2020:

-Supporting Information AJP SURFACE WATER DRAINAGE CALCULATIONS

-Supporting Information RED-AJP-00-00-DR-C-000901-C06 DRAINAGE STRATEGY

-Supporting Information RED-AJP-00-00-DR-C-001062-C02 TYPICAL ATTENUATION TANK DETAILS

-Supporting Information RED-AJP-00-00-DR-C-001090-C02 FLOW CONTROL MANHOLE DETAILS

-Supporting Information RED-AJP-00-00-DR-C-002000-P01 EXCEEDANCE FLOW PATHS

-Supporting Information RED-AJP-XX-00-RP-C-0900-P01 FRA & DRAINAGE REPORT

All received by the City Council, as Local Planning Authority, on 30/06/2022.

-Flood Risk Assessment or Drainage STRATEGY REPORT received by the City Council, as Local Planning Authority, on 29/07/2022.

The submitted information is considered acceptable and condition 16 (Drainage) attached to planning permission application reference 128651/FO/2020 is hereby discharged provided the development is carried out in accordance with the above information.

The applicant should ensure the abandonment and diversion of existing onsite private drainage, and embedded design for piling works, are undertaken with appropriate consideration to ensure the surface water management for the site is not compromised.

Japanese Knotweed

The following information has been submitted in respect of condition 22 (Japanese Knotweed) attached to planning permission application reference 128651/FO/2020:

-Supporting Information JK21-7735-02 JAPANESE KNOTWEED EXCAVATION EXTENTS

-Supporting Information STANDARD SPRAY

-Supporting Information METHOD STATEMENT

All received by the City Council, as Local Planning Authority, on 27/07/2022.

-Supporting Information JK21-7735-01 JAPANESE KNOTWEED LOCATION PLAN received by the City Council, as Local Planning Authority, on 19/07/2022.

The submitted information is considered acceptable and condition 22 (Japanese Knotweed) attached to planning permission application reference 128651/FO/2020 is hereby discharged provided the development is carried out in accordance with the above information.

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.

CMP

Condition 05 (SbD) cannot yet be discharged as insufficient information has been provided. The following has not been submitted:

-The MCC Highways Coordination Team has indicated that a traffic management plan is to be submitted and agreed before they can support the discharge of this condition. Because of the site exit constraints highlighted by the applicant, we would also recommend that signing is erected at the exit point on Upper Brook Street to construction vehicle drivers that they must turn right out of the site.

-The CMP should include a more thorough section about the control of noise and vibration. As a minimum, this section should include details of machinery and equipment to be used and their expected noise levels, the identification of the noisiest activities and who these activities / work may impact, duration of these activities, site wide noise and vibration mitigation measures with reference to BPM to be adopted on site specifically for the noisier or more intrusive activities, the maximum site noise level and vibration levels at the site boundary particularly during the noisier activities, details of monitoring including how monitored (continual noise and vibration loggers) location of monitoring in relation to receptors, how the site supervisor is alerted if the noise /vibration limit is approached or exceeded and details of what action is taken where the maximum site noise and / or vibration levels (once agreed) are approached or exceeded. (such as work shall cease until the cause of the exceedance has been identified and where necessary, an alternative method of work established).

In addition, the CMP must include:

- Dust suppression measures;
- Compound locations where relevant;
- Details of an emergency contact telephone number;
- A community consultation plan and;
- Sheeting of construction vehicles.

Date: 11 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.