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 Nick Maskrey
Green End Developments Ltd
C/o Agent

Agent (if used)

Mr Tom Flanagan
Paul Butler Associates
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 3, 4, 5, 6, 7, 13, 14, 15, 16 and 20 attached to planning application 109304/FO/2015/S2

Location: Former Green End Public House, Mauldeth Road, Burnage, Manchester, M19 1DZ

Date of application: 23 March 2017

Application number: CDN/17/0148

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 3 - Materials
The details contained within the submitted materials schedule received on the 22nd March 2017 are considered acceptable. The development should be carried out in accordance with the details in order to comply with this condition.

Condition 15 - Highways
The submitted details are satisfactory and it is understood that the process of entering into a section 38 and section 278 agreement with the Council has commenced. On this basis condition 15 can be discharged.

Condition 16 - Site sections
The cross section drawings provided are acceptable, the development should be carried out in accordance with these details.

Condition 20 - Acoustic

The Noise Assessment prepared by AEC (report reference P3364/R1a/DB) is considered acceptable. in order to comply with condiiton 20 the development should be carried out in accordance with the agreed details.

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 - Boundary Treatments
The submitted details are not considered to be acceptable. Whilst the front boundary treatments to plot 9 -16 retains and lowers the existing brick wall, the solution to the fronts of plots 1 - 8 of a low level hedge and post and rail fence behind is not considered to be a robust boundary treatment in this location and should be designed to reflect the boundary treatment to the frontage of plots 9 -16. Condition 4 can not therefore be discharged at this time.

Condition 5-Drainage
Amended details have been submitted for assessment by the Council. We are unable to discharge this condition at the current time.

Condition 6 - SuDs Management
Amended details have been submitted for assessment by the Council. We are unable to discharge this condition at the current time.

Condition 7 - Hard and Soft Landscaping
The Hard and Soft landscaping as set out on drawing reference 101 Rev A and 201 'Planting Plan' prepared by TPM Landscape are considered to be generally acceptable. However, in the absence of details of when the hard and soft landscaping scheme is to be implemented we are unable to discharge condition 7 at this time.

Condition 13 - Contamianted Land
As indicated in the email to you on 28th April 2017 further information is required prior to condition 13 being able to be discharged.

Date: 18 May 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.