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 Alan White
Facetspera Ltd
Whirley House
Wrigley Lane
Over Alderley
Cheshire
SK10 4RP

Agent (if used)

Mr Roger Stephenson
Stephenson:isa Studio Ltd
3 Riverside Mews
4 Commercial Street
Knott Mill
Manchester
M15 4RQ

Part 1 – Particulars of the application/development

Proposal: Conversion of basement to third floor of building to 28 no. apartments (7 x 1 bed, 16 x 2 bed, 5 x 3 bed) and associated external alterations

Location: 56 Dale Street, Manchester, M1 2HN

Date of application: 27 February 2014

Application number: 104421/FO/2013/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. The applicants were advised at pre-application state about the information that would be required in support of the application. Concerns were raised during the processing of the application about the need to include acoustic ventilation within the proposals and about some aspects of the internal interventions and suggestions were made about ways in which the scheme could be revised such that it would be acceptable

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 unless otherwise agreed in writing by the City Council as Local Planning Authority:

The development hereby approved shall be carried out in accordance with the following drawings:

(a) Site plan al(05)002 stamped as received on 09-12-13

(b) Dwgs numbered al(05)0010, 0011, 0012, 0013, 0014, 0015, 0016, 0017, 0020, 0030, 0031, 0040, 0041, 0050, 0051, 0052,0060, 0061, 0062 and 0063;

(c) Dwgs numbered al(05) 0080, 0081, 0082, 0083, 0084, 0085, 0090, 0091, 0092, 0093, 0094 and 0095

(c) Night vent detail dwg stamped as received on 27-02-14

(c) Recommendations contained in sections 4,5 and 6 of the Crime Impact Statement Version B dated 28-11-13; and

(d) Waste Management Strategy stamped as received on 18-07-14;

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to Core Strategy policies SP1, DM1, CC3, CC7, EN4 and EN6 and saved Unitary Development Plan policies DC26.1 and DC26.5.

3) Before first occupation of the development any externally mounted ancillary equipment, shall be acoustically 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 equipment.

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

4) The development hereby approved shall be carried out in accordance with the following document and none of the approved residential units shall be occupied unless and until those works / recommendations have been fully implemented :

(a) Recommendations in Acoustic report by Azymuth Acoustics dated 20-02-14 as amended by Azymuth Acoustics Report dated 30-06-14 and Roger Stevenson's e-mail dated 30-07-14; and

(b) Ventilation Strategy Dwgs from Zerum Consult (Dwg 2852-(57)-B-01 Rev T1, LG-01 Rev T1, G-01 Rev T1, 1-01 Rev T1, 2-01 rev T13-01 Rev T1, 3M-01 Rev T1, (05)-R-01 Rev T1, (57)-S-01 Rev T1 and Ventilation schematice pages 1 and 2), ventilation calculations for MEV system and Mechanical Performance Specification (pages 28, 29, 30 and 31)dated February 2014.

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to Core Strategy policies SP1, DM1, CC3, CC7, EN4 and EN6 and saved Unitary Development Plan policies DC26.1 and DC26.5.

5) No development shall commence until 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 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.

6) Notwithstanding the details as set out in condition 2 above before development commences final details (including where appropriate specification and method statement) of the following shall be submitted to and approved in writing by the City Council as Local Planning Authority:

(a) Details of the proposed secondary glazing including design, location within the window opening, any necessary fixings and finishes to give this an acceptable appearance within the window opening;

(b) A specification of any works to windows including repair, painting, reinstatement and installation of ventilation;

(c) Locations and details (including any fixtures and fittings) of any external lighting, TV aerials and CCTV cameras;

(d) Details including method statement of works to repair and restore the original lath and plaster ceiling and cornices within the main entrance lobby , works to doors and architrave as shown in Dwg al(05) 0085;

(e) Details including method statement of of cleaning of external elevations;

(f) Details including method statements of any repair work to external elevations;

(g) Details including method statements of any repair / making good works to the roof;

(h) Shadow gap between underside of timber beams to underside of ceiling and any new partition;

(i) Details of how new floors will abut with stairs and new lift; and

(j) Detail of junction of new partitions with original building fabric.

All of the above shall be implemented in accordance with the approved details before the use of the building approved under this application commences.

All of the above shall be implemented in accordance with the approved details before the use of the building approved under this application commences.

Reason - In the interests of visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

7) 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

8) No development shall commence unless and until a scheme that will provide for the needs of future residents whom may wish to have the use of a motorcar in respect of their domestic needs which shall include details of the arrangements to be put in place and shall also identify the parties who will be responsible for managing the scheme, has been submitted to and approved in writing by the City Council as local planning authority. Any scheme approved in discharge of this condition shall be operational at all times that any residential units are 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 pursuant to Core Strategy policies SP1 and DM1

9) The details of an emergency telephone contact number shall be displayed in a publicly accessible location on the site and shall remain so displayed for the duration of the construction and fitting out of the development.

Reason: In the interests of local amenity, pursuant policies SP1 and DM1 of the Core Strategy.

10) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least a 'very good' rating. Post construction review certificate(s) shall be submitted to, and approved in writing by the City Council as local planning authority, before any of the buildings hereby approved are first occupied.

Reason - In order to minimise the environmental impact of the development, pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy, policy DP3 of Regional Spatial Strategy for the North West (RSS), and the principles contained within The Guide to Development in Manchester SPD (2007), and the National Planning Policy Framework.

11) Before development commences, a full photographic record of the site and the building (internally and externally) including all areas where physical changes are proposed, shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To provide a record of any archaeological remains and of the listed building's appearance and condition before works commence, in accordance with saved policy DC20 of the Unitary Development Plan for the City of Manchester and policies SP1, EN3 and DM1 of the Core Strategy.

12) Before development commences a survey that investigates whether the existing building is inhabited by bats or barn owls. If the presence of bats or barn owls is established, a scheme for the protection of the wildlife habitat shall be submitted to and agreed in writing by the City Council as local planning authority

Reason

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.

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.

1) 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 once the development is completed.

2) Construction Works
If the development is to involve noisy construction works for a prolonged period the applicant is requested to contact Environmental Health to discuss the nature of the construction phase. The reasoning behind this is to establish a site contact and discuss appropriate working times etc.
Contact: Manchester City Council, Environmental Health, Hammerstone Road, Gorton, Manchester, M18 8EQ Tel: 0161 234 5004, email: contact@ manchester.gov.uk

Licensing
The applicant should be aware that under the Licensing Act 2003 the carrying on of a licensable activity (this includes the provision of late night refreshment between 23.00 - 05.00, supply of alcohol, music, dancing, plays, films and indoor sporting events) on or

from premises requires a premises licence from Manchester City Council as Licensing Authority. Information regarding premises licence can be obtained from:
The Licensing Unit, Manchester City Council, Hammerstone Road, Gorton, Manchester, M18 8EQ. Tel: 0161 234 5004 or e-mail premises.licensing@manchester.gov.uk

Noise
The applicant's attention is drawn to the need to contact Environmental Health where any noise related conditions have been attached to this Planning Approval, in order to discuss specific and technical requirements.
Contact: Manchester City Council, Environmental Health, Hammerstone Road, Gorton, Manchester, M18 8EQ, Tel: 0161 234 5004, E-mail: contact@ manchester.gov.uk

Fume
Defra have published a document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. It describes a method of risk assessment for odour, guidance on minimum requirements for odour and noise control, and advice on equipment selection. It is recommended that any scheme should make reference to this document.

Date: 8 August 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 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 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