

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

Partial approval of details reserved by condition

Applicant

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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 3 (Materials), 4 (Secured by Design), 5 (Drainage), 7 (Flood Levels), 8 (Contamination), 12 (External Plant), 13 (Fumes), 19 (Landscaping), 20 (Biodiversity), 22 (Electric Vehicle Charging), 24 (Roller shutters) and 26 (Construction Method Statement) attached to planning permission 121828/FO/2018

Location: 351-359 Palatine Road, Manchester, M22 4FY

Date of application: 8 March 2021

Application number: CDN/21/0182

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 3 (Materials) -

Condition 3 (Materials) - The proposed brickwork and cladding (materials schedule dated 8 March 2021) are considered acceptable.

However, it is noted that a Variation of Condition application has been submitted in respect of the proposed window frames. This element of the materials condition is therefore not discharged.

Condition 4 (Secured by Design)

Condition 4 (Secured by Design) - The submitted information is sufficient to discharge the first element of the condition. It should be noted that the condition can only be fully discharged when the Secured by Design certificate has been submitted.

Condition 7 (Flood Levels) -

Condition 7 (Flood Levels) - The submitted information is considered acceptable. Therefore, on the proviso the development is implemented in accordance with the approved details the condition is considered discharged.

Condition 8 (Contamination) -

Condition 8 (Contamination) - The submitted information is considered acceptable and it is noted that no remediation is required. Notwithstanding this, in the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and contact Environment On Call on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

Condition 12 (External Plant)

Condition 12 (External Plant) - It is noted that no external plant is to be installed on the property.

Condition 13 (Fumes) -

Condition 13 (Fumes) - The applicant has confirmed that the commercial unit below will be used for offices so a scheme for treating fumes and odours from commercial kitchens will not be needed. This condition is therefore considered discharged.

Please note that should the use of the ground floor change to a unit with commercial kitchens, a fume extraction and odour scheme will need to be submitted.

Condition 19 (landscaping)

Condition 19 (landscaping) - The submitted information is considered acceptable, namely drawing SK101 A. Therefore, on the proviso the development is implemented in accordance with the approved details, the condition is considered discharged.

Condition 20 (Biodiversity) -

Condition 20 (Biodiversity) - The submitted information is considered acceptable. Therefore, on the proviso the development is implemented in accordance with the approved details, the first part of the condition is considered discharged.

Condition 22 (Electric Vehicle Charging)

Condition 22 (Electric Vehicle Charging) - The submitted information is considered acceptable. Therefore, on the proviso the development is implemented in accordance with the approved details, the condition is considered discharged.

Condition 24 (Roller shutters) -

Condition 24 (Roller shutters) - As no roller shutters are to be installed there is no need to discharge this condition at this stage.

Condition 26 (Construction Method Statement)

Condition 26 (Construction Method Statement) - The submitted information is considered acceptable. Therefore, on the proviso the development is implemented in accordance with the approved details the condition is considered 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 5 (Drainage) -

Condition 5 (Drainage) - As the following information is still outstanding the condition cannot be discharged:

Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice. The correspondence from United Utilities needs to be from the developer engineer confirming that the proposed discharge rates and point of connection to the UU network is acceptable.

Date: 26 July 2023

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.