MANCHESTER CITY COUNCIL

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

Approval of details reserved by condition

Applicant

Mr Simon Linford
Czero
The Penthouse
Grosvenor House
Birmingham
B2 5RS

Agent (if used)

Miss Samantha Gill
Buttress
41 Bengal Street
Manchester
M4 6AF

Part 1 – Particulars of the application/development

Proposal: Discharge condition no.9 (Secure by Design) and 10 (BREEAM) , 17(refuse storage) , 21(acoustic insulation), 23 (contaminated land) and 25 (landscaping) attached to planning permission ref: 110845/FO/2015/N2

Location: Former Welsh Baptist Chapel , Upper Brook Street, Manchester, M13 9AJ

Date of application: 10 July 2017

Application number: CDN/17/0412

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Approved** in accordance with the information set out below.

Condition no.9 - Secure by Design
The Design for Security officer has confirmed the scheme has achieved secure by design accreditation. On the basis that the development has achieved secure by design accreditation , I can confirm that condition no.9 is discharged.

Condition no.10 -BREEAM
I have noted that the submitted Planning Sustainability Review (as built) document by SAL dated 05.09.2017 confirms that the development has achieved a BREEAM/CfSH rating of very good / level 3 under a Planning Sustainability Review employing equivalent code for sustainable homes criteria.
On this basis I can confirm that condition no.10 is discharged .

Condition no.17 - refuse storage
The original information submitted for consideration did not sufficiently outline the provision of waste storage at the development . The waste management plan received on 2nd August 2017 and drawing ref:8015 (52) 101rev.A were referred to appropriate officers for consideration, who have subsequently advised, the revised proposal is considered to be acceptable. On this basis I can confirm that condition no.17 is discharged .

Conditon no.17 - Gym Insulation
The report entitled 'Information to support the discharge of Acoustic related conditions dated 25th May 2017 ref: 101426 by Miller Goodall , and the Addendum to the Acoustic Report by Buttress were referred to appropriate officers for consideration.
It was subsequently advised that it was not clear from the acoustic report submitted if there would be a music system installed in the gym and what impact such a system would have on noise levels. The report also did not consider flanking transmission of noise and it was not clear if there would be free weights for use in the gym area, use of these weights could cause noise disturbance to the occupiers of the residential properties above. The addition information received on 4th August 2017 confirming music noise levels greater than around 80 dBA are considered unlikely; that flanking sound transmission will be controlled by appropriate construction/junction detailing; an independent plasterboard ceiling is proposed, which will limit flanking sound transmission through the ceiling/floor; three walls of the fitness room will be lined with plasterboard on studs which, together with appropriate junction details, will mitigate flanking sound transmission via the common concrete structure, together with confirmation that the fitness room is located in basement level on a ground bearing floor slab and this type of floor results in significantly less deflection (and therefore vibration energy) under dynamic impact loads when compared to suspended floor slabs, and Structureborne sound transmission of impact sounds in the fitness room (e.g. weight drops, some fitness machinery noise) would be further mitigated by the use of appropriate resilient floor coverings underneath the equipment was forwarded to appropriate officers for consideration . I can advise you that on the basis of the information received on 4th August 2017, and that the levels set out in 'Information to support the discharge of Acoustic related conditions dated 25th May 2017 ref: 101426 by Miller Goodall , and the Addendum to the Acoustic Report by Buttress are complied with, i.e. the construction is in full accordance with measures descried in the acoustic report condition no.21 is discharged.

Condition no.23 -Contaminated land
The information in Appendix J was referred to appropriate officers . I have previously advised that the Appendix J the gas membrane installation information is satisfactory , and that the report confirming installation has been noted. On the basis of this information and your verification by e-mail dated 25th August 2017 On behalf of HH Smith that nothing was found in relation to the contamination when the development was implemented, I can confirm that confirm that no.23 is discharged.

Condition no.25 - Landscaping
The contents of the 'Garden |Service Maintenance Strategy' Appendix G have been noted together the landscape details shown on plan ref: plan ref: 8015 (04)008 rev.A, and maintenance strategy annotated on soft landscaping plan ref: 8015 (04) 600 , which shows the areas to be maintained. I can therefore confirm that the pre-occcupation elements of the condition have been complied with on the basis that the applicant's will be responsible for the on -going maintenance works for all the areas covered by the management plan, and the approved landscaping scheme will be fully implemented not later than 12 months from the date of first occupation of any building within that Phase.

As the phrasing of the condition requires that ' 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 written 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, within one month from the City Council's written opinion', condition no.25 cannot be formally discharged at this time.

Date: 8 September 2017

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 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority of 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.