MANCHESTER CITY COUNCIL

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 Richard Wilshaw
P J Livesey Group & Tameside
Metropolitan Borough Council
Beacon Road
Manchester
M17 1AF

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 3 (Materials), 4 (Secured by Design), 6 (Drainage Management), 7 (Signage Strategy), 13 (Acoustic Insulation), 15 (Air Quality Assessment) and 23 (Bird Nest and Bat Roost provision) attached to planning permission 122334/JO/2019

Location: 825 Wilmslow Road, Manchester, M20 2SN

Date of application: 16 September 2019

Application number: CDN/19/0769

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 3 - Materials
The materials specification supplied for the condition discharge accords with the details set out in the original consent. Condition 3 can therefore be discharged.

Condition 6 - Drainage Management
The information submitted is now sufficient to recommend the condition 6 (drainage) attached to planning permission 122334/JO/2019 is discharged.

Condition 7 - Signage Stategy
The information provided to satify Condition 7 - Signage Strategy attached to planning permission 122334/JO/2019 is acceptable and Condition 7 can therefore be discharged.

Condition 13 - Acoustic Insulation
The information sumitted is acceptable to discharge Condition 13 (acoustic insulation) attached to planning permission 12234/JO/2019.

Condition 15 - Air Quality Assessment
The information sumitted is acceptable to discharge Condition 15 (air quality assessment) attached to planning permission 12234/JO/2019.

Condition 23 - Bird and Bats Roost
The information provided is satisfactory relating to the provision of bird and bat roosts, Condition 23 attached to permission 122334/JO/2019 can therefore be discharged.

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 4 - Secured by Design
Written confirmation of Secured by Design accreditation is required to discharge Condition 4 - Secured by Design, this condition cannot be discharged until that has been received.

Date: 17 July 2020

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.