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 J Bromfield
MSV Housing Group
7th Floor Trafford House
Chester Road
Manchester
M32 0RS

Agent (if used)

Mr Kevin Ma
TADW Architects
6 St Petersgate
Stockport
SK1 1HD

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 4 (External materials), 5a (Noise), 6 (Ground Remediation), 11 (Biodiversity enhancements), 12 (Reasonable Avoidance Measures method statement for amphibians), 13 (Secured By Design), 15 (Hard and soft landscaping scheme) and 16 (Construction Management Plan) attached to planning permission 137461/FO/2023

Location: Land To The Rear Of Dalton Avenue, Manchester, M14 7NR

Date of application: 1 May 2024

Application number: CDN/24/0351

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 4 (External materials)
Condition 4 (External materials) - The proposed materials are considered acceptable. Therefore, on the proviso the development is implemented using those materials, the condition is considered discharged.

Condition 5a (Noise)
Condition 5a (Noise) - The submitted information is considered acceptable. Therefore, on the basis the development is implemented in accordance with this information, Part A of this condition is considered discharged.

It should be noted that to fully discharge the condition documents requested under Part B must be submitted and approved by the City Council as Local Planning Authority.

Condition 11 (Biodiversity enhancements)

Condition 11 (Biodiversity enhancements) - The submitted information is considered acceptable. Therefore, on the basis the development is implemented in accordance with this information, the condition is considered discharged.

Condition 12 (Reasonable Avoidance Measu
Condition 12 (Reasonable Avoidance Measures method statement for amphibians) - The submitted information is considered acceptable. Therefore, on the basis the development is implemented in accordance with this information, the condition is considered discharged.

Condition 13 (Secured By Design)
Condition 13 (Secured By Design) - The submitted information is sufficient to discharge the first element of the condition. To fully discharge the condition the Secured by Design certificate will need to submitted.

Condition 15 (Hard and soft landscaping
Condition 15 (Hard and soft landscaping scheme) - The submitted information is considered acceptable. Therefore, on the basis the development is implemented in accordance with this information, the condition is considered discharged.

Condition 16 (Construction Management Pl
Condition 16 (Construction Management Plan) - The submitted Construction Management Plan (Rev A - 31st May 2024) is considered acceptable. Therefore, on the basis the development is implemented in accordance with this information, the condition is considered discharged.

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 6 (Ground Remediation)
There is not yet an agreed position with regards to the discharge of Condition 6 (Ground Remediation) attached to planning permission 137461/FO/2023. Condition 6 is not discharged.

Date: 24 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.