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

Mangrove Estates Ltd
C/o Agent

Agent (if used)

Mr Matthew Gray
Grays Architecture Ltd
Northwood House (N1)
Greenwood Business Centre
Goodiers Drive
Manchester
M5 4QH

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 4 (SBD), 7 (Site Investigation) and 8 (Verification) and 14 (boundary treatment) attached to planning permission referenced 118945/FO/2018

Location: Monsall Road / Emmett Street East Junction, Manchester, M40 8WN

Date of application: 1 October 2018

Application number: CDN/18/0734

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 7 (Site Investigation)
The details contained within the submitted Site Investigation Report dated May 2018 produced by Trevena Blake & Associated Ltd and an Addendum to the Ground Investigation Report (Ref: CCG-C-18-10433) dated September 2018, together with details contained within an e-mail dated 10 January 2019 are acceptable. Subject to implementation of the agreed measures, condition 7 may be discharged.

Condition 14 (Boundary Treatment)
The boundary treatment details shown on drawing numbered 4209/101/J received by e-mail dated 12 March 2019 are acceptable. Subject to implementation of the agreed details prior to the residential units being occupied, condition 14 can be 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 4 (SBD)
Whilst the measures detailed in the submitted Crime Impact Statement are acceptable in principle, this condition can only be discharged upon confirmation of Secured by Design accreditation. As such, this condition cannot be discharged at this time.

Condition 8 (Remediation Verification)
In order for this condition to be discharged a Completion/Verification Report shall be submitted to and approved in writing by the City Council as Local Planning Authority. This should include details of a watching brief and waste transfer notes. Until such time that details are received and agreed, condition 8 cannot yet be discharged.

Date: 13 March 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.