

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

Approval of details reserved by condition

Applicant

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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Discharge of condition 3 (SBD), 15c (ground condition verification), 21 (Environmental statement), 26 (street furniture), 27 (open space maintenance), 30 (acoustics) and 31 (Coal Mining legacy) attached to planning permission 129912/JO/2021

Location: Land Adjacent To Mayton Street, Manchester, M11 2AN

Date of application: 5 August 2022

Application number: CDN/22/0540

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 3 (SBD)

The discharge of Condition 3 (Secured by Design) is approved on the basis of written confirmation of the attainment of a Secure by Design Gold Award Reference: 2019/0470/SBD/01 dated 3 August 2022 stamped as received by the City Council as local planning authority on 5 August 2022.

Condition 15c (Ground condition)

The discharge of condition 15(c) is approved on the basis that the development has been implemented in accordance with document referenced: Validation Completion Report for a site at Mayton Street, Openshaw Ref: 8755G-WML-XX-ZZ RP-G-0004B dated June 2022 Revision B (dated 30 October 2022) by WML Consulting.

Condition 21 (Environmental statement)

The discharge of condition 21 (Environmental statement) is approved on the basis that:

- i. The development has been carried out in accordance with document ref: Energy Statement, Mayton, PA1422 Rev A dated November 2019 by TACE and stamped as received by the City Council, as Local Planning Authority on 15 November 2019.

ii. The implemented development shall be maintained in accordance with the post construction review documented detailing attained environmental performance by Anderson Goddard Ltd dated 7 May 2022 and email from GWP Architecture confirming the attainment of a 12.03% reduction in carbon emissions over Part L of the Building Regulations.

Condition 26 (Street furniture)

The discharge of condition 26 (Street furniture) is approved on the basis that street furniture and lighting installed as part of the development is maintained in accordance with details of document referenced: Mayton Street Landscape / Street Furniture Maintenance plan by One Manchester and stamped as received by the City Council as local planning authority on 5 August 2022. The approved plan shall be implemented upon occupation of the development and retained in situ at all times thereafter. For the avoidance of doubt relates to the details specified on the following approved drawings:

Site Landscaping - 1914-GWP-01-01-DR-A-(PA)-0006 Rev P03

Proposed Landscape and Urban Realm Improvements - 1914-GWP-01-01-DR-A-(PA)-0013 Rev P04

Street Lighting - 1914-GWP-01-01-DR-A-(PA)-0014 Rev P01

Proposed Landscape / Urban Realm - 1914-GWP-01-01-DR-A-(SK)-(SK)75 Rev.WIP/S.

Condition 27 (Open space maintenance)

The discharge of condition 27 (Open space maintenance) is approved on the basis that open space, footpaths, tree planting and landscaping from part of the development is maintained in accordance with details of document referenced: Mayton Street Landscape / Street Furniture Maintenance plan by One Manchester and stamped as received by the City Council as local planning authority on 5 August 2022. The approved plan shall be implemented upon occupation of the development and retained in situ at all times thereafter. For the avoidance of doubt, the authorised maintenance plan relates to the open space, footpaths, tree planting and landscaping as specified on drawing referenced: Site Landscaping - 1914-GWP-01-01-DR-A-(PA)-0006 Rev P03 External Space / Landscaping - 1914-GWP-01-01-DR-A-(PA)-0009 Rev P04.

The approved landscaping scheme shall be fully implemented during the first full planting scheme following the occupation of the development and maintained in situ thereafter in accordance with the approved landscape maintenance scheme. 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.

Condition 30 (Acoustics)

The discharge of condition 30 (Acoustics) is approved on the basis that the development has been implemented in accordance with the detail of the verification report referenced: Assessment of the Internal Noise Climate within the New Housing Development at Mayton Street, Openshaw, Manchester by Druk Limited Ref: DRUK/ACC/RS/JSBMSOM/3059 and dated 10 June 2022. The development shall be maintained at all times in accordance with the approved report.

Condition 31 (Coal mining legacy)

The discharge of condition 31 (Coal mining legacy) is approved on the basis that the development has been implemented in accordance with the following documents:

- i. Phase 2 Geo-Environmental Investigation & Assessment for Mayton Street, Openshaw undertaken on behalf of Eco-Res LLP by WML Consulting Ltd Report No. 8755G-WML-00-XX RP-G-0002 dated July 2020.
- ii. Validation Completion Report for a site at Mayton Street, Openshaw undertaken for Eco-Res LLP Ref: 8755G-WML-XX-ZZ RP-G-0004 dated July 2022 (with regard to its assessment of coal mining legacy).

Date: 6 October 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 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.