

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

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Zahida Chaudhry
411 Wilbraham Road
Manchester
M21 0UT

Agent (if used)

Mr - Hatami
Orya Architectural Studios
12 Winsham Grove
Birmingham
B21 0QH

Part 1 – Particulars of the application/development

Proposal: Change of use of the existing vacant clinic to form 6 no. residential apartments (1 x one bedroom, 3 x two bedroom and 2 x three bedroom apartments) together with external elevational alterations, car and cycle parking and landscaping

Location: Abbey Hey Clinic, Constable Street, Manchester, M18 8GD

Date of application: 29 April 2024

Application number: 139693/FO/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

The application has been determined in a positive and proactive manner, in this instance issues have been raised with the applicant and further information has been provided.

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:

Waste Management Strategy, stamped as received by the City Council, as Local Planning Authority, on 29 April 2024

Drawings numbered 0157-PA-001 rev B, stamped as received by the City Council, as Local Planning Authority, on 25 June 2024

RYA Architectural Studios Design and Access Statement dated 26 June 2024 and drawing numbered 0157-PA-002 rev E, stamped as received by the City Council, as Local Planning Authority, on 26 June 2024

Drawings numbered 0157-PA-001 rev B, F10157-PA-004 rev D, 0157-PA-005 rev E and 0157-PA-006 rev E, stamped as received by the City Council, as Local Planning Authority, on 13 September 2024

Drawing numbered 0157-PA-007-A, stamped as received by the City Council, as Local Planning Authority, on 16 September 2024

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) Prior to the commencement of above ground development, all materials to be used on all external elevations of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include the submission of samples and specifications of all materials to be used on all external elevations of the development. The approved materials shall then be implemented as part of the development.

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, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

4) Prior to the commencement of development, a demolition/construction (delete as appropriate) management plan outlining working practices shall be submitted to and approved in writing by the City Council as Local Planning authority, which for the avoidance of doubt shall include as a minimum:

Hours of working

Measures to control noise and vibration;

Dust suppression measures;

Compound locations where relevant;

Phasing and quantification / classification of vehicular activity associated with planned construction. This should include commentary on types and frequency of vehicular demands together with evidence of satisfactory routeing both within the site and on the adjacent highway.

Details of contractor parking in the locality and management measures associated with any temporary impacts on existing business servicing operations due to construction activities within the service yard area.

Details of an emergency contact telephone number;

Sheeting of construction vehicles.

The development shall only be carried out in accordance with the approved management plan.

Reason - To safeguard the amenities of nearby residents, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy

5) a) Prior to commencement of the development, a scheme for [include as necessary: electric vehicle charging and any other considerations, for example] boiler emissions, shall be submitted to and approved in writing by the City Council as local planning authority.

b) Prior to occupation of the development any agreed mitigation measures shall be implemented and verified as such in writing by the City Council as local planning authority and shall remain in situ whilst the use or development is in operation.

Reason: In the interests of the air quality surrounding the development and to secure a reduction in air pollution from traffic or other sources in order to safeguard the amenity of nearby residents from air pollution, pursuant to policies SP1, EN16 and DM1 of the Manchester Core Strategy and Greater Manchester Air Quality action plan 2016.

6) Prior to first occupation of the development hereby approved, the security measures indicated in the Design and Access Statement dated 26 June 2024 and stamped as received by the City Council, as Local Planning Authority, on 26 June 2024, shall be incorporated into the development. All works shall be carried out to Secured by Design Standards and shall be thereafter retained.

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.

7) The details contained within the Waste Management Strategy, stamped as received by the City Council, as Local Planning Authority, on 29 April 2024 and indicated on drawing numbered 0157-PA-002 rev E, stamped as received by the City Council, as Local Planning Authority, on 26 June 2024, 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 policies DM1, EN19 and SP1 of the Manchester Core Strategy.

8) The car parking indicated on the approved drawings shall be surfaced, demarcated and made available for use prior to any of the residential units hereby approved being occupied. The parking areas shall be for the sole use of residential occupants of the development and their visitors and shall be available for use at all times whilst the apartments are occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to Policies T2, SP1 and DM1 of the Manchester Core Strategy.

9) Prior to first occupation, of any of the approved apartments, a secure cycle shelter shall be installed on site in accordance with elevational details that shall be submitted to and approved in writing by the City Council, as Local planning Authority, and in the location indicated on drawing numbered 0157-PA-002 rev E, stamped as received by the City Council, as Local Planning Authority, on 26 June 2024. 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.

10) Prior to the first occupation, of any of the approved apartments, a hard and soft landscaping treatment scheme (including tree planting) 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 buildings are 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 and DM1 of the Manchester Core Strategy.

11) The boundary treatment hereby approved shall be carried out in accordance with the details indicated on drawings numbered 0157-PA-005 rev E and 0157-PA-006 rev E, stamped as received by the City Council, as Local Planning Authority, on 13 September 2024. The boundary treatment shall be completed before the approved apartments are occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment shall be erected on site, other than that shown on the approved plans.

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 in order to comply with policies SP1 and DM1 of the Manchester Core Strategy.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) none of the apartments hereby approved shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of Class C3(a).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of residential accommodation that is suitable for people living as families pursuant to policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1, H11 and DM1 of the Manchester Core Strategy.

13) The apartments hereby approved shall be used only as private dwellings (which description shall not include serviced properties 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 1987 (as amended), 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 short-term lets, serviced apartments/apart hotels, do not commence without prior approval; to safeguard the character of the area, and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Manchester Core Strategy and the guidance contained within the National Planning Policy Framework.

14) Notwithstanding the General Permitted Development Order 2015 as amended by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 or any legislation amending or replacing the same, no further development in the form of upward extensions to the building hereby approved shall be undertaken other than that expressly authorised by the granting of planning permission.

Reason - In the interests of protecting residential amenity and visual amenity of the area in which the development is located pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no openings, including windows and doors, shall be inserted within the elevations of the extension, other than those shown on drawings numbered 0157-PA-005 rev E and 0157-PA-006 rev E, stamped as received by the City Council, as Local Planning Authority, on 13 September 2024.

Reason - In the interests of the amenities of the occupiers of the neighbouring properties, pursuant to policy DM1 of the Manchester Core Strategy.

16) Prior to any above ground works commencing on site an Environmental Standards Statement shall be submitted to, and approved in writing by, the City Council, as Local Planning Authority. The statement shall demonstrate measures to be incorporated into the development to achieve energy efficiency and approved measures shall be implemented in the approved development. Prior to occupation of any of the apartments a post development review certificate/statement shall be submitted for approval, within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority.

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.

17) The upper floor corner windows, adjacent to no.24 Western Street, shall be fitted with obscure glazing, and fixed shut at least up to a level of 1.7 metres above floor level, in accordance with drawings numbered FI0157-PA-004 rev D, 0157-PA-005 rev E and 0157-PA-006 rev E, stamped as received by the City Council, as Local Planning Authority, on 13 September 2024. The windows shall thereafter be maintained in that condition.

Reason - To protect the amenity and living conditions of adjacent properties from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Manchester Core Strategy.

18) Prior to the first occupation of the development hereby approved, a scheme of highway works for the reinstatement/repaving of the public footway adjoining the site along Constable Street and Western Street, along with any necessary tactile paving to vehicle crossovers, shall be submitted for approval in writing by the City Council, as Local Planning Authority.

This shall include the following:

Footway improvement/replacement of materials and reinstatement works around the perimeter of the application site including any necessary public realm works;

The approved scheme shall be implemented and be in place prior to the first occupation of any of the residential apartments hereby approved and thereafter retained and maintained in situ for as long as the development remains in use.

Reason - in the interests of amenity and highways safety, pursuant to policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework.

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:

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

Mining Information

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.

The applicant will be required to enter into a Section 278/184 agreements for the alterations to the existing highways, and for the resurfacing of footways. This will require the agreement with MCC's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004). This will be funded at the applicant's expense.

A S278 agreement is required for works to the adopted highway - a deposit is required to begin the S278 application, additional costs will be payable and are to be agreed with S278 Statutory Approvals team. Following an assessment of the scope of works, all additional estimated costs are required to be paid in full prior to the expenditure of the initial deposit, or work on the technical approval process will cease and can delay the programme for the start of works on site. The minimum standard S278 technical approval timescale is between 4-6 months and, if TRO's are included, can take 12 months so this should be programme this into the development timetable. Please note: works will not be able to start on the highway until technical approval has been given by the S278 Engineer and the relevant highways permits granted.

Any modifications / improvements to the public highway or footpath will require agreement with MCC's Highways Applications and Network Resilience teams. This will be funded at the applicant's expense. The following link provides access:
https://www.manchester.gov.uk/directory_record/451887/permission_to_work_on_the_highways_-_section_278_agreements

The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email: highwaylicences@manchester.gov.uk.

MCC records highlight that the underground Corn Brook Tributary Gorton is located within close proximity to the site (approximately 45 m to the South of the site), while our records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all culverted assets. Therefore, we would request that the applicant informs the onsite contractor to remain observant and to take the appropriate safety precautions during excavation works. If any major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and MCC Lead Local Flood Authority (LLFA) should be contacted immediately. Any alterations to an ordinary watercourse will require consent from MCC LLFA under Land Drainage Act 1991. The developer can apply for land drainage consent (if required) via the following

link:

<https://manchester.civicapayforms.co.uk/Sales/LaunchInternet.aspx?saleform=drainage>

Date: 27 September 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 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.

Appendix A



The Coal Authority

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024