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	Agent (if used)
Mr Mike Stone Bellway Homes Ltd (Manchester Division) C/o Agent	Mr Justin Cove Nexus Planning Eastgate 2 Castle Street Manchester M3 4LZ

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 5 (breeam), 6 (waste), 7 (drainage), 8 (drainage management), 9 (contaminated land), 10 (site levels), 11 (construction management), 12 (travel plan), 14 (biodiversity), 17 (footpaths) and 18 (tree retention) attached to planning permission 109777/OO/2015/S1

Location: Land Bounded By Cavendish Road, Cavendish Primary School, Houseman Crescent And Georgia Avenue, Manchester, M20 2LR

Date of application: 22 February 2018

Application number: CDN/18/0120

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 - Waste Management
The details for waste management of the developmentset out on the waste management plan (ref: BHM067-WM01) are considered to be acceptable. The development should be carried out in accordance with the approved details to comply with condition 6.

Condition 7- Drainage
The submitted drainage scheme for the development has been assessed and is considered acceptable. The development should be undertaken in accordance with these details.

Condition 8 - Management of SuDs

Following confirmation that the surface water drainage scheme for the development is to be adopted by United Utilities I can confirm that condition 8 will have been complied with.

Condition 10 - site levels
The information submitted is considered to be acceptable, condition 10 is discharged.

Condition 11- CMP
The submitted Construction and Environmental Management Plan and Construction Phase Environment Plan, site Management Plan prepared by APD details as amended and received via email on the 21st March 2017 . The development should be carried out in accordance with these approved details.

Condition 12 - Travel Plan
The submitted residential travel plan is acceptable. The development should be carried out in accordance with these agreed details.

Condition 14 - Biodiversity
The biodiversity measures outlined on drawing LDS383-01F are acceptable, in order to comply with condition 14 the development should be undertaken in accrodance with these details prior to the occupation of plots 1-12, 36,37,39,44 and 45.

Condition 17 - Highways
The proposed highway works submitted are acceptable. The development shall be carried out in accordance with these details.

Condition 17 - pavements
The submitted information on drawing 30181/13-C prepared by Ironside Farrar and the section 38/278 agreement between Bellway Homes , Manchester City Council and National House Building Council is acceptable. The development should be undertaken in accordance with these details.

Condition 18 - Tree retention
The tree retention details contained with the Arboricultural Method Statement (ref P.634.15.03) are considered acceptable.

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 5 - BREEAM
The information submitted prepared by JSP Sustainability is an acceptable approach to dealing with sustainability measures at the development. In accordance with condition 5, within 3 months of the completion of the construction (or part phase thereof) of the authorised development a verification statement shall be submitted to and approved in writing, by the City Council as local planning authority, confirming the incorporation of the specified measures at each phase of the construction of the development, including dated photographic documentary evidence of the implementation and completion of required works.

Condition 9 - Contam Land

The following information is still outstanding in order that condition 9 can be discharged:
i) A watching brief has been recommended post demolition of the on-site buildings, the findings of which should be submitted as an addendum report, with any amendments to the risk assessment and/or remediation strategy to discharge part a) of the condition;
ii) 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 Council - to discharge part b of the condition.

Date: 19 April 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.