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	Agent (if used)
Connor Arrowsmith Brunswick Square Limited 45 Pall Mall St James London SW1Y 5JG	Mrs Deborah Baker Barnett Zerum Suite 4E South Central 11 Peter Street Manchester M2 5QR

Part 1 – Particulars of the application/development

Proposal: Discharge of planning conditions 4 (Piling) and 8a (Ground Conditions) attached to planning permission 130394/FO/2021

Location: Brunswick Place, Bradford Road, Manchester, M40 7EZ

Date of application: 16 August 2023

Application number: CDN/23/0565

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.

Condition 4 Piling
The following information has been submitted in respect of this planning condition:

- Supplementary Investigation Appraisal Report, Prepared by Groundtech Consulting ltd, Dated November 2023, Reference: GRO-22462-4862 received by the City Council, as Local Planning Authority, on the 24 November 2023

- Geo-Environmental Appraisal report by GroundTech Consulting [dated 5 the July 2023], ref no. GRO-22462-4516 and Risk Assessments & Method statements for piling and ground engineering by Nero [dated 25th July 2023], ref no. C00366 received by the City Council, as Local Planning Authority, on the 16 August 2023

The above information has been considered and is acceptable. The development must be carried out in accordance with the above information.

Condition 4 is now formally discharged.

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.

Condition 8a Ground Conditions
The following information has been submitted in respect of this planning condition:

- Phase 1 Preliminary Risk Assessment, Brunswick Mill, Bradford Road, LK Consult, Reference: LKC 18 1200, Dated: June 2018.
- Geo-environmental appraisal, Brunswick Mill, Groundtech Consulting, Reference: GRO-22462-4516, Dated: 5 July 2023.

- Permanent Ground Gas Risk Assessment, Brunswick Mill, Groundtech Consulting, Reference: GRO-22462-4732, Dated: September 2023.
- Gas Data Calibration Certificate, Dated 25 April 2023.
- Supplementary Investigation Appraisal, Brunswick Mill, Groundtech, Reference: GRO-22462-4862, Dated: November 2023.
- Remedial Specification, Brunswick Mill, Groundtech, Reference: GRO-22462-4692, Dated: November 2023.

The above information has been considered and is not acceptable. Correspondence was sent to Zerum on the 22 December 2023 requesting the following information but now response has been received:

- Further justification is required as to the shortened period of gas monitoring compared to the typical/idealised frequency in CIRIA C665.
- Imported soils need to be validated in line with MCC guidance and not YALPAG
- Confirmation of gas protection measures once the foundation design has been confirmed, including the manufacturer's specification for the membrane and cross section foundation drawings and how the installation will be verified (including the qualifications of the verifier)

The above information is required to satisfy part (a) of this planning condition.

Condition 8a is not formally discharged.

Date: 5 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.