

List No. 2

Ward	Application No.	Date of Appln	Committee Date
Cheetham	081121/FO/2006/C1	15 Dec 2006	15 Feb 2007

Proposal Erection of a fourteen storey building (including ground) with two levels of basement car parking with retail and or restaurant use at ground floor (use classes A1 and A3) and 53 residential apartments on floors 1-13

Location 12 Mirabel Street,7 – 9 Great Ducie Street, Manchester.

Applicant Property Route, 357A Great Western Street, Rusholme, Manchester, M14 4AH.

Agent Hodder Associates, 113/115 Portland Street, Manchester, M1 6DW

DESCRIPTION

The application relates to a site, part occupied by a 3 storey building (7 – 9 Great Ducie Street) with the remainder being cleared. It is bounded by Great Ducie Street (east), Mirabel Street (west) Breslyn Street (north) and a disused railway viaduct (south). The existing property is not a listed building and the application site does not lie within a conservation area. It is situated on a prominent gateway route into the City Centre and is immediately opposite the MEN Arena and close to Victoria Station and the grade II listed former Royal Mail Sorting Office on Mirabel Street. This area has seen significant new investment over the past 5 years including a residential conversion and new build scheme at the Beaumont Building and a substantial residential development at Mirabel Street that is nearing completion.

Planning permission was granted in 2004 for the erection of a six storey building (including basement) after demolition of the existing building to comprise retail (A1) at ground floor, 16 no. residential apartments on upper floors and basement car parking. The applicant has provided a financial appraisal which has demonstrated that the approved scheme is not financially viable and unless additional accommodation can be provided as proposed in this current proposal, the development cannot go ahead.

More recently outline planning permission was granted with all matters reserved for the erection of an 11 storey building (plus basement and ground) comprising 33 No. 2 bedroom apartments, 6 No. duplex apartments (floors 1 to 11), retail at ground floor (Use Class A1) and basement car park.

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The proposal involves the demolition of the existing building and the erection of a 14 storey building (including ground floor) with two levels of basement car parking. The building would contain a mix of uses with retail (Use Class A1) or restaurant (Use Class A3) at ground floor and apartments on floors 1 to 13. Plant equipment is housed on the 14th floor. 24 Car parking spaces would be provided at basement levels. The residential accommodation would comprise of 40 x 2 bedroom apartments and 13 x 1 bedroom duplex apartments.

The proposed building would take the form of a tower that would step back at 8th floor level. Materials proposed for the external elevations include: Vertical flank walls - dark course textured resin-cast concrete, similar in colour to the engineering bricks of the nearby railway viaducts, arranged in vertical courses of varying widths and panel lengths and each articulated by anodised aluminium seams.

Main elevations to upper floors– white concrete balconies, sliding / folding perforated screens in anodised aluminium.

Ground floors – metal soffits and cils with glass walls and doors.

CONSULTATIONS

Head of Environmental Health – Recommended conditions be imposed to a planning approval to control refuse (storage and disposal), fume extraction measures, acoustic insulation, noise generated by the uses, deliveries and hours of operation.

Environmental Services (Contaminated Land Section) – Recommended a condition be imposed to investigate and ameliorate any contaminated land.

Head of Housing – No objections received.

Greater Manchester Police – No objection.

Environment & Operations (Technical Services)- No objections received.

Environment and Operations (Highway Authority) – No objections received.

Head of Engineering Services (Traffic) – No objection received.

GMPTA – Considered that the site was well served by public transport and supported the development. It was noted that the site was adjacent to a redundant viaduct which had the potential to be re-used. Therefore, a scheme of mitigation for noise and vibration should be provided to the satisfaction of the City Council and that the developer should waive its right to take action under the EU Noise Directive. A travel plan was also recommended.

Neighbours – Occupiers of nearby buildings have been consulted. 2 local residents subsequently commented via the Council's web site and another two local residents wrote to the Council with their comments. All of the comments received by neighbours objected to the scheme on the grounds of loss of light and privacy and affected views. Other comments were made

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regarding: the design of building and that it was not in keeping with its setting or context to the nearby grade II listed former sorting office; the proposed A3 use should be for café purposes; A1 use should be for a grocery or convenience store; 3 bedroom flats should be provided to attract families; another development of this type was not necessary; increase and disruption caused through traffic and the construction process; the application does not refer to the other addresses on the site; vehicles would park on and block pavements.

Publicity – The application was advertised as a major development affecting the setting of a nearby listed building.

ISSUES

Regional Spatial Strategy for the North West – The scheme is consistent with RSS policies DP1 which gives priority to the development of sites in urban areas, and SP1 which promotes development in the Regional Poles.

Unitary Development Plan - The range of uses proposed and their distribution through the site would make a positive contribution to the area and street-scene. On this basis, the scheme is considered to be consistent with policies for regeneration (RC1), economic and employment development (I1.1, I1.6, I2.1) and appropriate mix of uses (RC3). In addition the scheme would redevelop a part cleared brownfield site; thus improving the area's appearance and is therefore considered to be consistent with policies relating to a better environment (RC4) and promoting tourism (RC6). The scheme would respect the City's and site's architectural and historic heritage, contribute to the re-use of an area so as to secure its economic future, improve the environment and encourage the area's safe use by the public (Policies E3.1, E3.5, E3.6).

In respect of the City - Wide Development Control Policies within the UDP, the scheme would provide housing and other uses accessible to all people (DC9.1) in a manner that makes it compatible with other nearby activities (DC10), its also felt that the scheme would preserve the appearance and setting of the nearby listed building (Policy DC19.1).

The proposal is consistent with Planning guidance for the area (RC20 Area 1).

The scale and form of the development. – Whilst this application seeks consent for a building 3 storeys taller than the one previously approved by Committee its height is considered to be appropriate in terms of its City Centre context and setting. The proposed building's design, external appearance, would subject to the imposition of conditions controlling the external appearance and use of materials, be of a high quality which it is felt would enhance the sense of amenity within the area and provide a positive contribution to the area within which it would be built.

The Scheme's contribution to regeneration - Regeneration is an important policy stance of the UDP and the site's location and the development would contribute positively to the area. The proposal represents a further

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demonstration of confidence in this part of the City Centre. It is considered that the principle of a new 14 storey building would contribute to the sense of variety in building types in the area. In this context, the scheme is considered to be acceptable and would promote the regeneration required by approved planning policy.

Impact on the nearby grade II listed former sorting office on Mirabel Street. – In considering new developments in the vicinity of listed buildings the City Council must ensure that the settings of listed buildings are preserved or enhanced. The proposed new building would continue a tradition of diversity in terms of height, scale and mix of uses including the newly constructed 16 storey Tempus Tower immediately adjacent to the grade II listed former sorting office. On this basis and by developing the site that is presently in part unused it is considered that the scheme would preserve the setting of the listed building.

Impact on Amenity – Whilst the development would comprise a mix of uses which are considered acceptable there is the potential for noise generation from the site and between the different uses within the building.

The Head of Environmental Health has concluded that subject to the imposition of conditions in order to prevent nuisance from noise, fumes, hours of operation and delivery movements the development would be satisfactory. On this basis it is felt that subject to the imposition of appropriate conditions the development would not adversely affect amenity in the area.

Consultation Responses **Neighbour Comments**

Letters and emails of representation / objection – Whilst the proposed building would be taller than some of its neighbours, and visible from some of the surrounding buildings it would not be incongruous in a City Centre context. The new building would be seen in context with surrounding buildings that differ in height and scale. As the development site is currently part cleared and occupied by a building which is three storeys high, the proposed development would inevitably have some impact on existing adjacent buildings both in terms of its scale and appearance, and because the development would be taller than some nearby buildings; it may therefore impact on their sunlight and daylight. However, this needs to be considered in the context of a dense urban setting where taller buildings tend to be located and where buildings tend to be built in close proximity to one another. The application site is sufficiently distant from both the Beaumont Building and former sorting office that any impact upon light levels would be minimised and as such the degree of overlooking and loss of privacy would not be unacceptable.

The proposal would inevitably have an impact upon the character and setting of the nearby listed building. The application site does not contribute positively to the area. However, for the reasons previously given in this report the impact of the development is not considered to be negative. Views along the streets surrounding the site would be affected but in a positive manner.

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Building works would inevitably lead to some disturbance. However, it is considered appropriate to impose a condition which requires full details of a site vehicle wheel wash to be submitted to and approved by the Council.

Issues relating to noise; traffic access including for emergency vehicles; the public realm would be ameliorated by the imposition of conditions including those recommended by the Head of Environmental Health and the Head of Engineering Services (Traffic).

The ratio of 2 bedroom to 1 bedroom flats and mix of uses proposed are considered acceptable.

On balance, it is felt that subject to the imposition of appropriate conditions the development would not be detrimental to the amenity of residents within the area.

Crime and Disorder - It is considered that the redevelopment of the site and along with further investment and generation of new uses would be beneficial to the area in terms of the increase in activity and natural surveillance.

Human Rights Act 1998 Considerations - This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect of respect for a persons home and a right of peaceful enjoyment of one's possessions which could include a person's home, other land or business assets. In taking account of all material planning considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these articles on the applicant(s) / objectors / residents and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation : APPROVE

On the basis that the proposal is in accordance with the City Council's Unitary Development Plan and in particular Policies: RC1; I1, I2; RC3; RC4; RC6; E3; DC9.1; DC10; DC19.1; and RC20 Area 1.

And there are no material considerations of sufficient weight to indicate otherwise and subject to the following conditions:

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1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. Construction of the works hereby approved by this permission shall not take place unless and until samples and specifications of the materials to be used on all external elevations of the development and final details of the design of the elevations have been submitted to and approved in writing by the City Council as local planning authority. The details must include accurate annotated cross-sectional and elevational drawings which clearly shows the method of construction including jointing patterns and elevational modeling. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

Reason

To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

3. Before the development hereby approved commences a scheme for the storage, recycling and disposal of refuse shall be submitted to and approved in writing by the City Council as Local Planning Authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policy H2.2 of the adopted UDP.

4. Before the development hereby approved commences a report to assess the likely extent of any ground contamination and/or ground gas being present on or affecting the site shall be submitted to and approved in writing by the City Council as local planning authority. Any necessary site investigations shall then be carried out according to a scheme to be agreed in advance with the City Council as local planning authority and implemented in accordance with the approved scheme.

Reason

To ensure that the presence of or the potential for any contaminated land/ground gas is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

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5. The development hereby approved shall achieve Building Research Establishment (BRE) Eco-Homes rating of "Very Good" unless otherwise agreed in writing by the City Council as local planning authority.

Reason - In the interests of minimising the impact on the environment of the building, pursuant to Policy E1.5 of the adopted Unitary Development Plan for the City of Manchester.

6. The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to achieve the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those measures are to be provided to the City Council, as the Local Planning Authority.

Reason - In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in PPS1 "Delivering Sustainable Development".

7. Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from road and rail vehicles and the MEN Arena and other uses within the building shall be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied. Noise survey data must include measurements taken during early morning rush-hour periods and night time to determine the appropriate sound insulation measures necessary. The internal noise criterion area as follows:

- .* Bedrooms (night time 23:00 - 07:00 hrs) 30 dBLAeq
- .* Individual noise events should not normally exceed 45dBLAmax (BS8233:1999)
- .* Living rooms (daytime 07:00 - 23:00hrs) 40dBLAeq

Reason

To secure a reduction in noise in order to protect future residents from noise nuisance.

8. Before the use hereby approved commences, the building, together with any externally mounted ancillary equipment, shall be acoustically insulated to limit the breakout of noise in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the building its uses and equipment. The scheme shall be implemented in full before any of the

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uses commence or as otherwise agreed in writing by the City Council as Local Planning Authority.

Reason

To safeguard the amenities of the occupiers of the building and other nearby buildings.

9. Before development commences a scheme for the extraction of any fumes, vapours and odours from any kitchen areas within the development hereby approved shall be submitted to, and approved in writing by, the City Council as Local Planning Authority.

Reason - In the interests of the amenities of the occupiers nearby properties.

10. The permitted hours of opening of the ground floor commercial units (Use Class A1 and Use Class A3) are to be agreed with the City Council as local planning authority prior to occupation.

Reason

In order that the local planning authority can achieve the objectives both of protecting the amenity of local residents and ensuring a variety of uses at street level in the redeveloped area.

11. All vehicles entering and leaving the site during the construction period are to pass through a wheel wash. Details of the wheel wash shall be submitted to and approved in writing by the City Council as local planning authority prior to the development commencing.

Reason

To ensure that the proposed development does not cause unacceptable amounts of dust in the vicinity and to ensure that local roads are kept clear of mud, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

12. The applicant shall, with regard to television reception in the area containing the application site, provide the Local Planning Authority with studies that:

a) Identify, before the development commences, the potential impact area in which television reception is likely to be adversely affected by the development. The study shall be carried out either by the Independent Television Commission (ITC), or by a body approved by the ITC and shall include an assessment of when in the construction process an impact on television reception might occur.

b) Measure the existing television signal reception within the potential impact area identified in (a) above before development commences. The work shall

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be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Independent Television Commission, and shall include an assessment of the survey results obtained.

c) Assess the impact of the development on television signal reception within the potential impact area identified in (a) above within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the Local Planning Authority in response to identified television signal reception problems within the potential impact area. The study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out in (b) above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the Local Planning Authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception, as advised in Planning Policy Guidance Note 8: Telecommunications, pursuant to the adopted Manchester Unitary Development Plan Policy H2.2.

13. No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with plans to be approved in writing by the Local Planning Authority. These facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to transport mode, pursuant to the adopted Manchester Unitary Development Plan Policy T3.1, T3.6, and T3.7.

14. Details of the materials, which must be natural stone, to be used in the reinstatement works for the footpaths and for the areas between the pavement and the line of the proposed building shall be submitted to and approved in writing by the Local Planning Authority. Any works approved shall be implemented in full within six months, or as otherwise agreed in writing by the Local Planning Authority, of any part of the development first being occupied.

Reason - In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes, pursuant to the adopted Manchester Unitary Development Plan Policy H2.2.

15. No development shall take place unless and until a program of archaeological works in accordance with a written scheme of investigation has been submitted to and approved in writing by the City Council as local

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planning authority. The works shall be carried out in accordance with the approved details.

Reason

To ensure that a record, including drawn, written and photographic information as necessary, is kept of any archaeological discoveries made.

16. The development hereby approved shall not commence unless and until full details which address all outstanding highway design issues, as raised by the City Council's Head of Engineering Services (Traffic), have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt public funds will not be available for highway works required to be carried in discharge of this condition.

Reason

In the interests of public and highway safety and to ensure that the development can be accessed and serviced satisfactorily.

17. The details of an emergency telephone contact number shall be displayed in a publicly accessible location on the site and shall remain so displayed unless otherwise agreed in writing by the City Council as local planning authority.

Reason

In the interests of local amenity.

18. Details of access proposals for mobility impaired persons including route widths, levels and gradients, shall be submitted to and approved in writing by the City Council as local planning authority before development commences. The approved details shall be implemented before the development is first brought into use.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of the Unitary Development Plan for the City of Manchester and the Disability Discrimination Act 1995. However, in approving the relevant drawings, the City Council as the local planning authority does not hereby give any warranty that the provisions of the Disability Discrimination Act 1995 have been complied with.

19. The development hereby approved shall be carried out in accordance with the drawings: to be reported at Committee.

Reason - To ensure that the development is carried out in accordance with the approved plans.

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application 078851/00/2006/C1 held by Planning or area City Council Planning Policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are all held by the Planning Division.

THE FOLLOWING RESIDENTS, BUSINESSES AND OTHER THIRD PARTIES IN THE AREA WERE CONSULTED ON THE APPLICATION:

GMPT

Greater Manchester Police

Environment & Operations (Highway Authority)

Environment & Operations (Refuse & Sustainability)

Greater Manchester Ecology Unit

2A Mirabel Street, Manchester, M3 1PJ

Arena Point, 1 Hunts Bank Approach, Manchester, M3 1AP

City Room, 23 Hunts Bank Approach, Manchester, M3 1AX

Chethams School Of Music, Long Millgate, Manchester, M3 1SB

Fourth Floor, Arena Point, 1 Hunts Bank Approach, Manchester, M3 1BS

12A Mirabel Street, Manchester, M3 1PJ

18 Mirabel Street, Manchester, M3 1PJ

20 Mirabel Street, Manchester, M3 1PJ

11 Great Ducie Street, Manchester, M3 1PG

13 Great Ducie Street, Manchester, M3 1PG

9 Great Ducie Street, Manchester, M3 1PG

17 Great Ducie Street, Manchester, M3 1PQ

19 Great Ducie Street, Manchester, M3 1PQ

21 Great Ducie Street, Manchester, M3 1PQ

23 Great Ducie Street, Manchester, M3 1PQ

7 Great Ducie Street, Manchester, M3 1PS

25 Great Ducie Street, Manchester, M3 1PU

15 Great Ducie Street, Manchester, M3 1PG

39 Great Ducie Street, Manchester, M3 1PU

21 Hunts Bank Approach, Manchester, M3 1AR

12 Mirabel Street, Manchester, M3 1PJ

14 Mirabel Street, Manchester, M3 1PJ

16 Mirabel Street, Manchester, M3 1PJ

Flat A, Brewers Arms, 32A Great Ducie Street, Manchester, M3 1WA

Basement And Ground And First Floors Part, 11-15A Great Ducie Street, Manchester, M3 1PG

First Floor D H Balken, 11-15 Great Ducie Street, Manchester, M3 1PG

First Floor Santon, 11-15 Great Ducie Street, Manchester, M3 1PG

Second Floor Part B Krawczyk, 11-15 Great Ducie Street, Manchester, M3 1PG

Second Floor Part Palatine Trading Co Limited, 11-15 Great Ducie Street, Manchester, M3 1PJ

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Second Floor Rooms A B And C, 11-15 Great Ducie Street, Manchester, M3 1PG

Second Floor Rooms E And F And G, 11-15 Great Ducie Street, Manchester, M3 1PG

19A Great Ducie Street, Manchester, M3 1PQ

National Solus Sites 2860 Gable, 23 Great Ducie Street, Manchester, M3 1PQ

Maiden7025 Rear Gable, Nynex Arena, Hunts Bank Approach, Manchester, M3 1AR

Manchester Evening News Arena, Hunts Bank Approach, Manchester, M3 1AR

Sub Basement And Basement, 2 Mirabel Street, Manchester, M3 1PJ

Ground Floor, 2 Mirabel Street, Manchester, M3 1PJ

First Floor And Second Floor, 2 Mirabel Street, Manchester, M3 1PJ

Kms0463 Gable, 2 Mirabel Street, Manchester, M3 1JP

Ground Floor Part Delric, 12 Mirabel Street, Manchester, M3 1PJ

First Floor, 12 Mirabel Street, Manchester, M3 1PJ

Ground Floor Part L Verber Assets, 12A Mirabel Street, Manchester, M3 1PJ

Delric Limited, 14-20 Mirabel Street, Manchester, M3 1PJ

32-34 Mirabel Street, Manchester, M3 1PJ

71-73 Mirabel Street, Manchester, M3 1PJ

2A Arches, Mirabel Street, Manchester, M3 1PJ

3A Arches, Mirabel Street, Manchester, M3 1PJ

5A Arches, Mirabel Street, Manchester, M3 1PJ

Parkway Motors, 9 Great Ducie Street, Manchester, M3 1PG

11-15 Great Ducie Street, Manchester, M3 1PG

Brewers Arms, 32A Great Ducie Street, Manchester, M3 1WA

Victoria Station, Victoria Station Approach, Manchester, M3 1NZ

Nynex Arena, Hunts Bank Approach, Manchester, M3 1AR

Arches, Mirabel Street, Manchester, M3 1PJ

2 Mirabel Street, Manchester, M3 1PJ

11-15A Great Ducie Street, Manchester, M3 1PG

14-20 Mirabel Street, Manchester, M3 1PJ

The Beaumont Building, 22 Mirabel Street, Manchester, M3 1DX

The Beaumont Building (all occupiers), 22 Mirabel Street, Manchester, M3 1DX

Arena Court, Mirabel Street, Manchester,

Unit 4, Arena Court, Mirabel Street, Manchester, M3 1PJ

Apartment 604 Beaumont Building 22 Mirabel Street Manchester

Apartment (from 1 To 53) Typed Manually Sorting Office 7 Mirabel Street Manchester M3 1NJ

All addresses within Tempus Tower, Sorting Office, Administration Building and Bay Building (currently under construction and part completed).

Apartment ... (from 1 To 12) Typed Manually Administration Building 6 New Bridge Street Manchester M3 1NL

Apartment ... (from 1 - 8) Typed Manually Bay Building 5 Mirabel Street Manchester M3 1NG

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Apartment ...(from 1 - 146) Typed Manually Tempus Tower 9 Mirabel Street
Manchester M3 1NN

REPRESENTATIONS WERE RECEIVED FROM THE FOLLOWING THIRD PARTIES:

Mr Houghton 209 Beaumont Building, M3 1DX

Gavin Phelan 106 Beaumont Building M3 1DX

Mr Farrell 604 Beaumont Building M3 1DY

Christopher Boyko 217 Beaumont Building M3 1DX

RELEVANT CONTACT OFFICER

Anthony Mitchell

TELEPHONE NUMBER

0161 234 4776

EMAIL

a.mitchell@manchester.gov.uk