

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

Partial approval of details reserved by condition

Applicant

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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 3 (materials), 4 (window reveal), 9 (EV), 12 (landscaping), 21 (acoustic insulation), 23 (lighting) and 25 (ground conditions) attached to planning permission referenced 126507/FO/2020

Location: 67 Old Market Street, Manchester, M9 8DX

Date of application: 4 November 2022

Application number: CDN/22/0796

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 3 (materials)

The external materials detailed on the submitted schedule referenced 727-BR.MAT01/A, received by the City Council as Local Planning Authority on 5 April 2023, are satisfactory. Subject to implementation of the agreed materials, condition 3 can be discharged.

Condition 4 (window reveal)

The window design shown on drawing referenced 727-PL.WS, 727-PL.DS, SD-D3.01.2 and SD-D3.01.7, received by the City Council as Local Planning Authority on 4 November 2022, is acceptable. On this basis, condition 4 can be discharged.

Condition 9 (EV)

The details of the electric vehicle charging points shown on drawing referenced 727-BR-D01, received by the City Council as Local Planning Authority on 4 November 2022, is

acceptable. Subject to implementation of the agreed details, condition 9 can be discharged.

Condition 12 (landscaping)

The landscaping scheme shown on the submitted schedule referenced 727-BR.MAT02/A and drawing referenced 6511.01/A, received by the City Council as Local Planning Authority on 5 April 2023 and 4 May 2023 respectively, is acceptable. Subject to implementation of the agreed details, condition 12 can be discharged.

Condition 23 (lighting)

The lighting design layout shown on drawing referenced 2380-D-01/B received by the City Council as Local Planning Authority on 5 April 2023 is satisfactory. On this basis, condition 23 can be discharged.

Condition 25 (ground conditions)

The following information has been assessed as being satisfactory:

Geo-Environmental Investigation Report (Ref: A4932/22/SI) produced by Earth, Environmental and Geotechnical received by the City Council as Local Planning Authority on 4 November 2022.

Hydrock Remediation Strategy and Verification Plan (Ref: 17978-HYD-XX-XX-RP-GE-0001) dated 4 April 2023, and the Hydrock Asbestos Management Plan (Ref) 17978-HYD-XX-XX-RP-GE-0003 dated 4 April 2023.

Remediation Strategy and Verification Plan (Ref: 7978-HYD-XX-XX-RP-GE-0001) produced by Hydrock, received by the City Council as Local Planning Authority on 4 November 2022.

Gas monitoring record sheet received by the City Council as Local Planning Authority on 4 November 2022.

Letter from United Utilities dated 10 May 2023 relating to portable water pipes, received by the City Council as Local Planning Authority on 26 May 2023.

E-mail from Hydrock received by the City Council as Local Planning Authority on 31 May 2023.

Based on implementation of the agreed details, condition 25 can be 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 21 (acoustic insulation)

The details contained within the submitted Noise Impact Assessment produced by Hydrock (Ref: 17978-HYD-XX-XX-Y-RP-0001 - P01) are satisfactory and sufficient to enable the condition to be partially discharged. Full discharge can be provided upon the

submission and agreement of a verification report upon completion of the development prior to occupation of the apartments approved, in order to confirm that the agreed noise criteria has been met.

Date: 1 June 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.