MANCHESTER CITY COUNCIL

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

Approval of details reserved by condition

Applicant

Mrs Judy Noah
ONE Manchester
C/o Agent

Agent (if used)

Mr Brendan ODonovan
AEW Architects
The Zenith Building
Spring Gardens
Manchester
M2 1AB

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions numbered 9 (highway works), 15 (drainage), 19 (contaminated land), 21 (bio-diversity) and 25 (boundary treatment) attached to planning permission ref: 123212/JO/2019

Location: Land Bounded By Tram Street, Parkhouse Street, Greenside Street And South Street, Manchester

Date of application: 15 July 2019

Application number: CDN/19/0606

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.

C9 off site highways
The discharge of condition 9 (Off site highways work) is approved on the basis that the development has been implemented in accordance with the works detailed within the following drawings:

a. New Development South Street Openshaw:
b. General Arrangement Drawing No: 17.B.12001/10 Rev J
c. Highway Markings Drawing No: 17.B.12001/11 Rev C
d. S278 Red Line Plan Drawing No: 17.B.12001/12 Rev A
e. Highways Details Drawing No: 17.B.12001/14 Rev B.

C15 Drainage
The discharge of condition 15 (Drainage) is approved on the basis that the development would be implemented in accordance with the following documents and drawings:

South Street - Openshaw Drainage maintenance plan dated April 2019 by Carley Daines & Partners Ltd;

Letter from Carley Daines & Partners Ltd dated 1 July 2019 confirming implementation of drainage works in accordance with drawings referenced: 17.B.12001/20 & 21;
Drawings:
Drainage plan Ref: 17.B.12001/20;
Modifications to UU.MH1502 Ref:17.B.12001/21;
Overland Flood Route Ref: 17.B.12001/22.

C19 Contam land
The discharge of condition 19 (Contaminated land) is approved on the basis that the development would be implemented in accordance with documents referenced:

Validation Report Land off South Street, Openshaw, Manchester, Report Ref: BEK-18388-2 Rev B dated 11 May 2022 by BEK
Email from AEW dated 21 November 2019 confirming topsoil sourcing and waste transfer tickets
Email from AEW dated 7 April 2022
Email from AEW dated 27 April 2022

C21 Bio diversity
The discharge of condition 21 (Bio-diversity) is approved on the basis that the development is implemented in accordance with the following details:

a. Drawing Ref: South Street Openshaw Drawing No LAN281/561;
b. Drawing Ref: Location of Bat / Bird Boxes Drawing No S9680-AEW-XX-XX-DR-A-1006;
c. Ecological Constraints Appraisal, Site 1, South Street, Manchester, Ref: 103019EC1R1 by REC and dated August 2017.

The bat and bird boxes should be fitted to the dwelling as per drawing no S9680-AEW-XX-XX-DR-A-1006 dated 12/07/2019 prior to occupation and once in place the condition can be discharged in full.

C25 Boundary treatment
The discharge of condition 25 (Boundary treatment) can be approved on the basis that the development is fully implemented in accordance with the details of the following drawing, including the attachment of a powder coated black metal litter plate to the base of the railing types F1, F4 and F5: South Street Boundary Details S9680-AEW-XX-XX-DR-A-119 P9.

Date: 28 November 2022

Signed: 

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 of 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.