MANCHESTER CITY COUNCIL

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

Approval of details reserved by condition

Applicant

Mr Paul Waite
Manchester City Council
Capital Programme and Procurement
Corporate Core Directorate
PO Box 532 Town Hall
Manchester
M60 2LA

Agent (if used)

Tim Kilpatrick
IBI Group
Unit 2 Blueberry Business Park
Kingsway
Rochdale
OL16 5DB

Part 1 – Particulars of the application/development

Proposal: Discharge of condition 3 (CMP), 5 (off site highways works), 16 (a)(ground conditions) and 29 (trees) attached to planning permission referenced 124359/VO/2019

Location: 27 Garratt Way, Manchester, M18 8HE

Date of application: 2 March 2020

Application number: CDN/20/0151

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Approved** in accordance with the information set out below.

Condition 3 CMP
The following information has been submitted in respect of this planning condition:

- Construction phase health and safety plan, design delivery plan (construction phase) and environmental management plan stamped as received by the City Council, as Local Planning Authority, on the 2 March 2020

- Email from Tim Kilpatrick dated 17 March 2020 confirming the construction hours of Monday to Friday 07:30 to 18:00 and Saturday 08:30 to 14:00

The above details have been considered and are acceptable. The construction must be carried out in accordance with the above information. Condition 3 is now formally discharged on this basis.

Condition 5 off site highways
The following information has been submitted in respect of this planning condition:

- Section 278 Agreement stamped as received by the City Council, as Local Planning Authority, on the 23 March 2020

- Drawings DR TP 05012 Rev P01, DR TP 05013 Rev P01 and DR-C-95002 Rev P01 stamped as received by the City Council, as Local Planning Authority, on the 23 March 2020

- Drawing DR-C-07002 Rev P02 stamped as received by the City Council, as Local Planning Authority, on the 2 March 2020

The above information has been considered and is acceptable. The development shall be implemented in accordance with the approved details, and all the agreed works shall be completed prior to the proposed accommodation being brought into use.

Condition 5 is now formally discharged.

Condition 16a ground conditions
The following information has been submitted in respect of this planning condition:

- Phase 1 preliminary risk assessment and Phase 2 site investigation report stamped as received by the City Council, as Local Planning Authority, on the 2 March 2020

- Calibration certificate for the gas monitoring equipment stamped as received by the City Council, as Local Planning Authority, on the 17 March 2020

The above information has been considered and is sufficent to discharge part (a) of this planning condition.

The development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted for approval in writing by the City Council as local planning authority prior to first use in order to discharge part (b) of this planning condition.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Condition 29 tree protection
This is a compliance condition.

Within the development, all trees, shrubs and hedges and/or trees whose root structure may extend within the development , which are to be retained shall be fenced off in accordance with British Standard 5837 (1991) before any building or other operation approved by this permission is carried out . Thereafter, no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence during the construction period.

Date: 24 March 2020

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers 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.

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 of 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 his 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.