

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 Gary Jackson
De Trafford
Brooke Court
Lower Meadow Road
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SK9 3ND

Agent (if used)

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M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 8 (TV reception), 11 (wildlife measures), 12 (cycle parking), 18 (waste management), 20 (external equipment acoustics), 23 (footpaths), 25 (public realm maintenance), 28 (lettings management) and 30 (SuDS maintenance) attached to planning permission 115211/FO/2017

Location: Site Fronting Bentinck Street And Chester Road, Manchester, M15 4LN

Date of application: 13 July 2021

Application number: CDN/21/0526

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 8 - TV Reception

Condition 8 - TV Reception

Condition 8 is discharged on the basis of the Post-Construction Signal Reception Impact Survey dated 22 May 2019 by Astbury.

Condition 11 - Wildlife Measures

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Condition 11 is discharged on the basis that the development is carried out in accordance with drawing number 3596 03 revision R General Arrangements prepared by DEP and the approved wildlife measures/features have been incorporated into the development before first occupation.

12 - cycle parking

Condition 12 - Cycle Parking

Condition 12 is discharged on the basis that the development is carried out in accordance with the following drawings and the approved space and facilities are provided prior to occupation and are retained and permanently reserved for bicycle parking:

A212_C_17BB Block C1 Lower Ground Floor Plan;
A212_C_16X Block C1 Proposed Basement Floorplan;
BSS-P-08051-90-001 rev C.

Condition 18 - Waste Management

Condition 18 - Waste Management

Condition 18 is discharged on the basis that the development is carried out in accordance with the following information and the approved scheme shall be available prior to first occupation and shall remain in situ whilst the use or development is in operation:

A212_C_17BB Block C1 Lower Ground Floor Plan;
A212_C_16X Block C1 Proposed Basement Floor Plan; and
The Detailed Services section of the DeTrafford Sky Gardens Management Strategy.

20 - External Equipment Acoust

Condition 20 - External Equipment Acoustics

Condition 20 is discharged on the basis that there is to be no externally mounted ancillary equipment.

Condition 23 - footpaths

Condition 23 - Footpaths

Condition 23 is discharged on the basis that the development is carried out in accordance with drawing number 3596 03 revision R General Arrangements by DEP.

Condition 25 - Public Realm Maintenance

Condition 25 - Public Realm Maintenance

Condition 25 is discharged on the basis that the submitted Public Realm Maintenance Schedule dated June 2021 is carried out in perpetuity.

Condition 28 - Lettings Management

Condition 28 - Lettings Management

Condition 28 is discharged on the basis that the development is managed in accordance with the DeTrafford Sky Gardens Management Strategy.

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.

SUDs Maintenance

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

-Surface Water Drainage Maintenance and Management Schedule received by the City Council as Local Planning Authority on 13 July 2021.

The above information has been considered. Further information is required which includes:

Verification report providing photographic evidence of construction as per design drawings;

- As built construction drawings if different from design construction drawings;

-Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. Please update document to name responsible party for maintaining drainage scheme.

Condition 30 is not formally discharged until satisfactory information has been received.

Date: 25 February 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.