

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 (gas membrane) 5 (CMP), 6 (ground works), 7 (drainage), 8 (tree protection) and 9 (boundary treatment) attached to planning permission referenced 129161/FH/2021

Location: 48 - 50 Wilton Road, Crumpsall, Manchester, M8 4EL

Date of application: 28 June 2022

Application number: CDN/22/0425

Part 2 – Particulars of decision (1)

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)

The external materials shown on the submitted schedule, received by the City Council as Local Planning Authority on 28 June 2022, are acceptable. On this basis, condition 3 can be discharged.

Condition 4 (gas membrane)

The gas membrane details show on the drawing received by the City Council as Local Planning Authority on 22 June 2022, is acceptable. Subject to implementation of the agreed details, condition 4 can be discharged.

Condition 8 (tree protection)

The tree protection measures detailed within the submitted Site Tree Appraisal produced by Rowbottom's Tree Services (Ref: RTS/08042022 - Rev 001) received by the City Council as Local Planning Authority on 22 June 2022, are acceptable. Subject to implementation of the agreed measures, condition 8 can be discharged.

Part 2 – Particulars of decision (2)

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 (CMP)

The submitted Construction Management Plan does not take cognisance of the proximity of the works to the Metrolink boundary and does not make reference to working safely near Metrolink or liaising with the Metrolink operator, to ensure the works do not require any permits from Metrolink. In addition, the following comments are made.

-The document refers to being produced to discharge Condition (not 5 as is the case with this site);

-The document refers to Broughton Street, not Wilton Road;

Until such time that satisfactory details of working safely adjacent to Metrolink are received and agreed, condition 5 cannot be discharged.

Condition 6 (ground works)

The submitted report affirms Metrolink's concerns regarding the potential for the Metrolink cutting slope to be adversely impacted by the works, but does not address how this will be mitigated and/or monitored. Additional information needs to be provided relating to the design and installation of the piles along with proposed vibration and settlement tolerances, that are deemed acceptable to retaining the stability of the cutting slope, and also how these will be monitored.

Until such time that all necessary additional information and assurances have been provided and agreed, condition 6 cannot be discharged.

Condition 7 (drainage)

The submitted document only indicates how waste water from the new bathroom will be connected into the sewer network, it does not address how rainwater run off from building and hardstanding areas will be captured, which is of concern to Metrolink. If water is not adequately captured and dealt with by whatever means, then there is scope that the water run off could impact the stability of the Metrolink cutting slope. Additional information as to how this will be addressed is required.

Until such time that satisfactory details to address the above points is received and agreed, condition 7 cannot be discharged.

Condition 9 (boundary treatment)

Metrolink requested that any changes to the boundary treatment are provided. There is clearly an existing boundary wall from the image provided in the geotechnical report, but the statement in the submitted discharge of conditions document states "A safety fence already exists between the home and tram track premises. An additional plywood over timber columns, boundary will be erected for additional safety"

This statement implies that the wall is to be demolished in favour of a plywood fence on the boundary. If that is the case, then details for the demolition of the wall and the details for the erection of the fence are required to be submitted and agreed. This

boundary separates the property from Metrolink at the top of the cutting slope and the impacts of what this work could mean to the cutting slope needs to be considered.

Until such time that satisfactory details are received and agreed to address the above points, condition 9 cannot be discharged.

Date: 11 August 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.