

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

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 4 (contaminated land), 5 (drainage), 6 (drainage management and maintenance) 9 (car parking management), 14 (travel plan) and 21 (building and site lighting) attached to planning permission ref: 122597/FO/2019

Location: Existing Car Parking Land Between Stubbs Mill, Piercy Street, Carruthers Street And The Ashton Canal, Manchester, M4 7EJ

Date of application: 7 September 2021

Application number: CDN/21/0654

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Approved** in accordance with the information set out below.

Condition no. 4 Contaminated land

The content of the following reports and emails have been examined .

Ground remediation completion letter from LK Consult (ref: LKC 18 1173_CR) dated 17th August 2021 received on 7th September 2021; Enabling works verification report by LK Remediate ref: LKR201005VR received on 25th October 2021;
Content of Email from planning agent dated 2nd December 2021 and attached landscape plan refs: Location Plan - landscape upper ground floor (ref: SM-S5 (00) 011) and Location Plan - landscape lower ground floor (ref: SM-S5 (00) 010);
Soils sampling validation report (ref: LKC 20 1085) dated December 2021, received 17th December 2021.

On the basis that the development was implemented in accordance with the Phase 1 Preliminary Risk Assessment - Stubbs Mill, LK Consult, Reference: CL-602-LKC 18 1173-01, Dated: July 2018 and the Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy - Stubbs Mill, LK Consult, Reference: CL-602-LKC 18 1173-02; to comply with part (a) of condition no.4 ; the submitted information is

considered to be acceptable in regard to condition no.4 part (b), and condition no.4 is discharged.

Condition no.5 Drainage

The submitted Surface Water Drainage Verification statement (ref: 122597/FO/2019) received on 7th September 2021, together with the photograph of the hydro-brake installed within the chamber at Stubbs Mews received on 28th October 2021, has been examined by appropriate officers and is considered to be acceptable. I can therefore confirm condition no.5 is discharged.

Condition no.6 Drainage maintenance

The Drainage management and maintenance plan (ref: 308/1) dated July 2021 by Joule received on 7th September 2021, has been examined by appropriate officers and is considered to be satisfactory. On the basis that the development is implemented in full accordance with the measures set out in Drainage management and maintenance plan (ref: 308/1) dated July 2021, condition no.6 is discharged.

Condition no.9 Car park management

The submitted Car park management strategy (Development of Stubbs Mews) dated September 2021, received on 7th September 2021, has been examined by appropriate officers and is considered to be acceptable . On the basis that the development is implemented in full accordance with the measures set out in Car park management strategy (Development of Stubbs Mews) dated September 2021, condition no.9 is discharged.

Condition no.14 Travel Plan

The submitted Travel Plan ref: House at Stubbs Mews, Guest Street dated June 2021 received on 7th September 2021, has been examined by appropriate officers and is considered to be acceptable . On the basis that the development is implemented in full accordance with the measures set out in Travel Plan ref: House at Stubbs Mews, Guest Street dated June 2021 condition no.14 is discharged.

Condition no.21 (a) External lighting

The external lighting details shown on the plans referenced below and submitted photographs of the installed lighting have been considered .

-Site plan - Lower ground parking (plan ref: SM-S5 (00) 115; Site plan - Upper ground parking (plan ref: SM-S5 (00) 116; received 7th September 2021;

-Proposed external lighting layout (ref: EXT102 rev.P2) received 25th October 2021 as amended by Photographic images of installed lighting received 17th December 2021.

On the basis that the development is implemented in full accordance with the details reference above, as amended by photographic images of installed lighting received 17th December 2021 prior to the first use of the development and shall remain in operation for so long as the development is occupied condition no.21part (a) is discharged .

Condition 21 part (b) requires that if any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby properties or a detrimental impact on the adjacent canal, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority. As such this is an on-going requirement at this time.

Date: 20 December 2021

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers 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.

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 his 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.