

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

Approval of details reserved by condition

Applicant

M & G
C/o Agent

Agent (if used)

Miss Emily Bates
NJL Consulting
6th Floor Origin
70 Spring Gardens
Manchester
M2 2BQ

Part 1 – Particulars of the application/development

Proposal: Discharge of planning conditions 4 (Environmental Standards Statement), 6 (Canopy), 12 (Biodiversity) and 13a (Noise 1 - Use) attached to planning permission 135988/FO/2023

Location: 58 Mosley Street, Manchester, M2 3HZ

Date of application: 22 December 2023

Application number: CDN/23/0877

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Approved** in accordance with the information set out below.

Condition 4 (ES Statement)

Condition 4 is hereby part discharged to allow above ground works to commence on the basis that the development complies with the Environmental Standards Statement prepared by Element Sustainability received by the City Council as local planning authority for the duration of the development and the use of the building hereby approved.

This condition cannot be fully discharged unless and until post construction review certificate(s) have been submitted to and approved in writing by the City Council as local planning authority.

Condition 6 (Canopy)

Condition 6 can be considered to be discharged provided that the canopy is constructed on site fully and only in accordance with the drawing referenced 7002-JMA-ZZ-00-DR-A-215001 S4 P02 7002. This drawing supersedes the canopy design that is shown on the approved drawings referenced 7002-JMA-ZZ-ZZ-DR-A-00-2003-S4 Rev P06 and 7002-JMA-ZZ-ZZ-DR-A-00-2004-S4 Rev P06.

Condition 12 (Biodiversity)

Condition 12 can be considered to be discharged provided that the biodiversity measures shown on the drawings referenced 7002-JMA-ZZ-08-DR-A-000003 S4 P01 7002 are fully implemented before the completion of the development.

Condition 13 - Noise 1 (Use)

Condition 13 a) can hereby be considered to be discharged provided that the noise levels at the development comply with the mitigation measures detailed within the letter from Hann Tucker Associates referenced HT:30387/PTM1 dated 18 December 2023 and received by the City Council as local planning authority on 22 December 2023 and the information with the email from NJL Consulting Planning +Development dated 13 February 2024 and provided that no amplified music or speech is played on the roof terrace at any time.

Condition 13 cannot be fully discharged unless and until Part b) of this condition can also be discharged.

Date: 20 February 2024

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written over a horizontal line.

Julie Roscoe
Director of Planning, Building Control & Licensing

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

Notes

1. This permission refers 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.

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 his 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.