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 Saeid Mokhtassi
43 Kingston Road
Manchester
M20 2SB

Agent (if used)

Mr Masoud Gaffarian Asl
Pavilion Property Holdings
3 Parkway
Wilmslow
SK9 1LS

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 9 (materials), 10 (contaminated land), 12 (boundary treatment), 13 (landscaping) and 14 (contract for works) of planning approval reference 111091/FO/2016/S2

Location: 58 Kingston Road, Manchester, M20 2SB

Date of application: 14 July 2017

Application number: CDN/17/0430

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 9 - Materials
The following materials are considered to be acceptable:

Brick: Wienerberger; Hathaway Brindled
Stone (heads, cills, band stone and porch): Duke sand stone
Windows: Alufold Direct; anthracite grey aluminum windows and doors
Roof covering: Anthracite grey natural slates (SIGA 37)
Soffit & fascia: UPVC - anthracite grey
Gutters: Ogee profile - UPVC - anthracite grey
Down pipes: Square profile - UPVC - anthracite grey

The condition will have been complied with if the development is undertaken in accordance with these approved details.

Condition 14 - Contract for works
Contract for works is acceptable, demolition of the property should be done in accordance with the submitted details.

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 10 - Contaminated Land

1. The adequacy of the desk study information available for this site

The desk study information was found to be adequate. Based on the findings of the preliminary risk assessment, no potential issues associated with contamination has been identified with respect to the demolition of the existing building and construction of a new residential property.

2. The adequacy of the site investigation

No information submitted.

3. The adequacy of the final risk assessment

No information submitted.

4. The acceptability of the proposed remediation strategy

No information submitted.

5. Whether the information submitted is sufficient to discharge the relevant site investigation and/or gas condition of the planning approval

Before condition 10 can be discharged from this application, the following information needs to be submitted to the Council for approval:

(i) Notwithstanding the findings of the report, we recommend that all the points listed in Section 6.2 are followed/implemented.
(ii) The findings of any pre-demolition activity (as per section 6.2) should be submitted to the Council before commencement.
(iii) The findings of any post-demolition activity (as per section 6.2) should be submitted to the Council before occupation.

Conditions 12 and 13

The following information was submitted for consideration:

Drawing reference: M2893.03 - Landscape Layout - HARDWORKS

The condition cannot be discharge until proposed elevations of the boundary treatment have been submitted and agreed. Also the retention of the exisiting boundary wall should be considered and incorporated into the proposed boundary treatement

Date: 8 September 2017

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.