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 David Knowles
Wythenshawe Community Housing Group
460 Palatine Road
Manchester
M22 4DJ

Agent (if used)

Mr Greg Milton
B.Y.A. Ltd Architects
10 Alina House
St. Vincent Street
Liverpool
L3 5XW

Part 1 – Particulars of the application/development

Proposal: Application to discharge condition nos 6 (contaminated land), 7 (landscaping), 10 (badger setts) and 12 (surface water drainage works) attached to planning permission 114438/FO/2016

Location: 301 Altrincham Road, Manchester, M22 4NY

Date of application: 13 February 2018

Application number: CDN/18/0089

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.

landscaping
Condition 7 - Greater Manchester Ecology Unit have confirmed that the submitted landscaping scheme is acceptable. Therefore on the proviso that the development is undertaken in accordance with this approved scheme the condition is considered discharged.

badger setts
Condition 10 - Greater Manchester Ecology Unit have confirmed that the submitted information is considered acceptable, therefore the condition is considered 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.

contaminated land

Condition 6 - The Phase 1 Desk Study Report G16195a (Geo Investigate, dated 4 July 2016) is considered adequate. However, before the condition can be fully signed off the following onformation is required:

a) Submission of further soils sampling, analysis and undated Risk Assessment Report (Phase 2 Intrusive Site Investigation Report, Geo Investigate, dated Jan 2017 ref G16271).
b) Submission of a Remediation Strategy.
c) Copies of the calibration certificates for the gas monitoring equipment used.
d) After completion of site works, a verification report is required to validate that the work undertaken conforms to the remediation proposals received and agreed by the City Council.

surface water drainage works
Condition 12 - The information submitted and uploaded onto the planning portal on 9 and 13 February 2018 has been considered. In order to discharge the drainage planning condition, further information is needed to confirm that the proposed drainage design is adequate to manage flood risk:

a) Information on maintenance and ownership of the proposed drainage system to ensure adequate operation during the lifetime of the development.

Date: 6 March 2018

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.