

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

Partial approval of details reserved by condition

Applicant

MPH Ancoats Limited
C/o Agent

Agent (if used)

Mr Matthew Dixon
Dixon Planning Limited
Garden Place
Victoria Street
Altrincham
WA14 1ET

Part 1 – Particulars of the application/development

Proposal: Discharge of planning conditions 4 (Works Close to Railway), 5 (Earthworks to Railway), 6 (Scaffolding near to Railway), 7 (Archaeology), 10a (Drainage), 11a (Ground Conditions), 12 (Construction Management Plan) and 13 (Materials) associated with planning permission 127971/FO/2020

Location: 271 Oldham Road, Manchester, M40 7PS

Date of application: 27 July 2022

Application number: CDN/22/0506

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 Works close to railway

The following email has been submitted in respect of this planning condition:

- Covering Letter and email (Network Rail) received by the City Council, as Local Planning Authority, on the 27 July 2022

The above information has been considered and is sufficient to formally discharge this planning condition.

Condition 4 is now formally discharged.

Condition 5 Earthworks to Railway

The following email has been submitted in respect of this planning condition:

- Covering Letter and email (Network Rail) received by the City Council, as Local Planning Authority, on the 27 July 2022

The above information has been considered and is sufficient to formally discharge this planning condition.

Condition 5 is now formally discharged.

Condition 6 Scaffolding near railway

The following email has been submitted in respect of this planning condition:

- Covering Letter and email (Network Rail) received by the City Council, as Local Planning Authority, on the 27 July 2022

The above information has been considered and is sufficient to formally discharge this planning condition.

Condition 6 is now formally discharged.

Condition 7 Archaeology

The following email has been submitted in respect of this planning condition:

- Archaeological Report prepared by Archaeological Research Services Ltd received by the City Council, as Local Planning Authority, on the 27 July 2022

The above information has been considered and is sufficient to formally discharge this planning condition.

Condition 7 is now formally discharged.

Condition 10 a Drainage

The following information has been submitted for consideration in respect of this planning condition:

- S106 Part 1 'Application to connect to a public sewer' Approval Notice, Drainage Calculations Rev. B prepared by BMC, Drainage Layout (ref. J7119/DR01 rev B) prepared by BMC, Drainage Details (ref. J7119/DR02 rev A) prepared by BMC, Flood Routing Plan (ref. J7119/DR03) prepared by BMC and Technical Specification (ref. J7119) prepared by Hydro International received by the City Council, as Local Planning Authority, on the 27 July 2022

The above information has been considered and is acceptable. The drainage shall be carried out in accordance with the above information.

Condition 10a is formally discharged on this basis.

Condition 11a Ground Conditions

The following information has been submitted in respect of this planning condition:

- Phase 2 Geo-Environmental Investigation, Risk Assessment And Remediation Strategy prepared by LKGroup received by the City Council, as Local Planning Authority, on the 27 July 2022
- Email from Matthew Dixon dated the 12 September 2022

The above information has been considered and is acceptable in respect of part (a) of this planning condition. The development shall be carried out in accordance with this information.

Part (a) is formally discharged on the basis of the above. In order to discharge this condition in full, part (b) needs to be complied with.

Condition 12 CMP

The following information has been submitted in respect of this planning condition:

Amended Construction Management Plan to reflect agreement with Highways;
Highways Logistics Plans; and
Noise and Dust Policy

Received by the City Council, as Local Planning Authority, on the 27 October 2022

The above information has been considered and is acceptable. The development shall be carried out in accordance with the above details.

Condition 12 is now formally 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 13 Materials

The following information has been submitted in respect of his planning condition:

- Materials schedule received by the City Council, as Local Planning Authority, on the 27 July 2022

The above information has been considered but is insufficient to discharge this condition. No materials panel has been erected to review the materials and detailing as required by this condition.

Condition 13 is not formally discharged.

Date: 3 November 2022

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.