

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

Approval of details reserved by condition

Applicant

Mr John Messer
1st Floor NQ Building
47 Bengal Street
Manchester
M4 6BB

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 12 (Contaminated Land) and 31 (Building Lighting Scheme) attached to planning permission 113870/FO/2016

Location: 2 Chester Road, Manchester, M15 4QG

Date of application: 15 September 2021

Application number: CDN/21/0617

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Approved** in accordance with the information set out below.

Contaminated Land

Condition 12 (Contaminated Land)

Condition 12 is discharged on the basis that the development has been carried out in accordance with the following information:

Verification and Validation Report by GeoAssist Limited dated Aug 2021;
Z1-TPM-G710-PL-GF-2291-202 P1 Podium Edge Planting Plan;
Z1-TPM-G710-DE-GF-2291-402 P1 Planter Details;
Photographs attached to John Messer's email to Lucy Harrison of 30 June 2022;
John Messer's email to Lucy Harrison of 16 June 2022.

Building Lighting Scheme

Condition 31 (Building Lighting Scheme)

Condition 31 is discharged on the basis that the development is carried out in accordance with:

The marked up Chester Road Proposed External Lighting document RBL/SK/Lighting Referenced 15/09/21 received by the City Council as local planning authority on 15 September 2021; and

The marked up Key Plans: Z1-TPM-G710-PL-GF-2291-101 Revision P7 and E125/Z1/43/P01 received by the City Council as local planning authority on 15 September 2021.

The lighting shall be designed, installed and maintained so as to control glare and overspill onto nearby residential properties for the duration of the use of the illumination hereby approved. Should any illumination hereby approved cause glare or light spillage, which, in the opinion of the City Council as local planning authority, causes detriment to adjoining or nearby residential properties, within fourteen days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the City Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Date: 5 July 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 permission refers 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.

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 his 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.