HOLME PLANNING
Partnership

Mr Dave Lawless
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Development Management South
Planning, Building Control and Licensing
Growth and Development Directorate
Manchester City Council
Planning
PO Box 352
Town Hall
Manchester
M60 2LA

11th November 2024

Dear Mr Lawless,

Re: Discharge of Planning Conditions – Consent Reference 135759/FO/2022

I write in relation to the aforementioned consent issued by Manchester City Council on 24th September 2024 for the change of use of the former public conveniences on Withington Road, Manchester.

It is noted from a review of the decision notice that there are a number of conditions that require formal discharge in advance of the approved building being brought into use. We summarise the conditions on the planning consent as follows:

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.

The provisions of condition 1 are noted, and we can confirm the Applicant's intention to reopen the café as soon as the required conditions have been discharged, thereby meeting the requirements of condition 1 as laid out above. No further discharge is understood to be required.

2) *The development hereby approved shall be carried out in accordance with the following drawings and documents:*

a. *Drawing PL-001 rev P1, received on 15 December 2023*
b. *Drawing PL-002 rev AB4, received on 3 September 2024*
c. *Drawing PL-003 rev P1, received on 12 July 2023*

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.

The provisions of condition 2 are once again noted and will be complied with during the life of the development, but no formal discharge is understood to be required.

3) *The premises shall not be open outside the following hours:- 0800hrs to 2100hrs*
Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved UDP Policy DC26 and Policies SP1 and DM1 of the Manchester Core Strategy.

The provisions of condition 3 are once again noted and will be complied with during the life of the development, but no formal discharge is understood to be required.

4) Prior to the commencement of the use hereby approved, a Service and Management Plan, detailing the following, shall be submitted to and be approved by the City Council as Local Planning Authority:

a) A scheme for the storage and disposal of refuse.
b) Arrangements for the delivery of goods to the premises

Reason - In the interest of pedestrian and highway safety and residential amenity, pursuant to Policies SP1 and DM1 in the Manchester Core Strategy. Please see associated informative.

Informative for Condition 4 (Service and Management Plan) - The Service and Management Plan must include the following information:

a) *A scheme for the storage and disposal of refuse - Estimated volumes and types of waste produced by the development; details of internal and external stores for both waste and recycling, including any plans and designs; location of the proposed collection point; details of how waste will be transferred between stores and to the collection location; and details of number and capacity of bins proposed and collection frequency.*
Please see 'Waste Proforma v1.0' - refer to guidance at:
http://www.manchester.gov.uk/downloads/download/6048/waste_management_strategy
b) *Arrangements for the delivery of goods to the premises - The Service Plan should include timings, frequency and location of deliveries.*

A service and management plan was submitted as part of the as approved application. However, it is understood that the highway authority are now seeking some additional information as laid out above. We can confirm that an updated Service and Management Plan has been submitted with this discharge of condition application, and includes detailed information that we consider addresses in full the requirements of both condition 4 and the associated informative. We therefore kindly ask that the provisions of condition 4 now be discharged in full.

5) 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 will 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 saved UDP Policy DC26 and Policies SP1 and DM1 in the Manchester Core Strategy.

A detailed Acoustic Assessment has been submitted with this discharge of condition application to demonstrate that the as approved use and the as existing structure are suitable, and do not result in detrimental harm to neighbouring residents and the wider local area from noise pollution. The report further confirms that there are no mitigation requirements or upgrades to the existing built fabric required to secure suitable noise levels in the locality. There is therefore no requirement for a future verification report, and we therefore kindly request that condition 5 now be discharged in full.

6) The external areas within the application site shall only be used 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 - To safeguard the amenities of the occupiers of nearby properties, pursuant to saved UDP Policy DC26 and Policies SP1 and DM1 in the Manchester Core Strategy.

Given the findings and justification laid out within the as submitted acoustic assessment, the Applicant is proposing to utilise the external areas associated with the now approved café use as per the general opening hours detailed at condition 3, namely 8am to 9pm Monday to Sunday. We therefore ask that this schedule of opening times for the use of the external areas now be agreed by the Council, and the provisions of condition 6 discharged.

7) No amplified sound or any music shall be produced or played on any part of the site outside of the building.
Reason - To safeguard the amenity of nearby occupiers, pursuant to saved UDP Policy DC26 and Policies SP1 and DM1 of the Manchester Core Strategy.

The provisions of condition 7 are noted and will be adhered to during the life of the development.

8) 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. Prior to commencement of the use hereby approved the scheme 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 site. The scheme shall be implemented in full before the use commences or as otherwise agreed inwriting by the City Council as Local Planning Authority.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved inwriting 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 saved UDP Policy DC26 and Policies SP1 and DM1 in the Manchester Core Strategy.

As detailed within the Acoustic Assessment submitted with this discharge of condition application, there are no external plant or machinery proposed to service the needs of this development, all such provisions and equipment are located internally within the existing structure, and are understood to be inaudible externally. The Acoustic Report addresses this point in further detail and sets out the lack of need for a future verification report. We are therefore formally requesting the discharge of condition 8 in full.

We therefore trust that the above and attached addresses the requirements of the various Conditions attached to the original approval that require discharge in advance of the commencement of use on site. However, should the council require any additional details or amendments either in advance of validation of this discharge of condition application, or during the determination process, please do not hesitate to contact us. Otherwise, we look forward to hearing from you shortly with the details of the officer appointed to deal with the discharge of condition application, and hopefully their written confirmation that the provisions of conditions 4, 5, 6 and 8 of consent reference 135759/FO/2022 can be discharged in full, and the approved use can commence.

Yours sincerely

R. Booth

Rebecca Booth
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Managing Director