

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

Approval of details reserved by condition

Applicant

Manchester City Council
Major Projects
Town Hall

Agent (if used)

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Manchester
M4 4AH

Part 1 – Particulars of the application/development

Proposal: Discharge of planning condition 5a (Ground Conditions), 7 (Materials) and 8 (Landscaping) attached to planning permission 131345/VO/2021

Location: Lock Number 3 Along The Ashton Canal Towpath, Manchester, M4 6DH

Date of application: 10 January 2023

Application number: CDN/23/0011

Part 2 – Particulars of decision

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

Condition 5a Ground Conditions

The following information has been submitted in respect of this planning condition:

-Soil regime testing document received by the City Council, as Local Planning Authority, on the 11 July 2023

- Piling Layout (Ref. 651-729-013 Rev P1); Pile Caps (Sheet 1 of 2) (Ref. 651-279-014 Rev P2); Pile Caps (Sheet 2 of 2) (Ref. 651-279-015 Rev P2); and Geotechnical Site Investigation and Interpretative Report received by the City Council, as Local Planning Authority, on the 10 January 2023

The above information has been considered and is acceptable. The development shall be carried out in accordance with the above information.

Part (a) of this planning condition is formally discharged. In order to discharge this condition in full, part (b) needs to be formally discharged.

Condition 7 Materials

The following information has been submitted in respect of this planning condition (as also submitted as part of CDN/22/0917) :

- ICB-HBA-00-00-DR-A-24-0401 Rev P3, ICB-HBA-00-00-DR-A-24-0402 Rev P3, ICB-HBA-00-00-DR-A-24-0404 Rev P3, ICB-HBA-00-00-DR-A-34-0411 Rev P4, ICB-HBA-00-00-DR-A-34-0415 Rev P5, ICB-HBA-00-00-DR-A-42-0401 Rev P2 and ICB-HBA-00-00-DR-A-43-0401 Rev P4 received by the City Council, as Local Planning Authority, on the 22 May 2023

- ICB-HBA-00-00-DR-A-42-0100 Rev P4 and ICB-HBA-XX-XX-DR-A-24-0405 Rev P1 received by the City Council, as Local Planning Authority, on the 12 May 2023

- Materials tracker received by the City Council, as Local Planning Authority, on the 22 May 2023

The above information and materials have been considered and are acceptable in principle. Prior to the commencement of works, final samples and specification of the polished concrete finish to the bridge walls shall be submitted for consideration and approval by the City Council, as Local Planning Authority. Only when the concrete has been approved will the condition be formally discharged.

Condition 6 is therefore only partially discharged pending final approval of the polished concrete.

Condition 8 Landscaping

The following information has been submitted in respect of this planning condition:

- ICB-PLA-00-00-DR-L-0001 Rev P01, ICB-PLA-00-00-DR-L-2000 Rev P01, ICB-PLA-00-00-DR-L-2001 Rev P02, ICB-PLA-00-00-DR-L-6000 Rev P02, ICB-HBA-00-00-DR-A-43-0102 Rev P3, ICB-HBA-00-00-DR-A-43-0103 Rev P3, ICB-HBA-00-00-DR-A-43-0101 Rev P5 and ICB-HBA-00-00-DR-A-43-0104 Rev P1 received by the City Council, as Local Planning Authority, on the 10 January 2023

- ICB-HBA-00-00-DR-A-42-0100 Rev P4 received by the City Council, as Local Planning Authority, on the 12 May 2023

The above information has been considered and is acceptable. This is sufficient to discharge part (a) of this planning condition.

The approved scheme shall be implemented prior to the first occupation of the residential element of the development. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Date: 8 August 2023

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written in a cursive style.

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers 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.

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 his 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.