

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

Power Living (Barclay House) Ltd
Barclay House
35 Whitworth Street West
Manchester
M1 5NG

Agent (if used)

Mr Alec Drake
WSP Indigo
8 First Street
Manchester
M15 4GU

Part 1 – Particulars of the application/development

Proposal: Erection of a two-storey rooftop extension to form 9 duplex apartments and the conversion of the existing redundant internal car park to create a further 4 duplex apartments at Barclay House, Whitworth Street West, Manchester

Location: Barclay House , 35 Whitworth Street West, Manchester, M1 5NG

Date of application: 16 July 2021

Application number: 128804/FO/2020

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 in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. This has included on going discussions about the form and design of the developments and pre application advice about the information required to be submitted to support the application.

Condition(s) attached to this decision

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

12,982-M00E - Location Plan
 12,982-M04C - Cross Section
 12,982-M05G - Fifth and Sixth Floor plans
 12,982-M010F - Ground Floor Plan
 12,982-M14E - Front Elevation
 12,982-M15D - West Side Elevation
 12,982-M16D - Rear Elevation
 12,982-E17DA - East Side Elevation
 12,982-M18A - Cross Section
 12,982-M19C - Proposed Site Plan
 12,983-M06B - Context Impact
 Design and Access Statement Howard and Seddon Architects
 Planning Statement WSP
 Heritage Statement Heritage Collective
 Waste and Servicing Vectos
 Broadband Connectivity Assessment Novo
 TV Reception Assessment Novo
 Crime Impact Statement AP Martin
 Noise Impact Assessment Report Martec Environmental Consultants
 Energy, Environmental Standards Statement Novo

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.

3) Prior to the commencement of development, a detailed demolition and construction management plan outlining working practices during development (including demolition works) shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt the demolition and construction management plan shall include:

- *Display of an emergency contact number;
- *Details of Wheel Washing;
- *Dust suppression measures;
- *Compound locations where relevant;
- *Location, removal and recycling of waste;
- *Routing strategy and swept path analysis;
- *Parking of construction vehicles and staff;
- *Sheeting over of construction vehicles;
- *Communication strategy with residents that shall include details of how engagement, consultation and notification of residents during the works shall take place;

Development shall be carried out in accordance with the approved demolition and construction management plan.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012).

4) A. Prior to the commencement of the development hereby approved, a Local Labour Proposal shall be submitted and approved in writing by the City Council to demonstrate your general commitment to recruit local labour and deliver other local benefits.

B. One month prior to the construction works ceasing, details of the results of the Local Labour Proposal shall be submitted to Manchester City Council.

Reason - To safeguard local employment opportunities, pursuant to policies EC1 of the Core Strategy for Manchester.

5) (a) Notwithstanding the details submitted with the application, prior to the commencement of above ground works the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

A programme for the issue of samples and specifications of all material to be used on all external elevations of the development, drawings to illustrate details of full sized sample panels that will be produced (The panel to be produced shall include jointing and fixing details between all component materials and any component panels), details of the drips to be used to prevent staining and details of the glazing and frames, a programme for the production of the full sized sample panels and a strategy for quality control management; and

(b) The sample panels and quality control management strategy shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme and drawings as agreed above.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

6) No part of the development shall be occupied until details of spaces and facilities for bicycle parking have been submitted to and approved in writing by the City Council as Local Planning Authority. The approved spaces and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to transport mode, pursuant to policy T1 of the City of Manchester Core Strategy.

7) Within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the City Council as local planning authority in response to identified television signal reception problems within the potential impact area: an assessment of the impact of the development on television signal reception within the potential impact area identified in the Television and Radio Reception Impact Assessment dated prepared by GTech Surveys Limited shall be submitted to and approved in writing by the City Council as local planning authority. The study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey dated 7 July 2019. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Office of Communications, and shall include an assessment of the survey results obtained.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of

television signal reception, pursuant to Policy DM1 of the Core Strategy for the City of Manchester and Section 5 of the National Planning Policy Framework.

8) Before the development hereby approved is first occupied full details of a Travel Pack, which shall be provided by the sites management company to all residents of the building shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a Travel Pack means a document which includes information regarding access to sustainable modes of travel, including walking/cycling routes to nearby transport hubs, access to cycle parking, access to car club schemes and all other sustainable modes of transport that are available and measures to be put in place for the updating of the information. Any Travel Pack which has been approved by the City Council as local planning authority shall be provided to all new residents upon occupation of the apartments for as long as the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel, pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD (2007).

9) No externally mounted telecommunications equipment shall be mounted on any part of the buildings hereby approved, including the roof.

Reason - In the interests of visual amenity to enable careful attention to the level of visual clutter is required to protect the character and appearance of this building in accordance with policies SP1 and DM1 of the Core Strategy.

10) Before first occupation of the development a detailed Water Safety Impact Statement and Risk Assessment along with a Water Safety Management Strategy must be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall be implemented in accordance with the approved details at all times.

Reason - In the interests of water safety pursuant to policies SP1 and DM1 of the Core Strategy.

11) No part of the development shall be occupied unless and until full details and specifications, including of load management systems, of the number of car parking spaces equipped with an EV charging point must be submitted to and approved in writing by the City Council as Local Planning Authority. The charging point(s) and the load management system shall be retained for the duration of the use of the building.

Reason - To ensure that adequate provision is made for parking for sustainable travel, pursuant to policies CC10 and DM1 of the City of Manchester Core Strategy.

12) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Whitworth Street West and the railway line shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data must include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria will be required to be achieved:

- o Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not exceed 45 dB L_{Amax,F} by more than 15 times)
- o Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq
- o Gardens and terraces (daytime) 55 dB LAeq

Additionally, where entertainment noise is a factor in the noise climate the sound insulation scheme shall be designed to achieve internal noise levels in the 63Hz and 125Hz octave centre frequency bands so as not to exceed (in habitable rooms) 47dB and 41dB, respectively.

b) Prior to first occupation of the residential units, 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 the internal noise 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 internal noise criteria.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

13) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site.

b) Prior to occupation of the development a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise 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 - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

14) The development hereby approved shall comply with the physical security specifications contained within Section 7 of the submitted Crime Impact Statement. These measures shall be fully implemented within three months of the date of this decision and shall be maintained for the duration of the uses hereby approved. The development hereby approved shall not be occupied or used until the Council as local

planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

15) No externally mounted plant or equipment shall be installed unless and until full details of this plant or equipment has been submitted to and approved in writing by the City Council. Full details shall include:

- a. Scaled existing and proposed roof plans. The proposed plans should clearly show the location of the units. The roof plans should also include surrounding street names (if located externally).
- b. Scaled existing and proposed elevations of the building from all 4 directions, with the relevant street names clearly marked (if located externally).
- c. Scaled cross-sections through the equipment showing its relationship to the building fabric (if located externally).
- d. Plans, elevations and cross sections to demonstrate any associated external alterations.
- e. A technical specification of the equipment. This should include details such as the appearance, dimensions, materials, colour, noise output etc.
- f. Photographs of the location of the equipment.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

16) The apartments (C3) hereby approved shall be used only as private dwellings (which description shall not include serviced apartments/apart hotels or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1995, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as serviced apartments/apart hotels do not commence without prior approval pursuant to Core Strategy policies SP1 and DM1 and to ensure the permanent retention of the accommodation for normal residential purposes.

17) Before any part of the development is first occupied an assessment must be made which analyses all potential sources of flooding and appropriate mitigation measures along with an evacuation plan, including safe access and egress routes from the proposed lower floor dwellings. The assessment, mitigation measures and evacuation plan must be submitted to and approved in writing before the development is occupied.

Reason - To manage the risk of flooding and pollution pursuant to policy EN17 of the Core Strategy.

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.

2The Environmental Protection Section has seen the following report;

o Glazing and Construction Specification Additional Apartments by Martec Environmental Consultants

The report makes recommendation with regards to glazing and the installation of a System 4 MVHR (the external noise from which will need to meet criteria in NSE6 condition). In January 2020 guidance on overheating was published in the form of the AVO Guide (<https://www.association-of-noise-consultants.co.uk/wp-content/uploads/2020/07/ANC-AVO-Residential-Design-Guide-January-2020-v1.1.pdf>). Due to the external noise levels at this site, in particularly on the Whitworth Street West façade (due to traffic and rail noise), we require an overheating assessment to be submitted in line with the AVO guide, which should include a TM59 assessment. This assessment should be combined with the acoustic report to determine if any additional mitigation measures are required to prevent overheating/noise ingress into the new apartments. We cannot approve the proposed acoustic mitigation scheme at this stage, so both parts of the condition will need to go on the application.

4The application site is within Manchester's Air Quality Management Area (map available at: <https://uk-air.defra.gov.uk/aqma/maps>) and future residents may be exposed to air pollution. An exposure assessment therefore needs to be undertaken. Reference should be made to IAQM/EPUK guidance at <http://iaqm.co.uk/guidance> for other considerations, for example boiler emissions.

Information for Developers guidance documents can be downloaded using the following link:
http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United

Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Details of both our S106 sewer connections and S104 sewer adoptions processes (including application forms) can be found on our website
<http://www.unitedutilities.com/builders->

Water supply

The applicant should be instructed to lay their own private pipe, to United Utilities standards, back to the existing main. If this should involve passing through third party land United Utilities must receive a solicitor's letter confirming an easement, prior to connection.

We can readily supply water for domestic purposes, but for larger quantities for example, commercial/industrial we will need further information.

Please note that for properties over two stories high and commercial properties we recommend the developer considers the installation of tanks and pumps.

Our water mains may need extending to serve any development on this site and the applicant may be required to pay a contribution.

Any necessary disconnection or diversion of the private main(s) must have the approval of the pipeline owner and be carried out to our standards at the applicant's expense.

The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

The applicant has not stated whether provision of a new water supply is required. Use of the existing metered supply may be considered if it meets United Utilities standards. If not, a separate metered supply will be required at the applicant's expense.

Although water supply in the area is compliant with current regulatory standards, we recommend the applicant provides water storage of 24 hours capacity to guarantee an adequate and constant supply.

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' property, assets and infrastructure

The applicant should be aware of water mains in the vicinity of the proposed development site. Whilst this infrastructure is located outside the applicant's proposed red line boundary, the applicant must comply with our 'Standard Conditions for Works Adjacent to Pipelines'. We provide this information to support the applicant in identifying the potential impacts from all construction activities on United Utilities infrastructure and to identify mitigation measures to protect and prevent any damage to this infrastructure both during and after construction. This includes advice regarding landscaping in the vicinity of pipelines.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities' assets, the applicant should contact the teams as follows:

Water assets - DeveloperServicesWater@uuplc.co.uk

Wastewater assets - WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>. You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

For any further information regarding Developer Services and Planning, please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>

The applicant is advised to contact the Canal & River Trust's Works Engineering Team via switchboard on 0303 040 4040 or at Enquiries.TPWNorth@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained and that the works will comply with Trust's 'Code of Practice for Works Affecting the Canal & River Trust'

Date: 8 October 2021

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/planning-inspectorate. 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

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/government/organisations/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

This Standing Advice is valid from 1st January 2021 until 31st December 2022