MANCHESTER CITY COUNCIL

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 Nathan Cornish
Urban Splash Ltd
C/o Agent

Agent (if used)

Mr Murray Graham
Iceni Projects
This Is The Space
68 Quay Street
Manchester
M3 3EJ

Part 1 – Particulars of the application/development

Proposal: Discharge of planning conditions 6 (a)/(b) (Plant), 7 (waste management) and 14 (vehicular access gate and boundary treatment) associated with planning permission 119289/FO/2018

Location: Beehive Mill , 95 Jersey Street, Manchester, M4 6JG

Date of application: 28 February 2019

Application number: CDN/19/0164

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 plant
The following information has been submitted in respect of this planning condition:

- Covering letter from Iceni projects dated the 13 February 2019 stamped as received by the City Council, as Local Planning Authority, on the 28 February 2019.

The above information confirms that's there is no plant requirements at this stage. Condition 6 is formally discharged on this basis.

condition 7 waste
The following information has been submitted in respect of this planning condition:

- Covering letter from Iceni dated 13 February 2019 stamped as received by the City Council, as Local Planning Authority, on the 28 February 2019.

- Appendix E waste management strategy proforma and Directive waste service agreement prepared by Urban Splash stamped as received by the City Council, as Local Planning Authority, on the 28 February 2019.

The above information has been considered and is acceptable. The development must be carried out in accordance with the above information.

Condition 7 is now formally 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 14 vehicular access gate
The following information has been submitted in respect of this planning condition:

- Covering letter prepared by Iceni stamped as received by the City Council, as Local Planning Authority, on the 28 February 2019.

- Drawing RF17-429-L01H stamped as received by the City Council, as Local Planning Authority, on the 28 February 2019.

- CLD 4.1 opening 3 m height - GAIUS (CLDFEN) Solid Sheet Infill) LH-Be stamped as received by the City Council, as Local Planning Authority, on the 28 February 2019.

- Email from Lucy Furber dated 24 April 2019

The above information has been considered and is not acceptable. Emails to Lucy Furber from Jennifer Atkinson indicate that the current in situ palisade fence is unauthorised and has never received planning or listed building consent. The fencing should be removed and replaced with boundary treatment which is more appropriate for the grade II* Listed Building. Once an agreement can be reached about the quality of the boundary treatment, further consideration will be given to the introduction of the vehicular access gate.

It is noted that the works detailed above have been carried out at the property without the formal discharge of this planning permission. You should not that if this matter cannot be suitably resolved the City Council, as Local Planning Authority, will give consideration to any breach of planning control.

Please note that the City Council would like to seek a resolution in respect of this matter and it is recommended that you contact the case officer, Jennifer Atkinson, to discuss this matter further.

Condition 14 is not formally discharged.

Date: 29 April 2019

Signed: 

Julie Roscoe
Head 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.