

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 Qasim Shah
Kleinsberg Builderton Capital Ltd
2 Grobars Avenue
Woking
GU21 4TP

Agent (if used)

Mr Barry Tang
Tang and Associates Ltd - Chartered
Architects
Entrance W1 First Floor
Westwood House
Greenwood Business Centre
Manchester
M5 4QH

Part 1 – Particulars of the application/development

Proposal: S73 application for minor material amendment comprising variation of condition 2 (Approved Dwgs and Documents) (to amend brick colour, make changes to layout and to incorporate a ventilated lobby and smoke shaft) attached to application ref no: 120099/FO/2018

Location: 56 Shudehill, Manchester, M4 4AA

Date of application: 9 April 2021

Application number: 129841/JO/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 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 9 September 2021

Reason - To ensure consistency with the timescales set out in condition 1 of application ref no 120099/FO/2018 and 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:

(a) Site plan 9598/001 REV B;

(b) Dwgs 9598 /121B, 9598 /122B, 9598 /123B, 9598 / 124B ,9598 / 125B, 9598/111D and 9598/112 as amended by sketch stamped as received on 17-05-21;

(c) Measures detailed in Section 4 of the Design and Access Statement by Snook Architects;

(d) Recommendations in REC Air Quality Assessment dated 04-18 ref no AQ104978R4 and measures shown in DWG 115 Rev E;

(e) Tang Associates e-mail dated 17-05-21 in relation to bins;

(f) Fire Management and Evacuation Strategy Extract from Viridian Mechanical, Electrical and Public Health Services Installations;

(g) 6 SHUDEHILL, MANCHESTER, FINAL PHASE 2 GEO-ENVIRONMENTAL, INVESTIGATION, RISK ASSESSMENT, AND REMEDIATION STRATEGY May 2021 by LK Group and the 58 Shudehill, Manchester - UXO Desk Study & Risk Assessment by Zetica UXO; and

(h) Letter from Design for Security dated 01 04 21

Reason - To ensure that the development is carried out in accordance with the approved plans and pursuant to Core Strategy SP 1, CC3, H1, H8, CC5 , CC6 , CC7, CC9 , CC10, T1, T2 , EN1, EN2 , EN3 , EN6 , EN 8, EN9, EN11, EN14, EN15, EN 16 , EN17, EN18, EN19, DM 1 and PA1 saved Unitary Development Plan policies DC18.1, DC19.1 , DC20 and DC26.1.

3) All samples and specifications shall be submitted and approved in writing by the City Council as local planning authority in accordance with the programme set out within the Tang & Associates Ltd Planning Material Condition 3 Document and Dwg 9598/141 Rev A

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.

4) Notwithstanding the conclusions of the 56 SHUDEHILL, MANCHESTER, FINAL PHASE 2 GEO-ENVIRONMENTAL, INVESTIGATION, RISK ASSESSMENT, AND REMEDIATION STRATEGY May 2021 by LK Group and the 58 Shudehill, Manchester - UXO Desk Study & Risk Assessment by Zetica UXO (condition 2 (g) a watching brief shall be maintained to ensure that in the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time during the development being implemented then works shall cease until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the works shall be carried out in accordance with the agreed Remediation Strategy.

(b) A Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority prior to occupation and shall include submission of the UU risk assessment for the potable water supply, validation for the topsoil imported for the rooftop garden and a completion / verification report submitted in line with the recommendations of section 8 of the above Report.

(c) In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to Section 11 of the National Planning Policy Framework and policy EN18 of the Core Strategy.

5) Development shall be carried out in accordance with the approved construction management plan as follows:

Construction Management Plan 56 Shudehill, Manchester M4 4AA, Date: 16th December 2020 by WPS and is subject to continuing ongoing discussions with the MCC Highways Applications and Network Resilience team regarding any requirements for licensing, SKIPS, hoarding / scaffolding and any associated temporary traffic management arrangements.

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).

6) Prior to occupation of the development a scheme for the acoustic insulation of any externally mounted ancillary equipment to ensure that it achieves a background noise level of 5dB below the existing background (La90) in each octave band at the nearest noise sensitive location 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 equipment. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

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

7) The development shall comply with the following:

(a) Recommendations within Section 6 of the Lighthouse Acoustics 56 Shudehill, Manchester, Acoustic Planning Report, 0337/APR1, Revision 3, 13 May 2021 as amended by Tang Associates e-mail dated 17-08-21 (comments from M&E engineer);

IAQ- Valve Brochure, Installation Manual and Consultant Specification; and

Dwg 9598-121 Rev d

The approved noise insulation scheme shall be completed before any of the dwelling units are occupied

(b) Prior to the first occupation of the development, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition.

Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance pursuant to policies SP1, H1 and DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

8) The construction phase of the development shall comply with the Proposal and Reporting Template Local Labour- Construction Phase document stamped as received on 17-06-21

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

9) 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.

10) Surface water drainage works shall be implemented in accordance with the following:

LAND ADJACENT TO 56 SHUDEHILL, MANCHESTER , SUSTAINABLE DRAINAGE STRATEGY , Job Number: FRA 20 1243, Date: February 2021
Client: Kleinsberg Builderton Capital Ltd by LKK as supplemented and amended by:

8797-HBL-XX-XX-DR-D-0500 and 8797-HBL-XX-XX-DR-D-0502

ACRO DRAINS SITE PLANS stamped as received on 16-07-21;

CCTV SURVEY REPORT by WRC stamped as received on 16-07-21;

Drainage photos stamped as received on 16-07-21; and

Blue Roof Design Rev A stamped as received on 05-07-21;

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of national policies within the NPPF and NPPG and local policies EN08 and EN14.

11) No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- (a) Verification report providing photographic evidence of construction as per design drawings;
- (b) As built construction drawings if different from design construction drawings;
- (c) Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development. This condition is imposed in light of national policies within the NPPF and NPPG and local policies EN08 and EN14.

12) Waste storage and collection shall comply with the 56 Shudehill, M4 4AA Occupational Waste Management Plan Rev 3 Date: June 2021 stamped as received on 15-07-21, waste calculations e-mail from Tang Associates dated 14-07-21 and Alan Chapman's email of 13th July 2021 the condition is discharged.

The domestic and commercial waste stores shall have a waste receptacle for each waste stream in the volumes specified within the above

Reason - In order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

13) Fume extraction shall be implemented and operated in accordance with the 56 SHUDEHILL, ODOUR & NOISE RISK ASSESSMENT March 2021 by Viridian and Tang Associates e-mail dated : 27 July 2021 in relation to height of the flue (1m above ridge line)

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

14) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

To ensure a safe form of development that poses no unacceptable risk of contamination to controlled waters pursuant to section 10 of the National Planning Policy Framework Core Strategy policy EN14 and EN17.

15) Parking management shall be implemented in accordance with the SCP CAR PARK MANAGEMENT PLAN, 56 Shudehill, Manchester, CT/210180/TN01 - 12 April 2021 . All measures within the Plan shall be fully completed before the development hereby approved is first occupied.

Reason - The development does not provide sufficient car parking facilities and in order to provide alternative arrangements (e.g. parking leases with car parking companies; car sharing; or car pool arrangement) for the needs of future residents whom may need to use a motorcar and Policies DM1 and T1.

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

07:30 to 20:00 Monday to Saturday

10:00 to 18:00 Sundays and Bank Holidays

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.

17) No infiltration of surface water drainage into the ground on land affected by contamination is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - To prevent pollution of controlled waters from potential contamination on site. Infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

18) The apartments 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.

19) Following commencement of construction of the hereby approved development, any interference complaint received by the Local Planning Authority shall be investigated to identify whether the reported television interference is caused by the Development

hereby permitted. The Local Planning Authority will inform the developer of the television interference complaint received. Once notified, the developer shall instruct a suitably qualified person to investigate the interference complaint within 6 weeks and notify the Local Planning Authority of the results and the proposed mitigation solution. If the interference is deemed to have been caused by the Development, hereby permitted mitigation will be installed as soon as reasonably practicable but no later than 3 months from submission of the initial investigation to the Local Planning Authority. Television interference complaints are limited to 12 months from the completion of the Development hereby permitted.

Reason - To ensure terrestrial television services are maintained In the interest of residential amenity, as specified in Core Strategy Policies DM1 and SP1

20) Before the use of the ground floor commences a scheme for acoustically insulating it to ensure that there is no unacceptable level of noise breakout or transfer of noise from the ground floor uses to the residential accommodation above shall be submitted to and approved in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB 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, respectively.

The approved noise insulation scheme shall be completed before each of the approved uses commence.

Prior to occupation of the ground floor use a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in adjacent residential accommodation arising directly from the proposed development shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non compliance shall be suitably mitigated in accordance with an agreed scheme.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26.

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.

The consent hereby granted does not grant or imply the granting of consent for the relocated plant in any proposed new location.

Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Workforce may arrive on site 30 minutes prior but no working outside these times, unless changed by prior agreement. Noise to be kept to a minimum in the first hour. Reason - To safeguard the amenities of the occupiers of nearby residential accommodation during the construction phase.

Any materials approved for planning purposes should be discussed in full with Building Control. This is to ensure they meet the guidance contained in the Building Regulations for fire safety. Should it be necessary to change the external facade treatment due to conflicts with the Building Regulations you should discuss these with the Planning Service as soon as possible as this could materially effect your permission

Date: 24 August 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 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.