



Paul Butler Associates

Planning, Development & Heritage Consultants

13 September 2022

Mrs Julie Roscoe
Head of Planning
Manchester City Council
Town Hall
Albert Square
Manchester
M60 2LA

FAO Tony Mitchell

Ref 11.737

Dear Mrs Roscoe

**Variation of a Condition attached to 112588/JO/2016
1 Ellesmere Street, Hulme, Manchester, M15 4JY (Roof Gardens)**

On behalf our client, De Trafford, we are pleased to submit an application for the variation of a condition attached to planning permission 112588/JO/2016 under Section 73 of the Town and Country Planning Act 1990.

Permission 112588/JO/2016 related to an amendment of the original permission (098216/FO/2011/C1) for the redevelopment of the site with a residential scheme comprising 71 dwellings with associated car parking and amenity space. The development, known as Roof Gardens, has been completed and is occupied.

The landscaping scheme has previously been discharged under application 098216/FO/2011/C1. Condition 5 (hard and soft landscape) attached to the amended permission 112588/JO/2016 was listed as a compliance condition and referenced approved drawing A078_T_300F 'Proposed External Works Plan'. This application seeks to vary condition 5 because the approved scheme could not be complied with due to extensive services beneath the footways restricting the proposed tree planting on Ellesmere Street, Arundel Street and Bentinck Street. A revised drawing - 3751 AB 01 'As Built - External Works' - which reflects the as-built landscaping, has therefore been submitted as part of this application in order to regularise the landscaping. Discussions with MCC regarding replacement tree planting have been on-going, and it is agreed that a legal agreement will be prepared for a financial contribution towards off-site tree replacement.

The proposed re-wording to condition 5 is set out below:

*5) The hard and soft landscaping scheme shall be ~~carried out~~ **maintained** in accordance with drawing **3751 AB 01 'As Built - External Works', dated August 2022** ~~A078_T_300F Proposed External Works Plan which was approved under condition discharge application. The approved scheme shall be implemented not later than 12 months from the date the buildings 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, unless otherwise agree in writing by the City Council as local planning authority.

Reason – *To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policy H2.2; of the Unitary Development Plan for the City of Manchester, and Section 7 (requiring good design) of the National Planning Policy Framework.*

The application fee of £234 has been paid online at the time of submission. We trust that this information is sufficient to enable validation and determination of the planning application. However, if you require any further information please do not hesitate to get in touch.

If you have any queries with regards to the submitted information please do not hesitate to get in touch.

Yours sincerely

James Walkington

James Walkington BA (Hons) MSc
Assistant Planner

Cc Scottt Mallinson; De Trafford