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 Carl Garrity
Splash Developments Ltd
165 Medlock Road
Woodhouses
Failsworth
Manchester
M35 9NQ

Agent (if used)

Mr Mark Davies
Wilkinson Cowan Partnership
Stanley House
15 Ladybridge Road
Cheadle Hulme
Cheadle Hulme
SK8 5BL

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 17 (bio-diversity enhancement), 19 (cycle parking) and 24 (Travel Plan) attached to planning permission referenced 112059/FO/2016

Location: Daisy Bank Mill , Terence Street, Manchester, M40 1GD

Date of application: 8 January 2024

Application number: CDN/24/0006

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.

Biodiversity enhancement
The details of Schwegler 1S Nest box - sparrow terrace (3no.) and Schwegler 2 FE wall mounted bat shelters (3no.) to be located as shown on plan referenced as being submitted for consideration with condition no.17 received 8th January 2024 are considered to be acceptable.

On the basis the 3no. sparrow terraces and 3no.bat shelters are installed prior to the occupation of the dwellings , condition no.17 is discharged.

Cycle Parking
The lockable shed to be located within the rear gardens of all properties with a two bike floor mounted cycle rack detailed on the plan referenced as being submitted for consideration with condition no.19 received 8th January 2024 is considered to be acceptable.

Condition no.19 is discharged on the basis that the approved details are implemented prior to the occupation of the dwellings, and that the approved space and facilities are then retained and permanently reserved for bicycle parking whilst the development is occupied.

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.

Travel Plan
The submitted Travel Plan dated 25th November 2023 has been reviewed and is considered to be satisfactory. I can therefore confirm that the 'prior to occupation' requirement of condition no.24 has been satisfied.

However, within the travel plan there is a commitment to surveying the travel patterns of occupiers , and condition no.24 requires that 'Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to the a commitment to surveying the travel patterns of occupiers during the first three months of use of the development and thereafter from time to time shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use'.
In view of this requirement condition no.24 cannot be formally discharged at this time.

Date: 29 January 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.