

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 Gary Armstrong
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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 2 (materials), 4 (CMP), 7 (Servicing), 9 (external equipment), 11 (boundary treatment), 12 (roller shutters), 13 (ground conditions), 14 and (ground conditons verification), 15 (drainage), 16 (cycle parking), 18 (EV) and 20 (travel plan) attached to planning permission 127962/FO/2020

Location: 804 - 806 Oldham Road, Manchester, M40 2AB

Date of application: 26 July 2022

Application number: CDN/22/0500

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 4 (CMP)

The details contained within the Construction and Environmental Management Plan received by the City Council as Local Planning Authority on 22 July 2022 are acceptable. Subject to implementation of the agreed details, condition 4 can be discharged.

Condition 7 (Servicing)

The operational/servicing statement outlined within the covering letter received by the City Council as Local Planning Authority on 26 July 2022 is acceptable. Subject to implementation of the agreed details, condition 7 can be discharged.

Condition 16 (parking)

The details of the cycle parking shown on drawing referenced GDA/01/B and photograph of the cycle store, received by the City Council as Local Planning Authority

on 26 July 2022. is satisfactory. Subject to implementation of the agreed details prior to occupation of the development, condition 16 can be discharged.

Condition 20 (Travel Plan)

The submitted Travel Plan received by the City Council as Local Planning Authority on 26 July 2022, is acceptable. Subject to implementation of the agreed plan, condition 20 can be 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 2 (materials)

The following external materials are considered acceptable:

Reaburn red multi facing brick;
Black aluminium window frames;
Dark black-grey mortar (Marshall M12 PM96)

The proposed roofing material is not however considered acceptable in this location and does not represent a sufficiently high-quality roofing solution. As such, condition 2 cannot be discharged until such time that appropriate roof treatment is submitted and agreed by the City Council as Local Planning Authority.

Condition 9 (External equipment)

No details relating to external equipment have been provided. As such, condition 9 cannot be discharged at this time.

Condition 11 (boundary treatment)

Insufficient details of the proposed boundary treatment have been received. Further details are required in relation to the product specification of the proposed fencing. Until such time that details are received and agreed, condition 11 cannot be discharged.

Condition 12 (roller shutters)

Insufficient details have been provided in relation to the proposed roller shutter. The following details are required:

- Colour and product specification;
- Level of any perforation;
- Details of the relevant security standards.

Until such time that satisfactory details are received and agreed, condition 12 cannot be discharged.

Condition 13 (ground conditions)

Insufficient details have been received. The PRA referred to in the e-mail dated 7 July 2022 from Arley Consulting Company Ltd has not been submitted. Until such time that acceptable details are submitted and agreed, condition 13 cannot be discharged.

Condition 14 (ground conditions verif)

Condition 14 requires a Verification Report to be submitted once the approved development has been implemented in accordance with a previously agreed Remediation Strategy. It is therefore premature to apply for this condition to be discharged. Condition 14 is not therefore discharged.

Condition 15 (drainage)

The submitted drainage information is inadequate. In order for condition 15 to be discharged, the following, outstanding evidence is required:

- A finalised drainage layout showing all components, outfalls, levels and connectivity;
- A blockage risk assessment to support proposed flows less than 5 l/s. If the risk cannot be adequately managed, a higher minimum discharge rate should be considered / agreed with relevant parties.
- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 45% climate change;
- 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.
- Hydraulic calculation of the proposed drainage system;
- Construction details of flow control and SuDS elements.

Until such time that satisfactory details are received and agreed by the City Council as Local Planning Authority, condition 15 cannot be discharged.

Condition 18 (EV)

No information has been provided in relation to electric vehicle charging points. As such, insufficient information has been submitted to allow the discharge of this condition. Condition 18 is not therefore discharged at this time.

Date: 29 March 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.