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 Edgeley
Teledata UK ltd
C/o Agent

Agent (if used)

Miss Vivienne Goddard
Union 4 Planning
10 York Road
London
SE1 7ND

Part 1 – Particulars of the application/development

Proposal: Variation of condition 2 (specified plans) attached to planning permission 137424/FO/2023 to allow change of external and internal layout, together with the introduction of flue and changes to elevational treatment

Location: Simon House, Brownley Road, Manchester, M22 5RA

Date of application: 15 October 2024

Application number: 141245/JO/2024

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 proactive manner based on seeking solutions to issues arising from the consideration of 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 the original planning permission, 137424/FO/2023, i.e. 2 October 2023.

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 received on 28 June 2023:

a) Site Location Plan 3447-TSP-ZZ-XX-DR-A-00-000 Rev 3
b) Design and Access Statement

c) Planning Statement
d) Ecology Report
e) Transport Statement
f) Travel Plan
g) Phase 1 Environmental Assessment Report
h) Flood Risk Assessment

and the following drawing received on 26 September 2023:

i) Proposed Access Arrangements 2023/7192/004 P2

and the following drawings received on 15 October 2024:

j) Site Plan Proposed 170188-TSP-ZZ-XX-DR-A-00003 Rev P07
k) Floorplans Ground and First Proposed 170188-TSP-ZZ-XX-DR-A-05000 Rev P05
l) Elevations proposed 170188-TSP-ZZ-XX-DR-A-05700 Rev P05
m) Elevations proposed (site context) 170188-TSP-ZZ-00-DR-A-05701 Rev P03
n) Elevational Treatments - south and east 170188-TSP-ZZ-XX-DR-A-05790 Rev P03
o) Elevational Treatments - north and west 170188-TSP-ZZ-XX-DR-A-05791 Rev P03
p) Proposed Sections 170188-TSP-ZZ-XX-DR-A-05800 Rev P05
q) Floor plans - Proposed Roof 170188-TSP-ZZ-02-DR-A-05001 Rev P03
r) Tree Survey prepared by Rainfords Tree Care
s) Air Quality Assessment prepared by PJD consultants

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) DISCHARGED UNDER APPLICATIONS CDN/24/0488 AND CDN/24/0591 - No materials to be used on the external elevations of the building, shall be installed/erected until details have been submitted to and approved in writing by the City Council as local planning authority. Thereafter the development shall be carried out in accordance with those details.

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 Manchester Core Strategy.

4) a) The premises shall be acoustically insulated and treated to limit the breakout of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to occupation of the development a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria

have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to Policy DM1 in the Manchester Core Strategy and Saved UDP Policy DC26

5) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background(LA90) level at the nearest noise sensitive location. This requirement relates to the mechanical equipment necessary for the day-to-day operation of the data centre.

b) The emergency generator and related equipment shall be selected to achieve a rating level of no more than 12dB above typical background daytime levels at the nearest noise sensitive location. Such equipment would only be used in an emergency and would additionally be tested between 9.00 am - 6pm Monday to Friday for no more than 30 minutes in any test interval. All testing to be in compliance with the Simons House Air Quality Assessment Report.

c) Prior to commencement of the use hereby approved a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to Policy DM1 in the Manchester Core Strategy and Saved UDP Policy DC26

6) DISCHARGED UNDER APPLICATION CDN/24/0196 - a) Prior to the commencement of above ground works, a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to Policy DM1 in the Manchester Core Strategy.

7) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied 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 development shall be carried out in accordance with the agreed Remediation Strategy and validated. If no contamination is

found, then a post-completion report shall be submitted to evidence this prior to occupation of the development.

Any soils imported for use in the landscaped area shall be validated as suitable for use and a minimum of 300mm subsoil and topsoil over a no dig marker layer shall be placed. Prior to occupation a post completion report shall be submitted to the LPA for approval to evidence this.

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 Policy DM1 in the Manchester Core Strategy.

8) No development hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the Local Planning Authority

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to national policies within the NPPF and NPPG and Policies EN08 and EN14 in the Manchester Core Strategy.

9) 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:

o Verification report providing photographic evidence of construction as per design drawings;
o As built construction drawings if different from design construction drawings;
o 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, pursuant to national policies within the NPPF and NPPG and Policies EN08 and EN14 in the Manchester Core Strategy.

10) No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Manchester Core Strategy.

11) DISCHARGED UNDER APPLICATION CDN/24/0196 - Above grounds works shall not commence until details of biodiversity enhancements (e.g. bird boxes), including a timetable for their installation and maintenance regime, have been submitted to and been approved by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Manchester Core Strategy.

12) DISCHARGED UNDER APPLICATION CDN/24/0196 - Above-ground construction works shall not commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how Secured 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 Manchester Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

13) DISCHARGED UNDER APPLICATION CDN/24/0196 - Prior to the commencement of above ground works, a detailed landscaping plan based on drawing no. 3447-TSP-ZZ-XX-DR-A-00-002 Rev 6, received on 28 June 2023, 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 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.

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 SP1, EN9 and DM1 of the Manchester Core Strategy.

14) The car parking spaces hereby approved shall be laid out and made available for use before first occupation of the development hereby approved. The car parking spaces shall remain in-situ for the duration of the development.

Reason - In the interests of residential amenity and pedestrian and highway safety, pursuant to Policy DM1 in the Manchester Core Strategy.

15) DISCHARGED UNDER APPLICATION CDN/24/0196 - Above-ground construction works shall not commence until details of the vehicle charging units to be installed within the curtilage of the site have been submitted to and approved by the City Council as Local Planning Authority. The approved scheme shall thereafter be implemented prior to the occupation of the development hereby approved.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy.

16) No part of the development shall be occupied until the facilities for bicycle parking, as shown on drawing no. 3447-TSP-ZZ-XX-DR-A-00-002 Rev 6, received on 28 June 2023, have been provided. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Manchester Core Strategy.

17) The development hereby approved shall not be occupied until a detailed Travel Plan, based on the approved Framework Travel Plan (RGP 2023/7192/TP01 , received on 28 June 2023), has been submitted to and agreed in writing by the City Council as Local Planning Authority. The approved Travel Plan shall thereafter be implemented in accordance with an agreed timeframe.

In this condition a Travel Plan means a document which includes:

i) the measures proposed to be taken to reduce dependency on the private car by those residing at the development,
ii) a commitment to surveying the travel patterns of staff during the first three months of use of the development and thereafter from time to time,
iii) mechanisms for the implementation of the measures to reduce dependency on the private car,
iv) measures for the delivery of specified travel plan services,
v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car.

Within six months of the first use of the development, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel to the school, pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy and the Guide to Development in Manchester SPD (2007).

18) The off-site highway works, as shown on drawing no. 2023/7192/004 P2 (Proposed Access Arrangements), received on 26 September 2023, shall be implemented and be in place prior to first use of the development hereby approved and thereafter retained and maintained in situ.

Reason - In the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy.

19) The development hereby approved shall be implemented in accordance with the measures as set out within Section 7 (Sustainability) of the Design and Access Statement (TTSP June 2023), received on 28 June 2023, including: measures to secure predicted carbon emissions and the attainment of specified environmental efficiency and performance. Within 3 months of the completion of the construction of the authorised development a verification statement shall be submitted to and approved in writing, by the City Council as local planning authority, confirming the incorporation of

the specified measures at each phase of the construction of the development, including dated photographic documentary evidence of the implementation and completion of required works.

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

20) DISCHARGED UNDER APPLICATION CDN/23/0808 - No development shall take place until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan shall provide for:

a) A construction programme including phasing of works;
b) 24 hour emergency contact number;
c) Expected number and type of vehicles accessing the site:- i) Deliveries, waste, cranes, equipment, plant, works, visitors; ii) Size of construction vehicles; iii) The use of a consolidation operation or scheme for the delivery of materials and goods; iv) Phasing of works;
d) Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):- Programming; Waste management; Construction methodology; Shared deliveries; Car sharing; Travel planning; Local workforce; Parking facilities for staff and visitors; On-site facilities; A scheme to encourage the use of public transport and cycling;
e) Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
f) Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
g) Locations for storage of plant/waste/construction materials;
h) Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
i) Arrangements to receive abnormal loads or unusually large vehicles;
j) Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
k) Any necessary temporary traffic management measures;
l) Measures to protect vulnerable road users (cyclists and pedestrians);
m) Arrangements for temporary facilities for any bus stops or routes;
n) Method of preventing mud being carried onto the highway;
o) Method of dust and smoke suppression;
p) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

Reason - In the interests of safe operation of the adopted highway in the lead into development and the safe operation of Manchester Airport, both during the demolition and construction phase of the development, pursuant to policies SP1, EN19, DM1 and DM2 of the Manchester Core Strategy.

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:
www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Informative for Condition 8 - In order to discharge the above drainage condition the following additional information has to be provided:

o A finalised drainage layout showing all components, outfalls, levels and connectivity;
o Maximised integration of green SuDS components (utilising infiltration or attenuation) if practicable;
o Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. at least a 50% reduction in runoff rate compared to the existing rates with the aim of reducing to the Greenfield runoff rates, as the site is located within Conurbation Core Critical Drainage Area;
o An existing and proposed impermeable areas drawing to accompany all discharge rate calculations.
o Runoff volume in the 1 in 100 year, 6 hours rainfall shall be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event, but never to exceed the runoff volume from the development site prior to redevelopment;
o Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for 45% climate change;
o Assessment of overland flow routes for extreme events. Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site
and adjacent properties off site.

o Progression through the drainage hierarchy shall be evidence based and supported by site investigation. Results of ground investigation carried out under Building Research Establishment Digest 365. Site investigations should be undertaken in locations and at proposed depths of the proposed infiltration devices. Proposal of the attenuation that is achieving half emptying time within 24 hours. If no ground investigations are possible or infiltration is not feasible on site, evidence of alternative surface water disposal routes (as follows) is required.
o Where surface water is connected to the public sewer, agreement in principle from United Utilities is required that there is adequate spare capacity in the existing system taking future development requirements into account. An email of acceptance of proposed flows and/or new connection will suffice.
o For sites where proposed development would cause pollution risk to surface water, evidence of pollution control measures (preferably through SuDS) is required.
o Hydraulic calculation of the proposed drainage system;
o Construction details of flow control and SuDS elements.

Bats - Whilst the building to be demolished has been assessed as negligible risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Date: 6 December 2024

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/appeal-planning-decision . 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.