

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

Partial approval of details reserved by condition

Applicant

Faramarz Neysari
Eric Wright Civil Engineering Ltd
Via Email

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Discharge of planning conditions 3 (Drainage), 4 (Archaeology), 6 (Construction Management Plan), 7 (Ground Conditions) and 13 (temporary surface finish) attached to planning permission 133406/VO/2022

Location: Jersey Street Bridge, Manchester,

Date of application: 5 April 2023

Application number: CDN/23/0209

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 Archaeology

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

- Wintertree Software Inc. received by the City Council, as Local Planning Authority, on the 27 March 2023

The above information has been considered and is acceptable in respect of part (1) of this planning condition. The archaeology works shall be carried out in accordance with these details.

In order to discharge this condition in full, parts 1-6 need to be complied with.

Condition 6 CMP

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

-Compound layout and D-H-40105 P05 received by the City Council, as Local Planning Authority, on the 25 May 2023

- Construction Management plan received by the City Council, as Local Planning Authority, on the 25 April 2023

- Incident and reporting guidance received by the City Council, as Local Planning Authority, on the 10 May 2023

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

Condition 6 is now formally discharged.

Condition 7 Ground Conditions

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

- SI and Phase II geoenvironmental reports received by the City Council, as Local Planning Authority, on the 27 March 2023

- Remediation and Enabling works strategy report prepared by e3p ltd (dated May 2023) received by the City Council, as Local Planning Authority, on the 17 May 2023

A watching brief should be undertaken and records kept of this, along with all waste transfer notes. Part (a) of this condition is now formally discharged but in order to discharge the condition in full, part (b) needs to be complied with.

Condition 13 Temporary Surface Finish

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

- Temporary surface details received by the City Council, as Local Planning Authority, on the 17 August 2023

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

Condition 13 is now formally 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 3 Drainage

It is necessary to speak with the s278 team regarding the drainage details. They need to be agreed prior to the drainage details being approved.

Date: 28 September 2023

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.