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

M Fitzgerald
M&C Fitzgerald Builders Ltd
1 Chapel Road
Northenden
M22 4WQ

Agent (if used)

Mr Paul Judge
Paul Judge Design
49 Bideford Road
Stockport
SK2 5AX

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 3 (materials), 10 (Construction management plan), 11 (Contaminated Land) and 12 (UU drainage) attached to planning permission 129138/FO/2021.

Location: Land Off Dukefield Street, Manchester, M22 4WQ

Date of application: 20 May 2024

Application number: CDN/24/0419

Part 2 – Particulars of decision (a)

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 10 (CMP)
The following information has been submitted in respect of planning condition 10 (construction management plan):

-'Application for Approval of Details Reserved by Condition', numbered 'PP-13076535', stamped as received by the City Council as Local Planning Authority on the 20th May 2024.
-'Construction Management Plan: Planning Ref 129138/FO/21. Land off Dukefield Street Manchester M22 4WQ', stamped as received by the City Council as Local Planning Authority on the 20th May 2024.

The details submitted in the above documents are considered to be acceptable and condition 10 attached to planning permission referenced (129138/FO/2021) is formally discharged on the basis that the development is fully implemented in accordance with the approved details.

Part 2 – Particulars of decision (b)

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 3 (materials)
The following information has been submitted in respect of planning condition 3 (materials):

-'Application for Approval of Details Reserved by Condition', numbered 'PP-13076535', stamped as received by the City Council as Local Planning Authority on the 20th May 2024.
-'Brick Selector: Pre War Common', stamped as received by the City Council as Local Planning Authority on the 20th May 2024.
-'Causeway & Causeway Riven: Technical Data', stamped as received by the City Council as Local Planning Authority on the 20th May 2024.

The above information has been assessed and is considered insufficient to discharge this planning condition. This is on the basis that:

- The submitted information does not match the details specified on the approved plans of 129138/FO/2021. The information submitted under CDN/24/0419 indicates Causeway Grey roof tiles, whereas the approved plans of 129138/FO/2021 indicate slate roof tiles.
- Samples of the proposed brickwork and roof tiles are required as the application site is located within the Northenden conservation area.
- Details of the proposed fascias, windows, stone cills, and doors are also required.

Condition 3 attached to planning permission referenced (129138/FO/2021) is therefore not formally discharged.

Condition 11 (contaminated land)
The following information has been submitted in respect of planning condition 11 (contaminated land):

-'Application for Approval of Details Reserved by Condition', numbered 'PP-13076535', stamped as received by the City Council as Local Planning Authority on the 20th May 2024.
-'Geoenvironmental Site Investigation Report Phase I Preliminary Risk Assessment of Land Off Dukefield Street Northenden', stamped as received by the City Council as Local Planning Authority on the 28th May 2024.

The above information has been assessed and is considered insufficient to discharge this planning condition. This is on the basis that the applicant has failed to provide adequate details of:

- A Phase II Assessment Report.
- A Remediation Strategy, if applicable.

Condition 11 attached to planning permission referenced (129138/FO/2021) is therefore not formally discharged.

Condition 12 (uu drainage)

The following information has been submitted in respect of planning condition 12 (uu drainage):

-'Application for Approval of Details Reserved by Condition', numbered 'PP-13076535', stamped as received by the City Council as Local Planning Authority on the 20th May 2024.
-'Schematic Drainage Layout. Proposed Houses @ Dukefield St. Northenden', stamped as received by the City Council as Local Planning Authority on the 20th May 2024.
-Letter from United Utilities labelled 'Location: Land off Dukefield Street, Manchester, M22 4WQ', stamped as received by the City Council as Local Planning Authority on the 28th May 2024.

The above information has been assessed and is considered insufficient to discharge this planning condition. This is on the basis that:

- There is no evidence that the drainage hierarchy has been exhausted.
- The drainage is not on a separate system.
- There is no ultimate outfall shown.

Condition 12 attached to planning permission referenced (129138/FO/2021) is therefore not formally discharged.

Date: 8 July 2024

Signed: 

Julie Roscoe
Director 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.