MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Refusal of details reserved by condition

Applicant

Mr Dan Arya
Urbanize Homes Limited
Carlton Place
28-32 Greenwood Street
Altrincham
WA14 1RZ

Agent (if used)

Mr DK Seddon
Howard & Seddon ARIBA
64 Washway Road
Sale
M33 7RE

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 17 (Construction Management Plan), 18 (Preliminary Risk Assessment), 19 (Remediation Strategy / Verification Report), 22 (Acoustic Report / Typical Apartment Ventilation Plan) attached to planning permission 125635/FO/2019

Location: Tatton Arms Public House , Boat Lane, Northenden, Manchester, M22 4HR

Date of application: 18 April 2024

Application number: CDN/24/0314

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Refused** in accordance with the information set out below.

Construction Management Plan
The Construction Management Plan needs alteration to refer to there being no working on Bank Holidays in line with MCC Guidance. Condition 17 (Construction Management Plan) attached to planning permission 125635/FO/2019 can therefore not be discharged.

Preliminary Risk Assessment
A Site Investigation and Phase 2 report is required before this condition can be discharged. Condition 18 (Preliminary Risk Assessment) attached to planning permission 125635/FO/2019 can therefore not be discharged.

Remediation Strategy / Verification
A Phase 2 Site Investigation is needed. Condition 19 (Remediation Strategy / Verification) attached to planning permission 125635/FO/2019 can therefore not be discharged.

Acoustic Report
The information provided to discharge condition 22 (Acoustics) attached to planning permission 125635/FO/2019 is acceptable. The comment is still made that the development will need some sort of MHVR system as the occupants will not be able to open their windows during periods of warm weather due to the noise levels in the area. A verification report will be needed on completion of the work.

Date: 13 June 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.