MANCHESTER CITY COUNCIL

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

Refusal of details reserved by condition

Applicant

Astute Estates
Platt Chapel
186 Wilmslow Road
Manchester
M14 5LL

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 11 (compound), 12 (Archaeology), 13 (Car Park Materials), and 14 (Graves) attached to planning permission 116155/FO/2017

Location: Platt Chapel, 186 Wilmslow Road, Manchester, M14 5LL

Date of application: 17 October 2019

Application number: CDN/19/0546

Part 2 – Particulars of decision

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

Condition 11 - Compound
The details shown on plan 01d submitted with the discharge of condition application do not relate to the approved drawing 01e that formed part of the planning application. Condition 11 (compound) attached to planning permission 116155/FO/2017 cannot therefore be discharged.

Condition 12 - Archaeology
The archaeology condition (12) is for the whole chapel and graveyard of which the current car park proposal forms a part. An archaeological desk based assessment has not yet been undertaken which would provide relevant information on suitable areas for re-locating grave stones. A Written Scheme of Investigation has not been submitted for approval for the carrying out of archaeological works and the methodology to be used. Condition 12 (archaeology) attached to planning permission 116155/FO/2017 can therefore not be discharged.

Condition 13 - Car Park Materials

The details shown on plan 01d submitted with the discharge of condition application do not relate to the approved drawing 01e that formed part of the planning application. Condition 13 (materials) attached to planning permission 116155/FO/2017 cannot therefore be discharged.

Condition 14 - Graves
No information has been presented to inform us of the current condition and character of the grave stones in the proposed car park area, nor on where they will be re-located and the rationale behind this. A report including a survey drawing and interpretation of the grave stones should have been included as a supporting document. The loss of historic fabric of the yard wall should been supported by a justification/heritage statement. There is no information on the impact of the proposed works to existing ground levels and the church yard wall for the new car parking site.

Given the lack of supporting information, it is not possible to recommend discharge of condition 14 (Graves) attached to planning permission 116155/FO/2017 at this time.

Date: 11 December 2019

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.