

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

Partial approval of details reserved by condition

Applicant

Mr James Wallbank
Renaker Build Limited
Bengal Street
Manchester
M4 6BB

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Discharge Conditions 14 (Phasing), 30 (SuDS) (Phases 2A & 2B), 31 (Flood Risk Assessment) (Phases 2A, 2B & 3), 41(b) (TV Reception) (Phases 2A & 2B) and 44 (BREEAM) (Phase 1) of planning permission 111719/FO/2016/C1

Location: Land Bounded By Owen Street, Pond Street, Deansgate And The River Medlock, Manchester, M15 4QA

Date of application: 18 November 2019

Application number: CDN/19/0930

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 14 (Phasing)

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The following drawings, received by the City Council as local planning authority on 18 November 2019, are acceptable to define the different phasing zones of the site as required by condition 14 and discharge the pre-commencement part of the condition:

Z1(86)LG001
Z1(86)B1001
Z1(86)B2001
Z1(87)LG001
Z1(87)B1001
Z1(87)B2001
Z1(88)GF001
Z1(94)LG001
Z1(94)B1001
Z1(94)B2001.

Condition 30 (SuDS)

Condition 30 (SuDS)

Condition 30 is discharged in relation to Phases 2A & 2B (as defined under Condition 14), on the basis of the following information and providing the drainage scheme is implemented and thereafter managed and maintained in accordance with the approved details:

Drawing entitled: Owen Street - As Built External Drainage, November 2019;

Drawing number Z1-MWA-G580-PL-LGF-001 - Surface Water Drainage Layout Lower Ground Floor - Plan;

Drainage Management and Maintenance Report dated 23 January 2019 by Renaker; and

Owen Street - Phases 02A & 02B, Condition 30 - Photographic Evidence of SuDS Installation received by the City Council as local planning authority on 18 November 2019.

Condition 31 (FRA)

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Condition 31 is discharged in relation to Phases 2A, 2B and 3, as defined under Condition 14, on the basis of the following information and providing the development is registered with Floodline within 6 months of first occupation:

The Flood Emergency Evacuation Plan by Renaker Build Ltd, dated 23 January 2019;

The Schedule of FFLs and SSLs reference 7359-Z1-SHP-G100-Sc-XX-001 Rev: FI : Final Issue for Completion of Tower D by Simpson Haugh and Partners dated 04.03.2019;

Drawing entitled 'Condition 31 - Flood Risk Assessment Measures Applied to Lower Ground' REVISION: C01 (18/12/18), received by the City Council as local planning authority on 18 November 2019; and

Drawing numbers

Z1-TPM-G710-PL XX 2289 102 REV P19

Z1-TPM-G710-PL XX 2289 103 REV P19

Z1-TPM-G710-PL XX 2289 104 REV P19.

Condition 41(b) TV Reception

Condition 41(b) (TV Reception) (Phases 2A & 2B)

Condition 41(b) cannot be discharged at this time as further work is required to assess and remedy where necessary degradation to tv reception in the affected areas set out in the Television Baseline and Post-Construction Survey Report by Pager Power dated November 2019.

Condition 44 (BREEAM) (Phase 1)

Condition 44 (BREEAM) (Phase 1)

Condition 44 is discharged in relation to Phase 1 (as defined under Condition 14), on the basis of the BREEAM UK Final Certificate for Retail Units 4 and 5 dated 11 September 2019.

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.

Date: 6 February 2020

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.