

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Fraser Higson
Pure Padel Clubs Ltd
C/o Agent

Agent (if used)

Mr Oliver Eves
NJL Consulting
Origin 6th Floor
70 Spring Gardens
Manchester
M2 2BQ

Part 1 – Particulars of the application/development

Proposal: Temporary change of use for a padel facility and supporting facilities for a period of 3 years.

Location: 24 Dutton Street, Manchester, M3 1LE

Date of application: 17 April 2024

Application number: 139686/FO/2024

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Condition(s) attached to this decision

1) The permission hereby granted is for a limited period only, expiring on 12th June 2027; and the use comprising the development for which permission is hereby granted is required to be discontinued on that date.

Reason - The use hereby approved is of a temporary nature, in order to allow the preparation of the a more balanced interim use strategy that would support the proper planning and regeneration of the area and to allow the City Council the opportunity to reconsider the appropriateness of this use and its impact of the use on policies aimed at reducing reliance on travel by private car the consequences of which have not been considered beyond the 12th June 2024 pursuant to Core Strategy Policies SP1, CC1, CC4, EN1, and DM1.

2) The structures hereby permitted shall be discontinued no later than the 12th June 2027 and the fixings and works comprising the development are required to be removed no later than one month from the use ceasing.

Reason - The use and buildings are required to cease and be removed from site within a specified timescale in order to allow reinstatement of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

3) Within one month of the expiration of the temporary period, a scheme to restore the land shall be submitted for approved in writing by the City Council, as Local Planning Authority. The scheme shall be implemented within one month of the use ceasing and thereafter retained and maintained in accordance with this scheme.

Reason - To ensure that the land is reinstated to an appropriate standard in the interest of visual amenity and to restore the recreational value of the site pursuant to policies SP1, EN9, EN10 and DM1 of the Manchester Core Strategy (2012).

4) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Received by the City Council as Local Planning Authority on 02 April 2024:

- Location Plan
- Construction Method and Management Plan
- Observations - Visible Hazards
- Transport Statement and Travel Plan
- Site Waste Management Plan
- Schedule of Works
- Planning Statement

Received by the City Council as Local Planning Authority on 08 April 2024:

- Crime Impact Statement

Received by the City Council as Local Planning Authority on 17 April 2024:

- Proposed Plans and Elevations PL-04E

Received by the City Council as Local Planning Authority on 31 May 2024:

- Noise Impact Assessment 50-161-R1-3

Received by the City Council as Local Planning Authority on 06 June 2024:

- Proposed Site Plan PL-03F
- Construction Management Plan PL-05B

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

5) a) Prior to the first use of the development, a revised scheme of acoustic treatment outlining how the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises, shall be submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the first use of the building. Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties

in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

b) Prior to first use of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy and saved policies DC10.1 and DC26 of the Unitary Development Plan for the City of Manchester.

6) The development shall be carried out in accordance with the Construction Method and Management Plan received by the City Council as the Local Planning Authority on 02 April 2024.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy

7) The premises shall not be open outside the following hours:

07:00 to 22:00 Monday to Saturday

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

8) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

07:30 to 20:00 Monday to Saturday

There will be no deliveries or waste collections on Sunday and Bank Holidays

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

9) The development hereby approved shall be carried out in accordance with the Transport Statement and Travel Plan, received by the City Council, as Local Planning Authority on the 02 April 2024.

In this condition a Travel Plan means a document which includes:

- i) the measures proposed to be taken to reduce dependency on the private car by those visiting and working at the development;
- ii) a commitment to surveying the travel patterns of spectators and staff during the first three months of the first use of the building and thereafter from time to time
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car
- iv) measures for the delivery of specified travel plan services

v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first use of the building, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority. Any Travel Plan which has been approved by the City Council as Local Planning Authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel for spectators, staff and visitors, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy (2012).

10) The waste management arrangements for this development hereby approved shall be carried out in accordance with the Site Waste Management Strategy, received by the City Council as Local Planning Authority on the 02 April 2024, and drawing 'Proposed Site Plan PL-03F', received by the City Council as Local Planning Authority on the 06 June 2024. The details shall be implemented prior to the first occupation of the development and thereafter retained and maintained in situ.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

11) Prior to the first occupation of the development, layout of the car park, and the single disabled parking bay, as indicated on drawing 'Proposed Site Plan PL-03F', received by the City Council as Local Planning Authority on the 06 June 2024, shall be implemented prior to the first occupation of the development hereby approved and retained and maintained in situ for as long as the development remains in use.

Reason - To ensure there is sufficient cycles stand provision at the development in order to support modal shift measures pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).

12) Prior to the first occupation of the development, the provision of 9 cycle spaces as indicated on drawing 'Proposed Site Plan PL-03F', received by the City Council as Local Planning Authority on the 06 June 2024, shall be implemented prior to the first occupation of the development hereby approved and retained and maintained in situ for as long as the development remains in use.

Reason - To ensure there is sufficient cycles stand provision at the development in order to support modal shift measures pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).

13) Notwithstanding the details as set out in condition 2 above, prior to the works to the new pedestrian gate and fire exit, the full and final details of these works, including the existing and proposed elevation drawings of these boundary changes, shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall then be implemented prior to the first use of the development.

Reason - To ensure that a satisfactory boundary treatment for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

14) Prior to the first use of the development hereby approved, a signage strategy for the entire building shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved strategy shall then be implemented and used to inform any future advertisement applications for the building.

Reason - In the interest of visual amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

Informatives

Building Regulations 2010

This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Mining Information

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Construction of the padel courts should be aligned with Sports and Play Construction Association (SAPCA) code of practice and access to the courts should comply with the Equality Act 2010.

Please see <https://sapca.org.uk/guide/codes-of-practice/> for further details.

Any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Email - highwaylicences@manchester.gov.uk

MCC's Events and Network Management Team have reviewed the submitted CMP information and have stated that a road closure is in place on Dutton Street between Robert Street and Julia Street. It is noted in the CMP that the developer has already been in contact with DOMIS regarding these works.

It is requested that the developers continue to work proactively with one another during the construction periods. MCCs Event and Network Management Team have stated that they can advise on any queries on the work and it is recommended that the applicant engage with the team via email at highwaylicences@manchester.gov.uk to discuss any concerns / queries or to organise meetings between MCC, DOMIS, and the proposed contractors at the proposed site.

Date: 12 June 2024

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written in a cursive style.

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 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 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-decision The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.

Appendix A



The Coal Authority

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024