

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

Partial approval of details reserved by condition

Applicant

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M3 4LZ

Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Discharge of planning condition 26 (Landscaping), 27 (Landscape Management), 30 (Plant), 36 (Building Lighting), 61 (Signage) and 63 (Disabled Access) associated with planning permission 124120/JO/2019 for plots 2 and 3 only

Location: Plots 2 And 3 , 142 Dantzie Street, Manchester, M4 4DN

Date of application: 24 June 2021

Application number: CDN/21/0473

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 26 Landscape Plan

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

- Drawings 2000, 2002, 3000 and 3017 stamped as received by the City Council, as Local Planning Authority, on the 24 June 2021

The above information has been considered and is acceptable. The approved scheme for each phase shall be implemented not later than 12 months from the date the buildings in each phase are first occupied. 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 26 is now formally discharged in respect of plots 2 and 3 only.

Condition 27 Landscape Management

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

- Landscape maintenance and management plan stamped as received by the City Council, as Local Planning Authority, on the 24 June 2021

The above information has been considered and is acceptable. The maintenance of the landscaping scheme shall be carried out in accordance with the above information.

Condition 27 is now formally discharged in respect of plots 2 and 3 only.

Condition 36 Lighting

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

- Drawings 102-E-AME-DRC-63-22-0001 Rev C6, 1002-E-AME-DRG-63-GF-2002 Rev C05 and 1002-E-AME-DRG-63-GF-3002 Rev C06
- External technical lighting report

All stamped as received by the City Council, as Local Planning Authority, on the 24 June 2021

The above information has been considered and is acceptable. The lighting shall be installed in accordance with the above information prior to the first occupation of plots 2 and 3 and thereafter retained and maintained.

Condition 36 is therefore discharged in respect of plots 2 and 3 only.

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 30 Plant

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

- Plant specification stamped as received by the City Council, as Local Planning Authority, on the 24 June 2021

The above information has been considered. No acoustic assessment has been provided to demonstrate that the plan and equipment meets the required noise criteria.

This has been communicated to the applicant but no further details have been received.

Condition 30 is not formally discharged.

Condition 61 Building Signage

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

- Totem technical specification stamped as received by the City Council, as Local Planning Authority, on the 24 June 2021

The condition requires the submission of building signage but the above document appears to relate to totem signage and signage internal to the building.

Please provide further details in this regard.

Condition 61 is not formally discharged.

Condition 63 Disabled Access

It is not clear what information has been submitted in respect of this planning condition.

Date: 18 January 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.