

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

Partial approval of details reserved by condition

Applicant

Tombs
Ground Floor Exchange Station
Tithebarn Street
Liverpool

Agent (if used)

Mrs Hannah Bolton
DK-Architects
26 Old Haymarket
Liverpool
L1 6ER

Part 1 – Particulars of the application/development

Proposal: Discharge of planning conditions 5 b (Ground Conditions Verification), 14 (transport mitigation plan), 15 (Travel Plan) and 17 (Plant) associated with planning permission 107838/JO/2015/N2

Location: X1 Eastbank Tower, Manchester, M4 7LR

Date of application: 6 December 2021

Application number: CDN/21/0914

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.

Condition 5 Ground Conditions

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

- Great Ancoats Street, Manchester POS soil validation stamped as received by the City Council, as Local Planning Authority, on the 6 December 2021
- Ground survey stamped as received by the City Council, as Local Planning Authority, on the 18 January 2022

The above information has been considered and is acceptable. Condition 5 is now formally discharged.

Condition 14 Transport Mitigation

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

- Transport mitigation plan stamped as received by the City Council, as Local Planning Authority, on the 6 December 2021

The above document has been considered and is acceptable. The above measures shall be put in place prior to the first occupation of the development and thereafter retained and maintained in situ for as long as the development remains in use.

Condition 14 is formally discharged on this basis.

Condition 17 Plant

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

- Email from Dan Watchorn dated 18 August 2016 confirming that no plant has been installed in the building.

No further action is required in respect of this condition on the basis that there is no plant in the building. Should this not be the case, then further information will be required to satisfy this condition.

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 15 Travel Plan

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

- Travel Plan stamped as received by the City Council, as Local Planning Authority, on the 6 December 2021

The above information has been considered. A request was made on the 8 February 2022 regarding additional information that would be required in this regard. This information is as follows:

- travel plan budget and resources for the implementation and day to day
- management of travel plan measures;
- Appropriate management structures;
- Detailed time frames for the delivery;
- Handover arrangements for the travel plan or its components when the developer's responsibility ceases; and
- Targets and monitoring arrangements

This information has not been provided and therefore the condition cannot be formally discharged at this stage.

Date: 28 April 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.