

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

Approval of details reserved by condition

Applicant

Manchester City Council
C/o Agent

Agent (if used)

Mr. John Cooper
Deloitte LLP
Hanover Building
Corporation Street
Manchester
M4 4AH

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 8 (Servicing and Access), 10 (Travel Plan), 11 (Event Management), 12 (Fumes, Vapours and Odours), 13 (Noise - use), 14 (Noise - Plant), 19 (Noise - Verification), 20 (Operating Hours) and 21 (Public Realm Management) of application referenced 130034/JO/2021

Location: Factory, 161 Water Street, Manchester, M3 4JQ

Date of application: 13 June 2023

Application number: CDN/23/0381

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 8 (Servicing and Access)

Condition 8 (Servicing and Access)- On the basis of implementation and ongoing operation in accordance with the following:

Vehicle Movements Plan prepared by Factory International
4no. Supporting Plans prepared by Manchester City Council: 1. 210385T/TRO/002 RevA; 2. 210385T/TRO/001-Proposed RevA; 3. MF-BHE-XX-XX-DRC-01-0381-P05; and 4. MF-BHE-XX-XX-DRC-01-0382-P05
Travel Plan Addendum prepared by Factory International
Events Management Strategy prepared by Factory International (Section 7.31.3 and 7.31.5)

the condition is discharged

Condition 10 (Travel Plan),

Condition 10 (Travel Plan): On the basis of ongoing compliance with the TRAVEL PLAN MAY 2023 stamped as received on 17-06-24 the condition is discharged

Condition 11 (Event Management),

Condition 11 (Event Management): On the basis of ongoing compliance with the following:

AVIVA STUDIOS - VENUE OPERATIONS MANUAL Version 1.04 - June 2024

the condition is partially discharged

This discharge does not cover External Events within the public realm which require their own separate Event Management Strategy discharge as per section 7.22.4 of the above

Condition 12 (Fumes, Vapours and Odours)

Condition 12 (Fumes, Vapours and Odours)-On the basis of implementation and operation in accordance with the following:

Factory International Maintenance of Kitchen Extraction Systems dated 08-06-23 as amended by Design Note by BDP Rev C06 dated 09-06-23, Fume Extraction Note 04-12-23 and Dwg MF-CHT-WH-RF-DR-M-57-0081.

the condition is discharged

Condition 13 (Noise - use)

Condition 13 (Noise - use)- On the basis of ongoing compliance with the following:

(a) Recommendations within the Three Spires acoustic report reference TS/VNA/2023/44 Rev 2 dated 8th February 2024 subject to the management of the lobbied door sets to ensure one of the door sets remains closed whilst music is being played inside i.e. internal door is closed when the external outer door is open.

(b) Deloitte's e-mail dated 05/04/24 as amended by e-mail 25/06/24

all as supplemented by the AVIVA STUDIOS - THE SOCIAL -NOISE MONITORING SYSTEM -METHOD STATEMENT Version 2.1 - September 2024 in relation to control of sound levels in the internal event spaces.

the condition is discharged

Condition 14 (Noise - Plant)

Condition 14 (Noise - Plant): On the basis of the following:

Level acoustics and vibration Memo 29 May 2024 (update 16 August 2024, in yellow markup) Project: Noise emission measurement Theatre and Warehouse element Reference: MF-LAV-XX-XX-RP-YA-01-0051 (C05) - Issued for Construction (LA.170505.M35)

the condition is discharged

If the kitchen extraction plant is to be in operation beyond 23:00 in the future, then a variation application will be required to vary the hours of the kitchen usage / operation and a revised assessment will be required to include any later hours

Condition 19 (Noise - Verification)

Condition 19 (Noise - Verification)-On the basis of the following:

Level acoustics and vibration Memo 29 May 2024 (update 16 August 2024, in yellow markup) Project: Noise emission measurement Theatre and Warehouse element
Reference: MF-LAV-XX-XX-RP-YA-01-0051 (C05) - Issued for Construction
(LA.170505.M35)

The condition is discharged.

Condition 20 (Operating Hours)

Condition 20 (Operating Hours): On the basis of the operation of the internal areas for 24 hours subject to the management measures set out within section 2.2.2 and 7.4 of the AVIVA STUDIOS - VENUE OPERATIONS MANUAL Version 1.04 - June 2024 the condition is discharged

Condition 21 (Public Realm Management)

Condition 21 (Public Realm Management) - On the basis of ongoing compliance with the following:

*St John Estate Handbook prepared by All+ Management

*Events Management Strategy prepared by Factory International (Section 7.31.5)

*Vehicle Movements Plan prepared by Factory International

*Covering Note prepared by Factory International.

the condition is discharged

Date: 8 October 2024

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.