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 Shahid
Britannia Homes (GB) Ltd
Britannia House
160-164 Wellington Road
Manchester
M20 3FU

Agent (if used)

Andrew Burns
Atelier MB
Suite 1A Amazon House
Brazil Street
Manchester
M1 3PJ

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 5 (Shutters), 9 (Lighting), 11 (Delivery Times), 12 (Opening Times), 17 (Post Construction Review), 18 (Travel Plan), 19 (Car Club), 22 (Externally mounted plant) and 24 (Obscure Glazing) attached to planning permission reference 107434/FO/2014/S1

Location: 494 Wilmslow Road, Manchester, M20 3BG

Date of application: 1 October 2018

Application number: CDN/18/0736

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 17 - Post Construction Review
The report submitted is sufficient to discharge condition 17.

Condition 18 - Travel Plan
Confirmation has been received that the travel plan submitted is satisfactory and Condition 18 can be discharged.

Condition 19 - Car Club
The city car club space is satisfactory and Condition 19 can be discharged. The condition remains in perpetuity.

Condition 22 - External Plant
The information submitted is satisfactory and Condition 22 can be discharged.

Condition 24 - Obscure Glazing

The details of the obcsure gkazing installed are satisfactory and Condition 24 can 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 5 - Shutters
It has been confirmed that the shutters will be open from 9am. The condition remains in perpetuity, this requires compliance and cannot be discharged.

Condition 9 - Lighting
Comments made in relation to Condition 9 noted. The condition remains in perpetuity, this requires compliance and cannot be discharged.

Condition 11 - Delivery Times
Comments are noted, although it must be stated that no servicing/deliveries can occur on Sundays or Bank Holidays, the condition remains in perpetuity, this requires compliance and cannot be discharged.

Condition 12 - Opening Times
Thank you for confirmation, the condition remains in perpetuity, this requires compliance and cannot be discharged.

Date: 22 November 2018

Signed: 

Julie Roscoe
Head 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.