

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

Partial approval of details reserved by condition

Applicant

Mulbury Homes (Central) Limited
C/o Agent

Agent (if used)

Eithne Fitzgerald
Deloitte
The Hanover Building
Corporation Street
Manchester
M4 4AH

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 13 Part a (Plant) , 14 Part a (Noise - Residential), 15 Part a (Noise - Commercial), 19 (Roller Shutters), 24 (A3 A4), 31 (TV Reception), 35 (Birds and Bats) and 38 (Solar Panels) of Planning Permission Ref: 125681/FO/2019 (as amended by Non-Material Amendment (NMA) Ref: 132527/NMC/2021 and 136545/NMC/2023)

Location: Site Bound By Thompson Street To The North East, Oldham Road To The South, Bendix Street To The South West And A Building Occupied By Turning Point To The North West, Manchester,

Date of application: 24 August 2023

Application number: CDN/23/0585

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 13a Plant

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

- A Noise Impact Assessment has been prepared by Environoise, on 16/01/2023. Ref: D480-ENV-ZZ-XX-RP-Y1007 received by the City Council, as Local Planning Authority, on the 24 August 2023

The above information has been considered and is acceptable.

The development shall be carried out in accordance with the above information.

This now formally discharges part (a). In order to discharge this condition in full, part (b) needs to be complied with.

Condition 19 Roller Shutters

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

- Covering Letter from Deloitte received by the City Council, as Local Planning Authority, on the 24 August 2023

The covering letter confirms that no roller shutters are proposed.

No further action in this regard.

Condition 24 A3 and A4 uses

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

- Covering Letter from Deloitte received by the City Council, as Local Planning Authority, on the 24 August 2023

The covering letter confirms that the space will operate as ancillary residential amenity space.

No further action in this regard.

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Condition 31 TV

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

- Television PostConstruction Survey Report published by Pager Power: Urban and Renewables, 07/2023. received by the City Council, as Local Planning Authority, on the 24 August 2023

The above information has been considered and is acceptable.

Condition 31 is now formally discharged.

Condition 35 Bird and Bat Boxes

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

- Bird & Bat Box Location prepared by Tim Groom Architects, Ref: D480-TGA-XX-RF-DR-A-85000 received by the City Council, as Local Planning Authority, on the 24 August 2023

The above information has been considered and is acceptable. The details shall be implemented prior to the first occupation of the development.

Condition 35 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 14a Residential Noise

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

- Façade Strategy Review (stage 5) - Acoustics as prepared by Environoise and ANC (Acoustics and Noise Consultants), on 30/04/2022. Ref: D480-ENV-ZZ-XX-RP-Y-1005 received by the City Council, as Local Planning Authority, on the 24 August 2023

The above information has been considered. An email was sent to Deloitte on the 28 September 2023 requesting the following information:

The glazing specifications have been given in table 4.2 (red, blue and yellow zones) and corresponding locations in Figures 4.1 to 4.5 which are acceptable. The report recommends use of mechanical ventilation and details of the system still need to be submitted (consideration of internal noise, extract/intake positions, any mitigation etc.).

No response has been provided to this email.

Condition 14 is not formally discharged.

Condition 15a Noise Commercial

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

- Façade Strategy Review (stage 5) - Acoustics as prepared by Environoise and ANC (Acoustics and Noise Consultants), on 30/04/2022. Ref: D480-ENV-ZZ-XX-RP-Y-1005 received by the City Council, as Local Planning Authority, on the 24 August 2023

The above information has been considered. An email was sent to Deloitte on the 28 September 2023 requesting the following information:

Details of the design criteria for the internal targets of the commercial unit are given and glazing has been specified in Table 4.2 but no details of maximum permissible music levels etc. have been given.

No response has been provided to this email.

Condition 15 is not formally discharged.

Condition 38 Solar Panels

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

- Covering Letter from Deloitte received by the City Council, as Local Planning Authority, on the 24 August 2023

The above information has been considered. Further discussions are required in this regard. The solar panels cannot be imply removed from the scheme.

Condition 38 is not formally discharged.

Date: 2 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.