

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 James Daycock
Renaker Build Ltd
1st Floor NQ Building
47 Bengal Street
Manchester
M4 6BB

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 20 (Noise non residential Phase A) (partial discharge), 58 (Noise non residential Phase B) (partial discharge) and 22, 60, 97 & 121 (Air Quality Phases A, B, C & D) attached to application ref no 126668/FO/2020 as amended by 128226/NMC/2020, 131955/NMC/2021, 132725/NMC/2022 and 136052/NMC/2023

Location: Crown St Phase 2 , Manchester , M15 4AX

Date of application: 28 March 2023

Application number: CDN/23/0218

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.

Noise Non-Residential Phase A

Condition 20 (partial discharge) - Noise Non-Residential Phase A

The first part of condition 20 is discharged on the basis that the development within Phase A is carried out in accordance with the following information:

The Fisher Acoustics report ref: MPF/PR0634/L04 dated 22 March 2023;
Proposed Gym Floor Plan drawing number C4-MO8-G200-PL-01-0001 Revision P7
Sylomer Product Datasheet SR28 by Getzner
Sylomer Product Datasheet SR42 by Getzner
Sportec Product Data Sheet no. 9141-R-05 Issue: February 2023.

Upon completion of Phase A of the development a verification report to validate that the work undertaken throughout Phase A of the development conforms to the

recommendations and requirements in the approved acoustic consultant's report shall be submitted to and approved in writing by the City Council as local planning authority in line with Condition 20.

Air Quality Phase A

Condition 22 - Air Quality Phase A

Condition 22 is discharged on the basis that the development within Phase A is carried out in accordance with the Air Quality Technical Note for Crown Street Phase 2 (Phase A) ref: 1rAQ10019 dated 16/11/2022 by PEC.

Noise Non-Residential Phase B

Condition 58 (partial discharge) - Noise Non-Residential Phase B

The first part of condition 58 is discharged on the basis that the development within Phase B is carried out in accordance with the following information:

The Fisher Acoustics report ref: MPF/PR0634/L04 dated 22 March 2023;
Proposed Gym Floor Plan drawing number C5-MO8-G200-PL-01-0001
Sylomer Product Datasheet SR28 by Getzner
Sylomer Product Datasheet SR42 by Getzner
Sportec Product Data Sheet no. 9141-R-05 Issue: February 2023.

Upon completion of Phase B of the development a verification report to validate that the work undertaken throughout Phase B of the development conforms to the recommendations and requirements in the approved acoustic consultant's report shall be submitted to and approved in writing by the City Council as local planning authority in line with Condition 58.

Air Quality Phase B

Condition 60 - Air Quality Phase B

Condition 60 is discharged on the basis that the development within Phase B is carried out in accordance with the Air Quality Technical Note for Crown Street Phase 2 (Phase B) ref: 1rAQ10019 dated 16/11/2022 by PEC.

Air Quality Phase C

Condition 97 - Air Quality Phase C

Condition 97 is discharged on the basis that the development within Phase C is carried out in accordance with the Air Quality Technical Addendum for Crown Street Primary School, Phase 2 ref: AQ73415r3 dated 12/04/2022 by Ensaf.

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.

Air Quality Phase D

Condition 121 - Air Quality Phase D

Condition 121 cannot be discharged at this time due to insufficient Electric Vehicle Charging Points (EVCPs). 20% of parking spaces are required to have EVCPs (if resident parking spaces are to be provided as part of Phase D, there should be 20% of EVCP provision for the resident parking spaces and 20% provision for the public spaces). Cable runs should be provided to all spaces so that they can be updated as the demand increases.

Condition 121 is not formally discharged.

Date: 24 May 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.