

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

Partial approval of details reserved by condition

Applicant

Rowlinson Constructions Ltd
Gardale House
118B Gatley Road
Gatley
Cheadle
SK8 4AU

Agent (if used)

LRW Architects
Leach Rhodes Walker
Ground Floor West
50 Dearmans Place
Manchester
M3 5LH

Part 1 – Particulars of the application/development

Proposal: Discharge of planning conditions 12 (Landscaping), 13 (Boundary Treatments) and 20 (Terrace Opening Hour) associated with planning permission 122945/FO/2019

Location: 328-336 Stockport Road, Manchester, M13 0LE

Date of application: 28 July 2022

Application number: CDN/22/0512

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 12 Landscaping

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

- Drawing 6882-01 - Landscape Proposals received by the City Council, as Local Planning Authority, on the 28 July 2022

The above information has been considered and is acceptable. The approved scheme shall be implemented prior to the first occupation of the development. 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.

No further action at this stage.

Condition 13 Boundary treatment

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

-Drawings LRW_7891_L(00)43C Boundary Treatment, LRW_7891_L(90)12A Fencing details and LRW_7891_L(90)13A Fencing Metalwork details received by the City Council, as Local Planning Authority, on the 28 July 2022

The above information has been considered and is acceptable. The approved scheme shall then be implemented and be in place prior to the first occupation of the development.

The boundary treatment shall be retained and maintained in situ thereafter and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment shall be erected on site, other than that shown on the approved plans.

Condition 13 is now formally discharged on this basis.

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 20 Terrace opening hours

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

- Covering letter received by the City Council, as Local Planning Authority, on the 28 July 2022 stating that there would be no admittance beyond 11pm.

The above information has been considered. A email was sent on the 5 September 2022 requesting clarification on the nature of use for the terrace including will it just be an amenity space for residents and would there be music?

No response was received to this email.

Condition 20 is not formally discharged.

Date: 26 September 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.