

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. Athar Iqbal
2 Highfield Road
Manchester
M19 3JX

Agent (if used)

Mr. Niamat Ali
NA Design
47 Egerton Road South
Manchester
M21 0YW

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 3 (materials), 4 (CMP), 5 (ground conditions), 6 (drainage) and 17 (cycle store) attached to planning permission 128773/FO/2020

Location: 2 Highfield Road, Manchester, M19 3JX

Date of application: 2 June 2023

Application number: CDN/23/0279

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.

C4

The discharge of condition 4 (Construction Management Plan) is approved on the basis that the development is implemented in accordance with document referenced: Construction Method Statement 2 Highfield Road, Manchester M19 3JX stamped as received by the City Council as local planning authority on 2 May 2023.

C17

The discharge of condition 17 (Cycle store) is approved on the basis that the development is implemented in accordance with the following details: Tiger Pent timber cycle store (2050mm x 1150 mm). The cycle storage arrangements should be implemented prior to the occupation of the development and in accordance with the siting details shown on the approved drawing ref: Ground and first floor plans as proposed Ref: 01C.

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.

C3

The discharge of condition 3 (Materials) is refused as satisfactory details have not been received in relation to roof tile and window frame specification.

The implementation of the development in accordance with the following materials is considered to be acceptable:

Brickwork - Michelmersh - Hadley Red Smooth brick

Rainwater goods - Black UPVC rainwater goods.

C5

The discharge of condition 5 (Ground conditions) is refused as submitted document referenced : Phase 3 Remediation Strategy and Verification Plan for Mr Athar Iqbal on the site of 4 Highfield Road, Manchester M19 3JX5 Dated: 22 February 2023 Ref: 3462K P3 Iqbal - Manchester (Final Report) by Castledine Environmental does not accord with the required measures specified within previously assessed document referenced Phase 1 Desk Study (Advance Consulting Engineers Ref: C20185-ADV-RP-DS-3000(A) Date: 18/12/2020), including recommendations for an intrusive investigation for soil contamination.

C6

The discharge of condition 6 (Drainage) is refused as satisfactory site drainage information has not been submitted.

Date: 24 July 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.