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

Carillion PLC and Moda Living (Angel Gardens) Limited
C/o Agent

Agent (if used)

Melissa Wilson
Deloitte LLP
2 Hardman Street
Spinningfields
Manchester
M3 3HF

Part 1 – Particulars of the application/development

Proposal: Discharge of condition nos. 7 (materials), 48 (wind baffles) and 51 (vibro-impact works) attached to planning permission ref: 111347/FO/2016/N1.

Location: Land Bounded By Miller Street, Rochdale Road And Angel Street, Manchester

Date of application: 18 October 2017

Application number: CDN/17/0650

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.

Vibro Impact Works
Condition no.51 required that 'Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved detail's.
I have noted that correspondence between Deloitte LLP and Network Rail dated 20th October 2016, which confirmed that there was no temporary or permanent vibro piling within the scheme, and that CFA piles had been selected as the design solution on the basis that the vibration was significantly lower than percussive driven piled solutions. Confirmation has been received from Deloitte LLP on 17th April 2018, that all piling works are now complete. On the basis no temporary or permanent vibro piling were undertaken within the scheme, and that all piling works on the site are completed I can confirm that condition no.51 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.

Materials

I can confirm that the use of deep grey anodised Reynobond material(L7118M Duragloss 5000 Matt Xtrem) is acceptable to be used on the tower in visual terms, and on the basis that the materials will be cleaned at least once a year by a company who specialises in the cleaning of facades comprising this material, and has the appropriate competencies and insurance to enable them be undertake the approved maintenance regime. Furthermore, than MODA will undertake inspections from ground level comprising a visual inspection of the cladding undertaken in the interim periods between cleaning, and that this will be done by the on-site maintenance team. In the event that it is identified that localised or full facade cleaning is required, then a contract clean would be instructed. Additionally if any maintenance is required to the cladding , then a specialist surveyor or contractor would be engaged to impact and undertake report (document reference : Façade cleaning strategy dated 10.04.2018 for LIV (management operator for Angel Gardens)).
the repaired GRC panel has been examined by appropriate officers. It is not considered that the repair submitted for consideration, is a sufficient match in terms of colouration and texture. It is therefore considered that the GRC product which is proposed is not acceptable.

Therefore, in view of these concerns, whilst use of deep grey anodised Reynobond material(L7118M Duragloss 5000 Matt Xtrem) is acceptable to be used on the tower subject to the inspection and cleaning regime outlined above, condition no.7 cannot be discharged at this time.

Wind baffles

Concern were expressed in relation of the originally submitted designed for the proposed wind baffles , and it was recommended that further consideration was given to this aspect of the scheme. A further design with perforation based on the theme of the historic al context of cotton for the site , through the various widths of cotton threads have been examined . Concerns have also been expressed in relation to this design. Furthermore, it is understood that the latest design submitted for consideration has not been tested to fully assess if the design would achieve the required levels of wind deflection required for the proposed development . In view of this and the concerns expressed in relation to the proposed design , I can confirm that condition no.48 cannot be discharged at this time.

Date: 19 April 2018

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

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.