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 S Akram
Brookmoor Developments Ltd
341 Great Western Street
Manchester
M14 4HB

Agent (if used)

Mr J Arji
Urbane Forms
17 Royal Mill
Redhill Street
Manchester
M4 5BA

Part 1 – Particulars of the application/development

Proposal: Conversion of building to 22 apartments (8 x 1 bed and 14 x 2 bed) (use class C3) and external alterations including demolition and replacement of existing roof to include roof lights, reinstatement of windows, provision of cycle store and cleaning, repair, repainting and installation of glass to steel frame canopy structure within adjacent yard

Location: 2 Harter Street, Manchester, M1 6HY

Date of application: 12 August 2014

Application number: 105885/FO/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. 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 acoustic insulation of the building from the adjacent nightclub and the need to include acoustic ventilation within the proposals and about some aspects of the internal and external 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:

(a) Site plan 13010(0-)09 Rev B stamped as received on 28-11-14;

(b) Dwgs 13010(0-)20 Rev J, 21 Rev H, 22 Rev H ;23 Rev H, 24 Rev H, 25 Rev H26 Rev L, 28 Rev C stamped as received on 28-11-14;

(c) Dwgs 13010(0-)30 Rev K; 31 Rev F, 32 Rev D, 33 Rev C, 35 Rev D, 36 and 01 stamped as received on 28-11-14;

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

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

(f) Reponses to points Main Roof (8), Internal Spatial Character (1), Retention of original / historic fabric and features (1a, c and d), Principle Staircase (1) contained in Jarhinger Arji's e-mail dated 12-08-14; and

(g) Details of the following as as set out in Jahangir Arji's e-mail dated 19-09-14 :

(i) cast iron hoppers and cast iron rainwater pipes;
(ii)Details of finishes to steel and timber beams;and
(iii)Retention of pipe to rear facade.

(h) Shadow gap detail stamped as received on 12-08-14; and

(i) Design parameters for Ventilation System as set out in Urbane Forms General Services Strategy 2 Harter Street dated 22-12-14.

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) No development shall commence unless or until an acoustic attenuation scheme including particulars of:

the acoustic insulation of the residential accommodation from noise (including structure bourne noise) from the adjacent nightclub (currently Charlies in basement of 44-46 Princess Street);
glazing specification; and
an acoustically treated mechanical ventilation system to be installed as part of the development (including details of any internal and external works required to install that system in accordance with the design parameters set out in Urbane Forms General Services Strategy 2 Harter Street dated 22-12-14) have been submitted to and approved in writing by the City Council as local planning authority.

The approved scheme shall be implemented in full and the mechanical ventilation system shall be operational before first occupation of the residential units and thereafter be retained and maintained as such.

Reason - In the interests of the amenity of the future residents once the development hereby approved is occupied , as the proposed residential accommodation is only acceptable on the basis of a system of mechanical ventilation (which would allow sufficient air flow to the building without the need to open windows for purge ventilation) being installed along with adequate acoustic insulation being installed between this and adjacent noise sources (including from within 44-46 Princess Street) pursuant to Core Strategy policies SP1, H1, DM1 and saved Unitary Development Plan policies DC26.1 and DC26.5 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.

4) The acoustic glazing approved as part of a scheme under this condition , shall be retained in accordance with that approved scheme. Any replacement glazing arising from any failure to the glazed unit or as a result of damage or breakage etc, shall be carried out in accordance with the scheme already approved. No alterations to the type and standard of glazing approved as part of the scheme shall be undertaken without prior approval of the City Council as local planning authority.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

5) Notwithstanding the details as set out in condition 2 above no development shall commence unless and until final details (including where appropriate specification and method statement) of the following have been submitted to and approved in writing by the City Council as Local Planning Authority:

(a) Final construction details of the replacement main roof including all materials, abutment of main roof and flat roof coverings with lift shaft, the position of the spring point behind parapet, the position of wall plate and rafters, the type and location of roof vents and their abutment with main roof structure and confirmation of the gutter and rain pipe arrangements (for the avoidance of doubt these should be retained in the current positions, the existing gutter detail behind the parapet is to be retained and refurbished to an agreed methodology and specification and the relationship of the springing point of the pitched roofs facing out from the building with the existing gutter detail and parapet needs to remain as existing).

(b) Final details of any equipment located on the flat roof (including air intake/extract flues and soil pipe vents). For the avoidance of doubt these should not rise above the ridge of the pitched roof or upstand to the edge of the flat roof (whichever is lower).

(c) Final details of repair / reinstatement of pitched roof to the rear lower roof including all materials, abutment with existing building structure, details of lead work (which for the avoidance of doubt should be to Lead Sheet Association standards);

(d) Final details of the glazing over stairwell including materials, sub-division, frame profile and abutment detail with flat roof

(e) Details including materials, framing profile, junction details and abutment with existing building structure of rear roof elevation (upper);

(f) A specification and methodology of any works to windows and all associated existing fixtures and fittings including repair, painting, reinstatement and installation of any ventilation (for the avoidance of doubt this should include for the retention of historic fixtures and fittings and the type of wood used for repairs should match that of the window being repaired and for any wholly new frames should match that of the original windows.

(g) Details of the proposed secondary glazing including agreement of where it is appropriate to install, frame colour, profile, sub-division and direction of opening and any necessary fixings and finishes to give this an acceptable appearance within the window opening;

(h) Final construction details of the dormers including materials, junction details, abutment with existing building structure and framing profile;

(i) Final details of the internal finishes to the basement external walls;

(j) Final details including specification and method statement of works to the principle entrance area including to entrance vestibule/porch, ground floor hallway, stairway to first floor level and associated first floor landing space.

(k) Final details including design, location and means of affixing of basement security grills;

(l) Final detail of the proposed upstand detail at the basement windows to prevent rainwater run-off from the adjacent external areas entering the building to ensure that this is kept to the minimum required.

(m) Final details including specification and method statement of works to the secondary staircase, adaption for reuse and restoration of balustrades and its protection during removal and storage;

(n) A strategy for the detailing of shadow gaps between existing and new building fabric;

(o) A strategy for the location and detailing of all building services including electrics and plumbing, telecommunications, fire/security alarms, door intercom from the main entrance to each apartment, communal tv/satellite connections;

(p) Details of the paint specification for the finish to the internal exposed steel and timber beams;

(q) Details of any replacement timber floor boards (for the avoidance of doubt this should involve the use of planks and not boarding);

(r) Final details of the finishes to the party walls between 2 Harter Street;

(s) Locations and details (including any fixtures and fittings) of any external lighting, TV aerials, CCTV cameras (and associated cabling and equipment) and internal mail boxes;

(t) Security locks to windows;

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

(v) A schedule of removal of redundant signs and external fixtures and fittings and details and including method statements for repair work and making good to external elevations;

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

(x) Details of glazing (including glazing type) to canopy structure within yard;

(y) Details of railing to site boundary;

(z) Final detailed design of any hard landscaping and of materials to floor surface within yard area;

(aa) Treatment of side elevation loading bay doors and basement hoist equipment

Where repair / restoration is required details of this including a method statement shall be submitted to and approved in writing by the City Council as local planning authority and the agreed works carried out before the building is first occupied.
Including external redecoration.
No use of brilliant white or gloss paint inside or out (on original fabric).

All of the above shall be implemented in accordance with the approved details before the development is first occupied.

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.

6) 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

7) 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

8) 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.

9) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least three star sustainability rating under the code for sustainable homes for those elements of the development which are residential in nature. A post construction review certificate 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, policies ER13 and DP3 of Regional Spatial Strategy for the North West (RSS13) and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

10) 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.

11) Before any works necessary to implement the approval commence a methodology and specification for any associated scaffolding including its location, means of affixing to the building, location of any associated fixings to the building, details of how the building fabric would be protected from potential damage as a result of the erection of the scaffolding and details of making good to the building fabric following removal shall be submitted to and approved in writing by the City Council as local planning authority. No development shall commence unless an until the above details have been agreed.

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.

12) The consent hereby granted shall include for the retention and repair / restoration of the following:

Side elevation loading bay doors if still in situ

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.

13) 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.

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.

If at any time bats or other protected species are found to be present on the site or affected by the development, work should cease immediately and Natural England/LPA should be contacted.

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.

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

Date: 13 January 2015

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 – Informative regarding coalfield area

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:
https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

This Informative Note is valid from 1st January 2015 until 31st December 2016