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

Patrick Topham
Kamani Commercial Property Ltd
49 - 51 Dale Street
Manchester
M1 2HF

Agent (if used)

Gareth Jones
Falconer Chester Hall Ltd
Office 2.03
Jactin House
24 Hood Street
Manchester
M4 6WX

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 12 (Travel Plan),13 (servicing hours), 18 (Biodiversity measures) and 19 (Suds 2) attached to application ref no 116401/FO/2017 as amended by 121045 and 127583

Location: 25-27 Dale Street, Manchester , M1 1EY

Date of application: 13 December 2021

Application number: CDN/21/0936

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.

Conditions 12 (Travel Plan)
Conditions 12 (Travel Plan)- On the basis of ongoing implementation of the following:

Interim Travel Plan, Mixed-Use Development, Tribeca House, Manchester by SCP November 2021

the condition is discharged

13 (servicing hours)
Condition 13 (servicing hours) - On the basis of ongoing compliance with teh servicing hours details in the Planning Condition 13: Delivery Hours 04 11 21

Condition 18 (Biodiversity measures)
Condition 18 (Biodiversity measures)- On the basis of the following:

Green Roof Implementation : GrufeKit 2020 Product Guide, Photo stamped as received on the 13-12-22 and ongoing maintenance of the Green Roof

the condition is 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 19 (Suds 2)
Condition 19 (Suds 2) -On the basis that insufficient information has been submitted as identified in comments shared with you 19-01-22

the following information is required to enable the condition to be discharged

*Verification report providing photographic evidence of construction as per design drawings;
*As built construction drawings if different from design construction drawings;
*Management and maintenance plan should identify who will be responsible for maintaining the on-site drainage and should include maintenance requirements for the green roof.

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 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.