

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

Partial approval of details reserved by condition

Applicant

Beech Holdings
C/o Agent

Agent (if used)

Mr Tom Flanagan
Paul Butler Associates
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Discharge of condition 5 (Drainage), 9 (Drainage Management), 10 (Landscaping), 11 (Boundary Treatment), 12 (Environmental Standards), 13 (External Plant), 26 (Letting Management Plan), 31 (Highways works) and 36 (Ventilation filter) attached to planning permission 134503/JO/2022

Location: Bendix Street, Manchester

Date of application: 21 April 2023

Application number: CDN/23/0266

Part 2 – Particulars of decision (a)

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 5 Drainage

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

- Drawing C-24134-HYD-XX-XX-TN-C-0001 received by the City Council, as Local Planning Authority, on the 4 August 2023
- Drawings C-24134-HYD-XX-XX-DR-C-0530 and C-24134-HYD-XX-XX-DR-C-0500 S185 received by the City Council, as Local Planning Authority, on the 14 November 2023
- Drawing C24134-HYD-XX-XX-DR-C-05 received by the City Council, as Local Planning Authority, on the 24 November 2023

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

Condition 5 is now formally discharged.

Condition 9 Drainage Management

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

- Drawing C-24134-HYD-XX-XX-TN-C-0001 received by the City Council, as Local Planning Authority, on the 4 August 2023
- Drawings C-24134-HYD-XX-XX-DR-C-0530 and C-24134-HYD-XX-XX-DR-C-0500 S185 received by the City Council, as Local Planning Authority, on the 14 November 2023
- Drawing C24134-HYD-XX-XX-DR-C-05 received by the City Council, as Local Planning Authority, on the 24 November 2023

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

Condition 9 is now formally discharged.

Condition 10 Landscaping

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

- 00-001 P1 Proposed Landscape GA Materials
- 00-002 P1 Proposed Landscape GA Planting Schedule
- 0422-001 C00 Overall Landscape GA
- 0422-401 C00 Lawn Detail
- 0422-402 C00 Level 7 & 9 Typical Build-Up Details
- 0422-403 C00 Threshold & Planter Typical Details
- 0422-404 C00 Ground Floor Planter Typical Details
- 0422-GF-GATES C00 Ground Floor Security Gates and Fence
- 0422-GF-HEX C00 Ground Floor Hex Benches
- 0422-GF-P1 C00 Ground Floor Planter 01
- 0422-GF-P2 C00 Ground Floor Planter 02
- 0422-L9-P1 C00 Level 9 Planter 01
- 0422-L9-P2 C00 Level 9 Planter 02
- 0422-L9-P3 C00 Level 9 Planter 03
- 0422-L9-P4 C00 Level 9 Planter 04
- 0422-L9-P5 C00 Level 9 Planter 05
- 0422-L9-P6 C00 Level 9 Planter 06
- 0422-L9-P7 C00 Level 9 Planter 07
- 0422-PBS C00 Level 07 & 09 Picnic Bench Sets

Above were received by the City Council, as Local Planning Authority, on the 21 April 2023

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

Condition 10 is now formally discharged.

Condition 11 Boundary Treatment

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

- Drawing 103_50_127 C1 'Bendix Street Boundary Treatment' received by the City Council, as Local Planning Authority, on the 21 April 2023

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

Condition 11 is now formally discharged.

Condition 13 Plant

The condition has been discharged under CDN/22/0792. No further action required.

Condition 26 Lettings Management

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

- Management Strategy prepared by Manchester Design & Build received by the City Council, as Local Planning Authority, on the 21 April 2023

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

Condition 26 is now formally discharged.

Condition 36 Ventilation filters

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

- drawing EC2016-BGL-ZZ-DR-M-003 P01 'Ventilation Layout Levels 01-06 received by the City Council, as Local Planning Authority, on the 21 April 2023
- Email from Tom Flanagan on the 2 June 2023

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

Condition 36 is now formally discharged.

Part 2 – Particulars of decision (b)

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 12 ES

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

- Report prepared by Parker Wilson Consulting (Ref: PG/3727 Rev B) dated 19 April 2023 received by the City Council, as Local Planning Authority, on the 21 April 2023

The above information has been considered. The report does not confirm what improvement against Part L has been achieved as required by policy EN6.

Condition 12 is not formally discharged.

Condition 31 Highways

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

- 220429-0000-001 Rev - General Arrangement
- 220429-0100-001 Rev - Levels Plan
- 220429-0200-001 Rev - Site Clearance
- 220429-0700-001 Rev - Pavement Options

- 220429-1100-001 Rev - Kerbing and Drainage
- 220429-1200-001 Rev - Road Markings and Signing
- 220429-4000-001 Rev A Standard Details
- 220429-ART01 Rev B Swept Path Analysis Refuge Vehicle in Bendix Lane

received by the City Council, as Local Planning Authority, on the 21 April 2023

The above information has been considered and is acceptable. Notwithstanding this, until planning application 136605/JO/2023 has been determined, this condition cannot be discharged.

Condition 31 is not formally discharged.

Date: 27 December 2023

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written over a horizontal line.

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.