

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

Partial approval of details reserved by condition

Applicant

Mr Jonathan McCaul
McCaul Developments Ltd
C/o Agent

Agent (if used)

Mr Ralph Taylor
Paul Butler Associates
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 2 (Materials), 3 (Secure by Design), 8 (Acoustics), 9 (Landscaping), 14 (Parking Restrictions), 15 (Geo Environmental Investigation) and 16 (Surface water drainage) attached to Planning Permission 136140/JO/2023.

Location: Former All Souls Rectory, Every Street, Manchester, M4 7DQ

Date of application: 6 February 2024

Application number: CDN/24/0076

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.

Secured by design

The following information has been submitted in respect of this planning condition:

- o Cover Letter (Prepared by Paul Butler Associates; Dated 06/02/2024)
- o Secured by Design Letter (Prepared by Greater Manchester Police Design for Security; Dated 13/07/2023)

Both stamped as received by the City Council as Local Planning Authority on 06/02/2024.

The submitted information has been considered and is acceptable in respect of the pre-above ground works segment of condition 3 only. In order to fully discharge condition 3, information must be submitted confirming the development has achieved a secured by design accreditation.

The pre-above ground works segment of condition 3 is now discharged.

Parking Restrictions

The following information has been submitted in respect of this planning condition:

- o Cover Letter (Prepared by Paul Butler Associates; Dated 06/02/2024)
- o Correspondence between Paul Butler Associates & Manchester City Council (Dated 01/12/2023)

Both stamped as received by the City Council as Local Planning Authority on 06/02/2024.

The submitted information has been considered and is acceptable in relation to condition 14 only.

Condition 14 is now discharged on this basis.

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.

Materials

The following information has been submitted in respect of this planning condition:

- o Cover Letter (Prepared by Paul Butler Associates; Dated 06/02/2024)
- o Drawing No. A695_T_2900: Sample Panel (Prepared by Ollier Smurthwaite Architects; Dated May 2023)
- o Drawing No. A695_T_2901: Sample Panel (Prepared by Ollier Smurthwaite Architects; Dated May 2023)

All received by the City Council as Local Planning Authority on 06/02/2024.

Condition 2 cannot be discharged as the Local Planning Authority has received no physical samples of the approved materials and can therefore not determine their acceptability. In order to discharge condition 2 material samples must be provided.

Acoustics

The following information has been submitted in respect of this planning condition:

- o Cover Letter (Prepared by Paul Butler Associates; Dated 06/02/2024)
- o Acoustic Planning Report (Prepared by Lighthouse Acoustics; Dated 12/09/2023)

Both stamped as received by the City Council as Local Planning Authority on 06/02/2024.

Condition 8 cannot be discharged as the submitted information requires further assessment regarding an overheating assessment, as well as plant noise. In order to discharge condition 8 this must be provided.

Landscaping

The following information has been submitted in respect of this planning condition:

- o Cover Letter (Prepared by Paul Butler Associates; Dated 06/02/2024)

- o Drawing No. 23-301 001B - Hard Landscaping Plan (Dated 01/08/2023)
- o Drawing No. 23-301 002A - Soft Landscaping Plan (Dated 07/08/2023)
- o Drawing No. A695_P_4000B - External Gate and Wall Details (Dated April 2023; Received 11/03/2024)

All stamped as received by the City Council as Local Planning Authority on 06/02/2024 unless specified otherwise.

Condition 9 cannot be discharged as the Local Planning Authority has received no physical samples of the approved hard landscaping materials and can therefore not determine their acceptability. In order to discharge condition 9 material samples of the hard landscaping must be provided.

Geo Environmental Investigation

The following information has been submitted in respect of this planning condition:

- o Cover Letter (Prepared by Paul Butler Associates; Dated 06/02/2024)
- o Ground Investigation Report (Prepared by Sub Surface; Dated January 2024)

Both stamped as received by the City Council as Local Planning Authority on 06/02/2024.

Condition 15 cannot be discharged as the submitted information does not include details on controlled water risk assessment and potential vapours. In order to discharge condition 15 this information is required to be submitted.

Drainage

The following information has been submitted in respect of this planning condition:

- o Cover Letter (Prepared by Paul Butler Associates; Dated 06/02/2024)
- o S106 Part 1 'Application to connect to a public sewer' Approval Notice.
- o Drawing 7261G 0001 P4 'Drainage Strategy Plan'.
- o Drawing 1-21590 500 C02 'Drainage Layout'.
- o Drawing 1-21590 501 C01 'Drainage Details Sheet 1'.
- o Drawing 1-21590 502 C01 'Drainage Details Sheet 2'.
- o Every Street - DMS 1-21590 'Outline Drainage Maintenance Operations'.
- o SW Hydraulic Calculations.
- o Email regarding infiltration

All received by the City Council as Local Planning Authority on 06/02/2024.

Condition 16 cannot be discharged as the submitted information is insufficient in that it does not meet all the requirements of the condition. In order to discharge condition 16 further information is required.

Date: 5 April 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 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.