MANCHESTER CITY COUNCIL

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

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Simon Marshall
HSBC Pension Trust (UK) Ltd
Huddersfield Road
Elland
HX5 9BW

Agent (if used)

Mr Max Plotnek
Maddox and Associates Ltd
Amadeus House
27B Floral Street
London
WC2E 9DP

Part 1 – Particulars of the application/development

Proposal: To removal of link from the office building to the apart hotel and amend the number of floors within office building approved by 100761(Refurbishment of Gateway House to create a 182 suite apart hotel above ground floor retail space Class B1 use within mezzanine level above, along with retention of existing parking and retail space within the basement and erection of new 8 storey building comprising Class B1 accommodation above ground floor retail space for use for Class A1 use or Class A2 Use or Class A3 use or Class A4 Use or Class A5 connected to Gateway House by bridge link and erection of new 3 storey gym following demolition of existing single storey building on Ducie Street)as an amendment to application 096872/FO/2011/C2 approved on 23 December 2011) from 8 to 7 floors (overall height of building to be the same)

Location: Gateway House , Piccadilly South, Manchester, M1 2GH

Date of application: 22 September 2014

Application number: 106792/JO/2014/C2

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 31 Declaration

Officers have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. No such problems have arisen on this 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:

(a) L(--) 001 Rev A, L(10)100 Rev A, M2904 -101, M2904 -102, M2904 -103, M2904 -104, M2904 -105, M2904 -106, M2904 -107, M2904 -108, M2904 -109, M2904 -110, M2904 -200, M2904 201, M2904 -202, M2904 -203,
M2904 -205, M2904 -206,M2904 -207, M2904 -208, M2904 - 210, L(10)250 Rev A, M2904 - (10)300 Rev A all stamped as received on 10-09-14;

(b) Requirements as detailed in Sandy Brown Associates LLP acoustic report 10-03-2011;

(c) Letter from Hodder and Partners dated 21st December modifying the scheme to remove the ground floor extension at the south eastern elevation of the building; and

(d) Wind mitigation measures identified in the Concluding Remarks Section of RWDL's Pedestrian Level Wind Microclimate Assessment Desk Study dated 7th April 2011.

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) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

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) The wheels of contractors vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site.

Reason - In the interest of pedestrian and highway safety, as specified in policies SP1 and DM1 of Core Strategy.

5) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority. (a)The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if

any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

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.

6) The development hereby approved shall not commence unless and until a Construction Management Plan, including a Site Waste Management Plan, Air Quality Plan, final details of necessary mitigation measures in respect of the protection of bat roosts and associated foraging and commuting and a plan layout showing areas of public highway agreed with the Highway Authority for use in association with the development during construction , has been submitted to and approved in writing by the City Council as local planning authority. The strategy shall include details on the timing of construction of scaffolding, the lighting and operation of cranes during construction, and a Human Impact Management Plan.

Reason - To ensure that the appearance of the development is acceptable and in the interests of the amenity of the area, pursuant to policies EN15, EN16, EN17 and EN18 of the Core Strategy and Guide to Development 2 (SPG)

7) The details of an emergency telephone contact number for shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with policies SP1 and DM1 of the Core Strategy.

8) Before development commences or within a timescale as otherwise agreed in writing by the City Council a scheme for the acoustic insulation of any externally mounted ancillary equipment 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

9) Before development commences or within a timescale as otherwise agreed in writing by the City Council, a scheme for the storage (including segregated waste recycling) and disposal of refuse for (a) the serviced apartments; (b) the offices; (c) the gym; and (d) the ground floor units 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 prior to occupancy or in the case of the ground floor units prior to any new tenancy commencing and shall remain in situ whilst the use or development is in operation.

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

10) Before development commences or within a timescale as otherwise agreed in writing by the City Council, a scheme for the extraction of any fumes, vapours and odours from (a) the serviced apartments; (b) the offices; (c) the gym; and (d) the ground floor units 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 prior to occupancy or in the case of the ground floor units prior to any new tenancy commencing and shall remain in situ whilst the use or development is in operation.

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

11) Before any new use hereby approved commences, within each of the ground floor units details of the proposed opening hours shall be submitted to and approved in writing by the City Council as local planning authority. The units shall be not be operated outside the hours approved in discharge of this condition.

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.

12) 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

13) Before the building hereby approved is first occupied it shall be insulated in accordance with a scheme 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 property.

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

14) Before development commences or within a timescale as otherwise agreed in writing by the City Council ,details of the scheme of acoustic insulation including where

necessary acoustic glazing and acoustically treated ventilation of the following shall be submitted and approved in writing by the City Council as local planning authority:

(a) the serviced apartments:
(b) the gym;
(c) the offices;
(d) any new Class A3, A4 or A5 use within the ground floor unit.

The acoustic attenuation scheme hereby approved shall be implemented in full before each of the above uses first commences.

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.

15) No part of the site outside of the building shall be used other than in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority.

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.

16) No amplified sound or any music shall be produced or played in any part of the site outside of the building other than in accordance with a scheme detailing the levels at which any music shall be played and the hours during which it shall be played which has been submitted to and approved in writing by the City Council as local planning authority.

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) Before development commences or within a timescale as otherwise agreed in writing by the City Council details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. 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 secure by design accreditation unless otherwise agreed in writing.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy.

18) Before development commences or within a timescale as otherwise agreed in writing by the City Council details of the number, location and layout of facilities for cycle parking to be included within the development site shall be submitted and approved in writing by the City Council as Local Planning Authority. The approved cycle parking shall be in place before the use of the development commences.

Reason - In the interests of public safety pursuant to policies DM1 and T2 of the Core Strategy.

19) Before first occupation of any part of the development, a Travel Plan including details of how the plan will be funded, implemented and monitored for effectiveness, shall be submitted to and approved in writing by the City Council as local planning authority. The strategy shall outline procedures and policies that the developer and occupants of the site will adopt to secure the objectives of the overall site's Travel Plan Strategy. Additionally, the strategy shall outline the monitoring procedures and review mechanisms that are to be put in place to ensure that the strategy and its implementation remain effective. The results of the monitoring and review processes shall be submitted in writing to the local planning authority and any measures that are identified that can improve the effectiveness of the Travel Plan Strategy shall be adopted and implemented

Reason - In accordance with the provisions contained within planning policy guidance and in order to promote a choice of means of transport, pursuant to policies T2 and EN16 of the Core Strategy

20) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of `very good'. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before the building hereby approved is first occupied or within a timescale to be agreed in writing by the City Council as local planning authority.

Reason - In order to minimise the environmental impact of the development pursuant to the principles contained in the Guide to Development in Manchester 2 and policies SP1, DM1 and EN8 of the Core Strategy

21) No development shall take place / commence until a Written Scheme of Investigation (WSI) covering a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority and the report(s) made available for consideration. No development shall take place other than in accordance with the approved WSI. The WSI shall cover the following:

1. A phased programme and methodology of site investigation and recording to include: - a desk-based assessment - (where appropriate historic building assessment and possibly more a more detailed survey and interpretive record) - targeted archaeological evaluation - (depending upon the evaluation) targeted area excavation

2. A programme for post investigation assessment to include: - analysis of the site investigation records and finds - production of a final report on the significance of the archaeological interest represented

3. Provision for publication and dissemination of the analysis and report on the site investigation

4. Provision for archive deposition of the report and records of the site investigation

5. Nomination of a competent person or persons / organisation to undertake the work set out within the approved WSI

The archaeological works should be undertaken by a suitably experienced and qualified archaeological contractor, funded by the applicant. GMAAS would monitor the implementation of the work on behalf of Manchester local planning authority.

Reason - To investigate the archaeological interest of the site and record and preserve any remains of archaeological interest, pursuant to saved Unitary Development Plan policy DC20.1 and guidance in section 12 of the National Planning Policy Framework.

22) Before development commences or within a timescale as otherwise agreed in writing by the City Council final details of the proposed landscaping scheme (including details of the proposed materials) shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the proposed building is first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise agree in writing by the City Council as local planning authority.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with Policies EN1, EN9, EN15 and SP1 of the Core Strategy.

23) Occupation of the development shall not commence unless and until a servicing management strategy, including a schedule of loading and unloading locations and times, has been submitted to and agreed in writing by the City Council as local planning authority. Servicing shall thereafter take place in accordance with the approved strategy.

Reason - In the interests of public and highway safety and the protection of residential amenity, pursuant to policies SP1 and DM1 of the Core Strategy.

24) Before the development is commenced or within a timescale as otherwise agreed in writing by the City Council a shop front and signage design strategy for the commercial units shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To protect the visual amenity of the area and to ensure the development is carried out in a satisfactory manner pursuant policies SP1 and DM1 of the Core Strategy.

25) The consent hereby granted is for a development that has full access into and throughout the building and access to the public realm for tenants and members of the public, including those whose mobility is impaired and the arrangements hereby approved shall remain in place as long as the development is operating for the purposed hereby approved

Reason - For the avoidance of doubt and so as to provide direct access for all, pursuant to policy DM1 of the Core Strategy

26) No development shall commence until an additional bat survey of the main building and undercroft is carried out and a method statement, including details of replacement nesting sites, is submitted to and approved in writing by the City Council as local planning authority .The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied.

Reason - In the interests of visual and residential amenity, in the interests of the protection of bat roosts and associated foraging and commuting areas pursuant Section 11 of the National Planning Policy Framework and pursuant to Core Strategy policies EN15 and SP1.

27) Notwithstanding the information shown within the Gateway House Facade Lighting Concept, before development commences or within a timescale to be agreed in writing with the City Council as Local Planning Authority, detailed drawings for the scheme for lighting the building and for illuminating all facades of the building including how it will be designed and installed to avoid glare and overspill onto nearby residential properties, shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development, pursuant to Core Strategy policies SP1 and DM1.

28) Before development commences or within a timescale as otherwise agreed in writing by the City Council, the following details shall be submitted and approved in writing by the City Council as Local Planning Authority:

Confirmation that of measures that will ensure that no surface from this development is to be discharged either directly or indirectly to the combined sewer network.

Confirmation that the site would be drained on a separate system, with only foul drainage connected into the foul sewer.

Reason - In the interests of protecting adjacent watercourses, and sewer networks pursuant to Section's 10 and 11 of the National Planning Policy Framework and pursuant to policies EN15 and SP1 of the Core Strategy.

29) Details of the materials, including natural stone or other high quality materials to be used for the footpaths and for the areas between the pavement and the line of the proposed building shall be submitted to and approved in writing by the City Council as the local planning authority. Any works approved shall be implemented in full within six months, or as otherwise agreed in writing by the local planning authority, of any part of the development first being occupied.

Reason - In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes pursuant to the policies SP1 and DM1 of the Core Strategy

30) The development hereby approved should be scheduled to allow the any black redstarts to complete the breeding and fledging of young before development commences.

Reason - In the interests of the protection of black redstarts pursuant Section 11 of the National Planning Policy Framework and pursuant to Core Strategy policies EN15 and SP1.

Informatives

This permission does not grant approval under Building Regulations.

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.

Date: 17 November 2014

Signed: 

Julie Roscoe
Head 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, he may appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within 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 Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

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 First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he 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 of the First 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 First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix A – Standing Advice Regarding Coalfield Area

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.
Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com