

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. Andreas Theophanous
Theo Bros Limited
281 Barlow Moor Road
Manchester
M21 7GH

Agent (if used)

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Beamish Planning Consultancy
Apartment 231
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Waterside Way
Nottingham
NG2 4RE

Part 1 – Particulars of the application/development

Proposal: Change of use of ground floor from dental practice to Gym (Class E)

Location: Madison House, Ground Floor , 37 Little Peter Street, Manchester, M15 4QJ

Date of application: 26 August 2021

Application number: 131097/FU/2021

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 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 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:

-Location Plan ref. 0232-01 received by the City Council as Local Planning Authority on 16 July 2021.

-Existing Ground Floor Plan ref. 0232-03 received by the City Council as Local Planning Authority on 16 July 2021.

-Existing Elevations ref. 0232-03A received by the City Council as Local Planning Authority on 16 July 2021.

-Gym Noise Impact Assessment ref. 6452DB prepared by Nova Acoustics dated 25/08/2021 received by the City Council as Local Planning Authority on 26 August 2021.

-Proposed Floor Plan ref 0232-04 rev C received by the City Council as Local Planning Authority on 15 October 2021.

-Pliteq Design Technical Note received by the City Council as Local Planning Authority on 26 October 2021.

-RSK Acoustics Memo, Pliteq Weight drop test results received by the City Council as Local Planning Authority on 26 October 2021.

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

Daily 06:00 to 20:00

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.

4) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:00 to 20:00, Monday to Saturday, deliveries/waste collections on Sundays confined to 10:00 to 18:00

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Core Strategy Policies DM1 and SP1 and saved UDP policies DC26.1 and 26.5.

5) Prior to the commencement of the gym use hereby approved, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

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 the 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 saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

6) Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

Reason -To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 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.

For the avoidance of doubt, all external entrance doors (with the exception of fire doors) should be inwardly opening in order to prevent obstruction on the adjacent footway.

The applicant should be advised that any requirements for licensing, hoarding /scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email -highwaylicenses@manchester.gov.uk

The following Physical Security measures are recommended

External Alterations

- Any new external doors should be compliant with and certified to BS PAS 24, STS 202 or LPS 1175 SR2. It is crucial that the door ironmongery to any external escape-only doors is permitted under the security certification of the product. Escape-only doors should be alarmed (audible upon opening) and designed without visible external ironmongery.
- Any new windows should be compliant with and certified to BS PAS 24 where possible. All other window designs/dimensions should take account of the requirements of the above standards, as certified products can carry dimensional restrictions. Any new curtain walling panels should include laminated glazing (see below) and should ideally be securely fixed directly to the floor slabs where possible, rather than to perimeter columns. Ideally, any glazed system should be non-opening. If opening panels must be provided, they should be above 2400mm high and should be fitted with opening restrictors to prevent unauthorised access.
- Any new glazing should incorporate at least one pane of glass with a 1.5mm PVB interlayer (e.g. 7.5mm laminated glass), or a glass rated as P4A under EN 356. The remaining pane in a double glazed unit may be toughened glass.
- If any new shutters are to be installed, they should be tested and certified to LPS 1175 SR2 (or SR1 if perforated laths are required) and installed in accordance with manufacturer's instructions. Ideally, any shutters should have shutter-boxes and guides built into the fabric of the building - where they would be less vulnerable to attack and less visually intrusive.

Internal Security

- The main entrance to the gym should be controlled by a portal/airlock system (allowing one person to gain access at a time, eliminating the potential for tailgating), operated by membership card. Swipe card or proximity readers are a more secure method of entry, rather than key code entry (which can be observed by others). Membership cards should be capable of being easily/quickly activated or disabled by staff. If key

code entry must be used, key codes should be unique to each member, key code entry should not be capable of being observed by others and there must be robust controls in place to ensure that key codes are only used by authorised members. All fire doors should be alarmed and signed as such to prevent mis-use. Staff should be able to manage and restrict the number of visitors to the gym at any one time and ensure that all users have left building at the end of the day.

-To mitigate the risk of theft, lockers should be provided for the use of gym users. The lockers themselves must be robust/secure and all visitors must be encouraged to use them and not leave belongings unattended in changing areas. Staff should undertake regular inspections of all areas of the building, including changing facilities and the locker areas.

- All back-of-house/staff areas should not be publicly accessible and there should be a secure area for staff to store their belongings whilst at work. Any cash office should have solid masonry walls (with no adjacent false/suspended ceilings), a doorset certified to BS PAS 24 and a safe providing adequate capacity and overnight cover. The correct size and category of safe should be determined by an assessment of prospective takings and to meet insurance needs. Consideration should also be given to a chute deposit safe (certified to LPS 1183) behind any counter areas, or an alternative management practice, which would reduce the amount of cash held in the till during busy periods.

-Internal access doors/frames to all other back-of-house areas and equipment stores should also be solid-core (min. 44mm thick) and fitted with either auditable access controls (i.e. proximity readers or swipe cards) or secured with key operated locks (carried by staff only if required for duties and accounted for at all times) to secure them when unoccupied. All staff should understand and accept the need for security measures and should be trained to be vigilant and to report any suspicious behaviour

Alarms

- An alarm should be installed to cover the whole building, linked to contacts on all doors and PIR detectors. It is strongly recommended that any alarm system is monitored, with a response facility (e.g. linked to an Alarm Receiving Centre, who will alert the key holder).

CCTV

1.1 Any CCTV system that may be used within this proposal will require certain specifications and intelligent

placement of cameras to compliment the design of the development. Designers should consider the following points when planning a CCTV strategy:

- CCTV systems (and lighting that support them) require regular cleaning and maintenance to remain effective.
- Where necessary cameras that are vulnerable to damage should be protected from attack either by relocation

to a higher level and using a bigger lens to achieve the view required or through the fitting of a vandal resistant housing.

- With regards to the retention of footage, the police prefer quality over quantity. The overall retention period should be dictated by what the system is designed to achieve, though it would be better to have good quality images over a 14-day period than poor ones over a 30-day period.

- Procedures for recovery of recordings are recommended to be established (e.g. trained staff / the CCTV system instruction manual to be readily available). This is to ensure that the images produced will be of an acceptable standard that will allow for identification of an individual which will stand up to scrutiny in court.

Acceptable Standard - this generally requires a resolution of 720x576 pixels at a real time frame rate of 25 frames per second. (N.B. Both the camera and DVR must be capable of this - if the camera will only send low resolution images then it does not matter how high the resolution of the recording unit is).

Identification - One of three levels of field of view. To identify an individual, the image must capture no less than 120% of the field of view (at least from the top of the individuals head to their knees). The remaining two levels of field of view are 'Overview' and 'Recognition', which whilst effective for observational purposes, are less likely to result in the identification of a person/offender.

- The intelligent placement of cameras helps to provide clear facial identification of individuals. Suitable locations would be: the entrance foyer, customer circulation areas and all parking areas (including cycle parking areas).

Other

- Adequate signage should be deployed in all areas not only to direct people throughout the building, but also to deter unauthorised access to staff-only areas.

-Staff should have clear views of changing facilities and W/Cs to monitor their use.

Public toilets themselves

can give rise to crime and anti-social behaviour issues and the following issues should be considered:

Avoid areas where items such as drug paraphernalia can be hidden (e.g. suspended ceilings). Fittings should be flush to avoid tampering and concealed cisterns, pipe work, etc. should be used. Services where possible should be accessed from outside the facility.

Graffiti and vandal resistant materials should be considered.

Consider hanging cubicle doors as outward opening. This will aid gaining access to collapsed persons.

Opaque panels can be used to great effect to ensure no persons are collapsed inside, whilst

preserving privacy. This measure discourages drug taking and facilitates staff checks.

An alternative

measure is to reduce toilet doors in size by a minimum of 20 centimetres from the floor and to reduce the top height.

-Consider the safety of vending machines. Cash boxes can be tampered with, consider fitting them with alarms.

- Provide 'Chelsea Clip'/karibina style hooks on the back of cubicle doors or partitions for bags and coats.

-Consider setting out a rota and putting notices in toilet facilities that make users aware that regular checks will be carried out. A built in visited/checked chart should be provided.

Management & Maintenance

1.2 Active continuous management and maintenance of the premises can reduce the likelihood of crime and disorder occurring. An operating/maintenance plan should be created to promote good management of the premises, this plan should focus on issues such as:

Opening and closing of the gym, including staff arrival and departure;

Cash management within the premises;

Any cash-in-transit collections/deliveries and banking practices (which should take place in a secure

room with a certified safe to meet insurance needs);

Management of stock deliveries (servicing activities should not require any service doors to remain

open unattended for prolonged periods);

Details of staff security training;

Repairing damaged external and internal fittings, particularly security features e.g. alarm system,

CCTV cameras etc;

Cleaning and prompt removal of graffiti, litter etc; and

Refuse collection arrangements.

There should be regular reviews/exercises to ensure that it remains accurate, workable and up-to-date. All

staff should understand and accept the need for security measures and it should be made easy for people to raise concerns or report observations.

1.3 All high value equipment (e.g. high value portable sporting equipment, computers, flat screen monitors/televisions, tools etc.) should be property marked and securely fixed or stored to deter damage/theft. An accurate record should be maintained which logs all such items.

Adequate signage should be deployed in all areas not only to direct people throughout the premises, but also to deter unauthorised access to back-of-house areas.

Date: 4 November 2021

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 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 he 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.