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

Dr Jimmy Charro
1 Haddon Court
Llanyre
Llandrindod Wells
Powys
LD1 6DY

Agent (if used)

Mr Chris Mulholland
Butterfield Architecture Ltd
102 Roseneath Road
Manchester
M41 5AZ

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 3 (noise), 4 (Archaeology), 5 (Materials), 6 (waste), 7 (secure by design), 8 (air quality), 9 (obscure glazing) and 10 (details) a,b,c,f,g,h,i,j,k,l,m,n,o,p,q,r attached to planning permission 117115/FO/2017.

Location: 39 Liverpool Road, Manchester, M3 4NQ

Date of application: 19 September 2018

Application number: CDN/18/0555

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.

materials
Condition 5 - Materials

The Weinerberger Megaline Light Red Multi brick put forward in the agent's (Chris Mulholland's) email of 11 December 2018 and viewed on site is considered to be acceptable.

Refuse Strategy
Condition 6 - Refuse Strategy

Condition 6 is a compliance condition and the comments in your covering letter, that the approved scheme for waste storage and disposal as per approved drawings is to be implemented and will remain in situ whilst the development is in operation, are noted.

Air Quality
Condition 8 - Air Quality

Condition 8 is discharged on the basis of the statement in the Covering Letter that there will be no air intake other than at roof level.

Obscure Glazing
Condition 9 - Obscure Glazing

Condition 9 is a compliance condition and the comments in your covering letter, that the first floor rear windows will be obscured to no less than level 5 of the Pilkington Glass Scale prior to occupation and shall remain so in perpetuity, are noted.

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.

Noise
Condition 3 - Noise

The following information has been assessed:

Nova Acoustics (Engineer Comments) email, received by the City Council as local planning authority on 19 September 2018.

Entertainment noise has not been considered. The initial acoustic report submitted with the planning application was based on there being no entertainment noise at the White Lion pub. However, the pub does hold open mic nights and provides entertainment. Further comment is required to address this to confirm whether additional attenuation is required in terms of noise break in to the residential through the separating walls.

Comment has been provided regarding the existing background noise being louder than the beer garden should it be fully occupied. However, a full beer garden with around 25 - 30 customers, which is typical during the warmer months, is likely to lead to more prolonged and louder noise instances than the existing background and passing pedestrians. Further comment is required.

Comment has been provided with regard to the gaps and holes etc that would need to be made good and reference to the original report with specification for build up and treatment, which is acceptable.

Given the above, Condition 3 is not discharged.

Archaeology
Condition 4 - Archaeology

The submitted Written Scheme of Investigation prepared by Salford Archaeology is acceptable and shall be implemented in full. Condition 4 cannot be discharged until the works set out in the WSI have been implemented, a report produced and the results disseminated in accordance with points 1 to 5 of Condition 4.

SBD
Condition 7 - Secured by Design

Condition 7 is not discharged as confirmation of a secured by design accreditation has not been submitted.

Details
Condition 10 - Details

Condition 10 cannot yet be discharged as insufficient information has been provided, further to the agent's email of 4 April 2019.

Date: 25 March 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.