

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. Joshua Heavens
227 Moston Lane East
Manchester
M40 3HY

Agent (if used)

Mr Gregory Oldham
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25 Cosgrove Crescent
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M35 0JX

Part 1 – Particulars of the application/development

Proposal: Discharge of planning conditions 3 (Materials), 5 (Drainage), 6a (Ground Conditions), 10 (Environmental Standards) and 11 (Boundary Treatment) associated with planning permission 129142/FO/2021

Location: 227 Moston Lane East, Manchester, M40 3HY

Date of application: 1 February 2022

Application number: CDN/22/0055

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.

Materials

The following information has been submitted in respect of planning condition 3 (Materials):

- Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 1 February 2022.
- Correspondence- Covering Letter (Condition 3), stamped and received by the City Council as Local Planning Authority on 26 April 2022.

The above details are considered to be acceptable and condition 3 attached to planning permission referenced 129142/FO/2021 is formally discharged on the basis the development is fully implemented in accordance with the approved details.

6a Ground Conditions

The following information has been submitted in respect of planning condition 6a (Ground Conditions):

- Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 1 February 2022.

-Ground Survey- Phase 1 Geo-Environmental Desk Study, stamped and received by the City Council as Local Planning Authority on 1 February 2022.

The above details are considered to be acceptable and part (a) of condition 6 attached to planning permission referenced 129142/FO/2021 is partially discharged on the basis the development is fully implemented in accordance with the approved details and watching brief is maintained at the site as part the submitted report. In order to discharge this condition in full, part (b) needs to be complied with.

Environmental Standards

The following information has been submitted in respect of planning condition 10 (Environmental Standards):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 1 February 2022.

-Supporting Information- Environmental Standards Statement Rev B, stamped and received by the City Council as Local Planning Authority on 29 April 2022.

The above details are considered to be acceptable and condition 10 attached to planning permission referenced 129142/FO/2021 is formally discharged on the basis the development is fully implemented in accordance with the approved details.

Boundary Treatment

The following information has been submitted in respect of planning condition 11 (Boundary Treatment):

-Application for Approval of Details Reserved by Condition, stamped and received by the City Council as Local Planning Authority on 1 February 2022.

-Drawing- Proposed- Boundary Treatments Plan, numbered (02)004A, stamped and received by the City Council as Local Planning Authority on 26 April 2022.

The above details are considered to be acceptable and condition 11 attached to planning permission referenced 129142/FO/2021 is formally discharged on the basis the development is fully implemented in accordance with the approved details.

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.

Drainage

The information submitted to discharge condition 5 is not sufficient.

The outstanding evidence is required: Evidence of acceptance of proposed flow/connection point by United Utilities. An email confirming acceptance in principle will suffice.

Until such details are received and agreed, condition 5 cannot be discharged.

Date: 3 May 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.