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

Mr Andrew Broadhurst
Cobe Consulting
Derwent House
Waterfold Business Park
Waterfold
Bury
BL9 7BR

Agent (if used)

Mr Paul Daly
Stephenson Hamilton Risley Studio
3 Riverside Mews
4 Commercial Street
Manchester
M15 4RQ

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 3 (CMP), 4a (Local Labour Proposal), 5 (Air Quality), 7 (Noise & Vibration) (Partial Discharge) and 8c (biodiversity) attached to planning permission 124094/FO/2019

Location: Hill Quays , 1 Jordan Street, Manchester, M15 4QU

Date of application: 6 October 2021

Application number: CDN/21/0731

Part 2 – Particulars of decision (a)

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.

LLA
Condition 4 part (a) (Local Labour Agreement)

Part (a) of condition 4 is discharged on the basis that the development is carried out in accordance with the Local Labour Construction - Proposal and Reporting Template received by the City Council as local planning authority on 24 January 2022 and provided an updated KPI sheet is submitted to the City Council every quarter.

In order to fully discharge condition 4, one month prior to the construction works ceasing, details of the results of the Local Labour Proposal shall be submitted to Manchester City Council.

Air Quality
Condition 5 (Air Quality)

Condition 5 is discharged on the basis that the development is carried out in accordance with the Revised Air Quality Assessment dated December 2021 by NJD Environmental Associates. Any agreed mitigation measures shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Noise
Condition 7 (Noise - Pre-commencement)

The pre-commencement part of Condition 7 is discharged on the basis that the development is carried out in accordance with the following information:

Noise Impact Assessment Report 26875/NIA1 dated 14 June 2019 by Hann Tucker Associates;
Project Technical Memorandum HT:2675/PTM1/R2 dated 1 June 2022 by Hann Tucker Associates; and
Acoustic Performance Glazing Configuration by Guardian Glass.

Once the development is complete, a post completion report is required with testing to confirm that the mitigation measures have been installed, including the noise attenuation on the MVHR. Testing should cover a representative number of apartments and be undertaken with the MVHR running.

Part c - Biodiversity Measures
Condition 8(c) - Biodiversity Measures

Part (c) of condition 8 is discharged on the basis that the development is carried out in accordance with the 'Discharge of Condition 8c' document by Rachel Hacking Ecology dated 31 January 2022.

If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Part 2 – Particulars of decision (b)

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.

CMP
Condition 3 (CMP)

The following information has been submitted and considered as part of this application:

Construction Management Plan received by the City Council as local planning authority on 06.10.2021;
Construction Dust & Emissions Management Plan received by the City Council as local planning authority on 20.12.2021;
Hill Quays Extension Works Construction Management Plan Rev A received by the City Council as local planning authority on 20.12.2021;

In order to discharge condition 3 you will need to discuss and agree the construction traffic management with the City Council's Highways Events and Co-ordination Team and carry out a dilapidation survey, including photographs and commentary on the condition of carriageway / footways, of construction vehicle routes surrounding the site.

Condition 3 is therefore not discharged at this time.

Date: 27 February 2024

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.