MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 Section 192 (as amended) Town & Country Planning (Development Management Procedure) (England) Order 2015

Refusal of Certificate of Lawfulness

Applicant	Agent (if used)
Simon Marshall Commercial Development Projects Limited C/o Agent	Laura Dimond Maddox and Associates Ltd 68 Hanbury Street London E1 5JL

Part 1 – Particulars of the application/development

Proposal: Certificate of lawful development to confirm that application ref no 106792/JO/2014/C2 (Permission A) has been implemented and that the remaining unimplemented parts of the consent are extant.

Location: Gateway House , Piccadilly Station Approach, Manchester, M1 2GH

Date of application: 27 November 2018

Application number: 121957/LP/2018

Part 2 – Particulars of decision

Based on the information provided, Manchester City Council is not satisfied of the lawfulness of the use at the time of the application and therefore refuses the application for the reason(s) listed below.

Reason(s) for decision

1) Reason 1- Implementation: Only application ref no 106793 (applicant refers to this as Permission B) granted consent for the demolition of the 1 storey building (former Avis Car Hire building) and formal layout, rationalisation and increase in numbers of the surface level car parking to the rear of Gateway House (engineering operation and retrospective change of use). These works have been implemented along with the conversion of Gateway House also approved by that permission. The works associated with the rear car park did not form part of application ref no 106792 (applicant refers to this as Permission A). On this basis Permission B has been implemented. Permission A has not been implemented and has now expired.

2) Reason 2 - Pre-commencement conditions: The permission granted under application ref no 106792 (Permission A) was granted subject to a number of pre-commencement conditions.

The pre-commencement requirements of conditions 3 (Materials), 9 (Refuse), 10 (Fumes) and 14 (Acoustics) have only been partially complied with (in relation to the conversion of Gateway House only) and are therefore only part discharged; and

The pre-commencement requirements of conditions 7 (Emergency Number), 24 (Shop Front and Signage Strategy) and 28 (Surface Water Management) have not been met so have not been discharged.

In view of the above Manchester City Council as the Local Planning Authority do not concur with the applicants view that compliance with the pre-commencement conditions is such that application ref no 106792 (applicant refers to this as Permission A) can be deemed, notwithstanding Reason 1, to have been implemented.

Date: 26 April 2019

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. If you are aggrieved by the decision of the local planning authority to refuse to grant a certificate of lawfulness, then you may appeal to the Secretary of State under section 195 of the Town and Country Planning Act 1990.

2. There is no deadline for submitting your appeal. 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/planning-inspecorate. 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.