

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

Partial approval of details reserved by condition

Applicant

Terra Nova Development Limited
C/o Agent

Agent (if used)

Samuele Pretti
Bowker Sadler Architecture
Hathalow House

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 10 (materials), 13 (access restriction), 16 (landscaping), 29 (drainage) and 37 (pv panels) attached to planning permission referenced 131891/FO/2021

Location: Blackley Park, Victoria Avenue, Blackley, Manchester, Land On The Corner Of Victoria Avenue And Chain Road, Manchester

Date of application: 16 June 2022

Application number: CDN/22/0404

Part 2 – Particulars of decision (1)

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 10 Materials

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

- Materials specification stamped as received by the City Council, as Local Planning Authority, on the 16 June 2022

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

Condition 10 is now formally discharged on this basis.

Condition 13 Access Restriction

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

- Drawing 18-002 - 1015 stamped as received by the City Council, as Local Planning Authority, on the 16 June 2022

The above information has been considered and is acceptable. The approved details shall be implemented prior to the first occupation of the development and thereafter retained and maintained in situ for as long as the development remains in use.

Condition 13 is now formally discharged on this basis.

Condition 16 Landscaping

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

- Drawings 333 01 Rev B and 18-002 Rev A stamped as received by the City Council, as Local Planning Authority, on the 16 June 2022

The above information has been considered and is acceptable. The approved scheme shall be implemented prior to the first occupation 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.

No further action at this stage.

Condition 37 PV Panels

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

- Drawing 18-002 1100 and product specification stamped as received by the City Council, as Local Planning Authority, on the 16 June 2022

The above information has been considered and is acceptable. The approved details shall be implemented and brought into use prior to the first occupation of the dwellinghouses. The panels shall thereafter be retained and maintained in situ.

Condition 37 is formally discharged on this basis.

Part 2 – Particulars of decision (2)

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 29 Drainage

No details have been submitted in respect of this planning condition. The drainage scheme for the site has been approved by request CDN/22/0239.

Date: 18 July 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 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.