

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Partial approval of details reserved by condition

Applicant

Sarah Tate
One Manchester
Lovell House
6 Archway
Manchester
M15 5RN

Agent (if used)

Mr Stuart McGrath
OMI Architects
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 5b (drainage verification) 6 (drainage maintenance) and 21 (noise) attached to planning permission referenced 128286/JO/2020

Location: Land Bounded By Pottery Lane, Gorton Lane, Belle Vue Street And Polesworth Close, Manchester

Date of application: 21 July 2023

Application number: CDN/23/0505

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.6 Drainage maintenance

The details of the implementation, maintenance and management of the sustainable drainage in the Verification and Maintenance drainage report 8790-CUR-00-XX-RE-C-003 rev. V02_ dated 9th January 2024 have been reviewed in relation to drainage maintenance, and in this regard are considered to be acceptable.

On the basis that the scheme is implemented in full accordance with the approved details and thereafter managed and maintained for as long as the development remains in use, condition no.6 is discharged.

Condition no.21 Noise

21a) Part a of condition 21 requires that the development hereby approved shall be completed in accordance with the revised noise assessment prepared by Lighthouse Acoustics ref 0405/APR1 Revision 2, stamped as received by the City Council, as Local Planning Authority, on the 3rd January 2019, in relation to the acoustic treatment of the residential accommodation and external areas of the development hereby approved.

21b) The details and information within the documentation and plans referenced below has been reviewed in relation to condition no.21 part b, and is considered to be acceptable.

- Ventilation Services Layouts 3B4P House Plan ref: 8790-DBS-H2-ZZ-DR-M-5002 rev. C01
- Apartment MVHR/Ductwork doc ref :8790-DBS-XX-XX-SP-M-6013 rev.B
- Townhouse MVHR/Ductwork doc ref: 8790-DBS-XX-XX-SP-M-6014 rev.B
- 1405_Glazing Acoustics - OMI Markup - Block B - plans 1 to 4; Block C plan 1 to 5; Block D plans 1 to 4, and plan showing Blocks E,F and G in Zone C and Block G in Zone B;
- Acoustic Performance Glazing configuration 6.76 LamiGlass Sound Reduction-18mm Cavity- 4mm Float Glass
- Acoustic Performance Glazing configuration 8.76 LamiGlass Sound Reduction-18mm Cavity- 6mm Float Glass

On the basis of that the development is implemented in accordance with the details and information within the documentation and plans referenced above, prior to the first occupation of the accommodation condition no.21 b 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. 5b Drainage verification

Condition no.5b requires that prior to the first occupation of the development a verification report shall be submitted, including relevant photographic evidence, that the scheme has been implemented in accordance with the previously approved details.

implemented in accordance with the previously approved details.

The details in the Phase 4 Validation Report ref: 067694-CUR-XX-XX-RE-GE-00007 rev.P01; Drainage Maintenance Report Gorton Lane ref: 067694-CUR-00-XX-RE-C-003 rev.V01 and the subsequent Verification and Maintenance drainage report 8790-CUR-00-XX-RE-C-003 rev. V02_ dated 9th January 2024 have been examined. However, the latter report appears to respond to matters relating to condition no.5c (for which consent is not being sought as part of this application), and the submitted information does not contain the requested photographic evidence of the flow controls (SW5, SW7). Furthermore, the CCTV report highlights 'no flow control' on SW7. Due to the lack of photographic evidence of the flow controls (SW5, SW7), and the report highlighting 'no flow control' on SW7, condition no.5b cannot be discharged.

Date: 29 January 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.