

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

Partial approval of details reserved by condition

Applicant

Mike Purcell
Victor (M1) Ltd
C/o Agent

Agent (if used)

Lynsay Ewart
Paul Butler Associates
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Discharge of Conditions 5 (CMP), 6 (Local Labour), 7 (CEMP Biodiversity), 8 (RAMS), 10a (Noise), 13 (Contaminated Land), 15 (Waste), 17 (Lighting Bats), 18 (Archaeology), 19 (Bio diversity Enhancements), 22 (Drainage) attached to Planning Permission 132574/FO/2021.

Location: Land South Of Stables Car Park , Paradise Wharf, Ducie Street, Manchester, M1 2JN

Date of application: 16 November 2023

Application number: CDN/23/0784

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.

CMP

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

- o Covering Letter (Prepared by Paul Butler Associates; Dated 15/11/2023; Received 16/11/2023)
- o Construction Management Plan Rev 1 (Prepared by MC Construction; Received 07/12/2023)

The above information has been considered and is acceptable in respect of condition 5 only. To fully comply with the condition the construction phase of the development must be implemented in accordance with the approved details.

Condition 5 is now formally discharged on this basis.

Local Labour

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

- o Covering Letter (Prepared by Paul Butler Associates; Dated 15/11/2023; Received 16/11/2023)
- o Local Labour Construction (Prepared by MC Construction; Received 16/11/2023)

The above information has been considered and is acceptable in respect of part a of condition 6 only. To fully discharge the condition a report detailing the outcomes of the approved scheme to satisfy part b of the condition must be submitted to and approved in writing by the City Council as Local Planning Authority.

Condition 6 a is now formally discharged on this basis.

CEMP Biodiversity

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

- o Covering Letter (Prepared by Paul Butler Associates; Dated 15/11/2023; Received 16/11/2023)
- o Construction Environmental Management Plan (Prepared by Rachel Hacking Ecology; Dated 24/01/2023; Received 16/11/2023)

The above information has been considered and is acceptable in respect of condition 7 only. To fully comply with the condition the construction phase of the development must be implemented in accordance with the approved details.

Condition 7 is now formally discharged on this basis.

Contaminated Land

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

- o Covering Letter (Prepared by Paul Butler Associates; Dated 15/11/2023; Received 16/11/2023)
- o Phase 2 Site Investigation Report Paradise Wharf, Ducie Street, Manchester (Prepared by Clancy Consulting; Dated January 2023; Received 20/11/2023)
- o Gas Monitoring Certificate (Prepared by Gas Data; Dated 05/04/2022; Received 18/01/2024)

The above information has been considered and is acceptable in respect of part a of condition 13 only. To fully discharge the condition a verification report pursuant to the approved remediation strategy to satisfy part b of the condition must be submitted to and approved in writing by the City Council as Local Planning Authority.

Condition 13 a is now formally discharged on this basis.

Waste

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

- o Covering Letter (Prepared by Paul Butler Associates; Dated 15/11/2023; Received 16/11/2023)
- o 20005-SK005 Revision 01: Proposed Refuse Strategy (Prepared by Corstorphine & Wright; Dated 07/08/2023; Received 16/11/2023)

The above information has been considered and is acceptable in respect of part a of condition 15 only. To fully comply with the condition, including part b of the condition,

the approved scheme shall be implemented as part of the development and remain in situ for the lifetime of the development.

Condition 15 a is now formally discharged on this basis.

Lighting Bats

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

- o Covering Letter (Prepared by Paul Butler Associates; Dated 15/11/2023; Received 16/11/2023)
- o 0001 Revision P1: External Services (Prepared by Clancy Consulting; Dated 02/11/2023; Received 16/11/2023)
- o 6301 Revision P4: Ground Floor Lighting Services Layout (Prepared by Clancy Consulting; Dated 30/10/2023; Received 16/11/2023)
- o 6305 Revision P4: Roof Level Lighting Services Layout (Prepared by Clancy Consulting; Dated 30/10/2023; Received 16/11/2023)

The above information has been considered and is acceptable in respect of condition 17 only. To fully comply with the condition the approved details must be implemented as part of the development.

Condition 17 is now formally discharged on this basis.

Archaeology

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

- o Covering Letter (Prepared by Paul Butler Associates; Dated 15/11/2023; Received 16/11/2023)
- o Written Scheme of Investigation (Prepared by Paul Butler Associates; Dated 26/08/2022; Received 16/11/2023)

The above information has been considered and is acceptable in respect of the pre-commencement element of condition 18 only. To fully comply with the condition, information to satisfy parts 1 - 6 of the condition must be submitted to and approved in writing by the City Council as Local Planning Authority.

The pre-commencement element of condition 18 is now formally discharged on this basis.

Biodiversity

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

- o Covering Letter (Prepared by Paul Butler Associates; Dated 15/11/2023; Received 16/11/2023)
- o Biodiversity Enhancement Measures (Prepared by Rachel Hacking Ecology; Dated 24/01/2023; Received 16/11/2023)

The above information has been considered and is acceptable in respect of condition 19 only. To fully comply with the condition the approved details must be implemented prior to the occupation of the scheme and be retained thereafter.

Condition 19 is now formally 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.

RAMS

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

- o Covering Letter (Prepared by Paul Butler Associates; Dated 15/11/2023; Received 16/11/2023)
- o Risk Assessments and Method Statement pack for early works activities (Prepared by MC Construction; Received 07/12/2023)

The submitted information does not cover all of the points listed within the condition and only refers to the adjacent Ashton Canal sparingly. The above information has therefore been adjudged to be insufficient in order to discharge condition 8.

Condition 8 still is required to be discharged.

Noise

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

- o Covering Letter (Prepared by Paul Butler Associates; Dated 15/11/2023; Received 16/11/2023)
- o Noise Impact Assessment (Prepared by dBx Acoustics; Dated 28/10/2021; Received 16/11/2023)

The submitted information indicates that for summer cooling, windows would be required to be open, this then prompts the need for mechanical ventilation to achieve acceptable internal noise levels. The insertion of mechanical ventilations vents/grates is considered to be an external alteration which would require planning permission and cannot be dealt with under a discharge of conditions application. The above information has therefore been adjudged to be insufficient in order to discharge condition 10.

Condition 10 still is required to be discharged.

Drainage

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

- o Covering Letter (Prepared by Paul Butler Associates; Dated 15/11/2023; Received 16/11/2023)
- o 501 Revision P02: Drainage Details Sheet 1 (Prepared by Clancy Consulting; Dated 28/04/2023; Received 16/11/2023)
- o 92500 Revision P02: Drainage Details (Prepared by Clancy Consulting; Dated 28/04/2023; Received 16/11/2023)
- o 92502 Revision P01: Drainage Details Sheet 2 (Prepared by Clancy Consulting; Dated 28/04/2023; Received 16/11/2023)
- o Drainage Calculations (Prepared by Causeway; Dated 28/04/2023; Received 16/11/2023)
- o Vertical/Straight Rodding Eye (Prepared by Polypipe; Dated June 2017; Received 16/11/2023)
- o 92500 Revision P03: Drainage Layout (Prepared Clancy Consulting; Dated 08/12/2023; Received 02/02/2024)

- o 92501 Revision P02: Drainage Details Sheet 1 (Prepared Clancy Consulting; Dated 08/12/2023; Received 02/02/2024)
- o 92502 Revision P02: Drainage Details Sheet 2 (Prepared by Clancy Consulting; Dated 08/12/2023; Received 02/02/2024)
- o 92503 Revision P01: Drainage Layout Location Plan and Details (Prepared by Clancy Consulting; Dated 08/12/2023; Received 02/02/2024)
- o Flood Risk Assessment and Drainage Strategy (Prepared by Clancy Consulting; Dated 14/12/2021; Received 02/02/2024)
- o Paradise Mews - 1-21074 Outline Drainage Maintenance Operations (Received 02/02/2024)
- o S106 Approval Notice (Received 02/02/2024)
- o Drainage Correspondences (Prepared by Carl Dawson; Dated 21/12/2021, 13/03/2023 and 14/03/2024; Received 02/02/2024)

The submitted information is an indicative strategy and requires additional information relating to flow connections, outfall invert levels and the ongoing management and maintenance of the drainage system in order to satisfy the requirements of the condition. The above information has therefore been adjudged to be insufficient in order to discharge condition 22.

Condition 22 still is required to be discharged.

Date: 21 February 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.