

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

Partial approval of details reserved by condition

Applicant

Mrs Miranda Bell
Commercial Development Projects Ltd
Marshall House
Huddersfield Road
Elland
HX5 9BW

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 3 (Birds), 4a (Ground Contamination), 5a & b (Archaeology), 6a (LBP Construction), 8 (CMP), 9 (pre-commencement part only) (Dilapidation Survey), 11 (pre-commencement part only) (Materials Pre-commencement programme), 12 (pre-commencement part only) (Public/Private Realm Pre-Commencement Programme), 13 (SuDS), 16a (TV Reception) and 21 (Air Quality) attached to application 128002/FO/2020.

Location: 1 City Road East, Manchester, M15 4PN

Date of application: 29 March 2023

Application number: CDN/23/0223

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.

Contaminated Land

Condition 4a - Contaminated Land

The Proposed Geoenvironmental Scope of Works dated 22 February 2023 by Next Generation Engineering Consultancy Services is sufficient to discharge part a) of condition 4.

Archaeology

Condition 5 a) & b) - Archaeology

Parts a) and b) of condition 5 are discharged on the basis that the development is carried out in accordance with the Written Scheme of Evaluation (WSI) for an Archaeological Evaluation by Salford Archaeology Version: February 2023.

Local Benefits Proposal

Condition 6a - Local Benefits Proposal

Part a) of condition 6 is discharged on the basis that the construction phase of the development is carried out in accordance with the following information:

Local Benefits Proposal dated 14 February 2023 for the construction phase prepared by Marshall Construction; and

The Work & Skills Local Labour Construction Proposal and Reporting Template received by the City Council as local planning authority on 22 June 2023.

CMP

Condition 8 - Construction Management Plan (CMP)

Condition 8 is discharged on the basis that the development is carried out in accordance with the following information:

The Construction Environmental Management Plan Revision 1D dated 28/06/23 by Marshall Construction.

Dilapidation Survey

Condition 9 - Dilapidation Survey

The pre-commencement part of Condition 9 is discharged on the basis of the Dilapidation Survey received by the City Council as local planning authority on 5 July 2023.

Materials Pre-Commencement Programme

Condition 11 - Materials Pre-Commencement Programme

The pre-commencement part of Condition 11 is discharged on the basis that samples and specifications of all materials to be used on all external elevations of the buildings, which shall include jointing and fixing details, details of the drips to be used to prevent staining and a strategy for quality control management, shall be submitted to and approved in writing by the City Council as local planning authority in accordance with the Samples Programme for Condition 11 & 12 Response Rev No 2 dated 24/03/2023 by Marshall Construction Group.

Public Realm Pre-Commencement Programme

Condition 12 - Public Realm Pre-Commencement Programme

The pre-commencement part of Condition 12 is discharged on the basis that the final details of the public and private realm works shall be submitted to and approved in writing by the City Council as Local Planning Authority in accordance with the timescales set out in the Samples Programme for Condition 11 & 12 Response Rev No 2 dated 24/03/2023 by Marshall Construction Group.

SuDS

Condition 13 - SuDS

The pre-commencement part of Condition 13 is discharged on the basis that the development is carried out in accordance with the following information:

North West SuDS Pro-Forma received by the City Council as local planning authority on 29 March 2023

13842-BKP-V1-XX-DR-C-530 Rev P1 Existing & Proposed Hardstanding Area

14681-BKP-ZZ-XX-DR-C-0500 Rev P2 Drainage GA

14681-BKP-ZZ-XX-DR-C-0502 Rev P1 Blue-Roof GA

14681-BKP-ZZ-XX-DR-C-0510 Rev P1 Drainage Details Sheet 1

14681-BKP-ZZ-XX-DR-C-0511 Rev P1 Drainage Details Sheet 2

14681-BKP-ZZ-XX-DR-C-0512 Rev P1 Drainage Details Sheet 3 received by the City Council as local planning authority on 15 June 2023

14681-BKP-SW Calculations dated 13/06/2023

Flood Risk Assessment and Drainage Statement Rev C dated June 2023 by Booth King
BluRoof Calculation SP130885 BC1 dated 01/03/2023 received by the City Council as local planning authority on 15 June 2023

ACO Hydraulic Design dated 6 March 2023.

The approved details shall be implemented prior to first occupation of the development.

TV Reception

Condition 16a - TV Reception

Part a) of Condition 16 is discharged on the basis of the Television Signal Reception Survey by GTech Surveys Limited received by the City Council as local planning authority on 29 March 2023.

Air Quality

Condition 21 - Air Quality

Condition 21 is discharged on the basis that the development is carried out in accordance with the following information and any agreed mitigation measures are implemented in full before first occupation of the development and remain in situ whilst the use or development is in operation:

Air Quality Mitigation Technical Note Prepared by Cundall (February 2023); and

The email from Miranda Bell of Commercial Development Projects Limited to Lucy Harrison of Manchester City Council dated 4 July 2023 confirming the provision of an Electric Vehicle Charging Point (EVCP) for the Car Club space.

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.

Nesting birds

Condition 3 - Nesting Birds

The commitment to undertake works to trees outside the bird nesting season is noted. However, Condition 3 shall remain in force until the trees are removed and is therefore not formally discharged.

Date: 19 July 2023

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.