

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 condition numbers 6 (retained trees); 7 (no tree or vegetation clearance); 8 (landscaping and tree replacement); 9 (Materials); 11 (Flood resilience); and 12 (C3 use) from planning approval reference 124311/FO/2019

Location: Westwood Cottages, Raby Street, Manchester, M14 4SU

Date of application: 22 March 2022

Application number: CDN/22/0174

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 6 - Retained trees

It is noted that no trees on the site have been affected by the works at the site and have been retained, this condition has therefore been complied with.

Condition 7 - vegetation clearance

It is noted that no clearance of vegetation or trees on the site has taken place. Therefore this condition will have been complied with.

Condition 9 - Materials

Condition 9 of planning approval reference 124311/FO/2019 states:

"Within three months of the commencement of development samples and specifications of all materials to be used in the external elevations of the extensions hereby approved shall be submitted to and approved in writing by the City Council as local planning authority. Thereafter the development shall be carried out in accordance with those details".

The submitted application form indicates that works commenced to implement the consent on the 1st July 2020, this condition is therefore unable to be complied with.

However, it is noted that the replacement windows and rear extension were subject of separate approvals relating to the associated Listed Building Consent reference 124312/LO/2019 under condition discharge CDN/21/0255. If works have been carried out in accordance with these details then this is acceptable.

Condition 12 - C3 use

It is noted that the submitted information indicates that the properties are to be retained as residential properties. Condition 12 of the approval will have been complied with as long as properties remain in residential use (use class C3).

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 8 - Landscaping

Condition 8 of planning approval reference 124311/FO/2019 states:

"Notwithstanding the approved plans within 3 months of the commencement of development a scheme for the planting of replacement trees on the site together with a hard and soft landscaping scheme shall be submitted and approved in writing by the City Council as local planning authority. The submitted scheme shall include the details of the species, size, location and timescale of the replacement trees to be planted; and, details of the materials to be used on the surfaces of footpaths and car parking area within the site. The development shall be carried out in accordance with the approved scheme and evidence that the replacement scheme has been implemented shall be submitted to and approved by the City Council within one month of the planting of the trees. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place."

The submitted application form indicates that works commenced to implement the consent on the 1st July 2020, this condition is therefore unable to be complied with. In addition it is understood that no landscaping scheme has been or is intended to be implemented on the site. This includes the provision of the onsite car parking. As such this condition cannot be discharged and an application needs to be submitted for its removal or variation.

Condition 11 - Flooding

The submitted information is noted. In order that this condition can be discharged in full, the following is still required to be submitted as set out within condition 11:

- The preparation of an emergency evacuation plan, including the registration with Floodline to receive a Flood Warning.

Date: 10 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.