

Manchester City Council
Planning Department
PO Box 532
Town Hall
Manchester
M60 2LA

14 August 2024
EP ref: 24-204

Dear Sir or Madam

Re: Planning Portal reference: PP-13333900
Land off Oldham Street and Spear Street, Manchester, M4 1LF

Please find enclosed an application to discharge conditions 7, 8, 18, 29 and 31 of planning permission 139580/JO/2024 for "*Variation of conditions 10 (Servicing), 19 (BREEAM) and 30 (Use Restriction) attached to application ref no 131730/JO/2021*" at the above site.

Condition 7 – Noise verification (residential)

The condition states:

"The residential accommodation within the development shall be acoustically insulated against noise from Oldham Street and Spear Street fully and only in accordance with the information within the report by Hann Tucker referenced 24535/AR1 and dated 24 May 2019 as approved by the City Council as local planning authority under application reference CDN/18/0389 on 25 July 2019. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Upon completion of the development and within 4 months of the first occupation of the date of this decision, 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 above criteria is 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 noise criteria. This report shall be submitted to and approved in writing by the City Council

as local planning authority within 6 months of the first occupation of the residential accommodation along with a timescale that confirms when any necessary changes will be implemented.”

Please find enclosed verification reports undertaken by Lighthouse Acoustics to discharge the second part of the condition.

Condition 8 – External plant

The condition was previously part discharged in relation to Units 1 and 2 in Block A (CDN/23/0842 & CDN/24/0070). At the time, the relevant planning permission was ref. 131730/JO/2021 and the condition stated:

“Before first occupation of the development **the building, together with all 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.

Upon completion of the development and within 6 months of the equipment becoming operational, 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 above criteria is 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 noise criteria. This report shall be submitted to and approved in writing by the City Council as local planning authority within 6 months of the equipment becoming operational along with a timescale that confirms when any necessary changes will be implemented.” (out emphasis)

As part of planning permission 139580/JO/2024, condition 8 has been amended to remove reference to ‘the building’ as emphasised in bold above, and as a result only refers to any additional external plant. Part 1 of the condition now reads:

“Before first occupation of each commercial unit of the building, all additional 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.”

As confirmed through the applications CDN/23/0842 & CDN/24/0070, neither Units 1 or 2 of Block B proposed any additional external plant.

We therefore seek to confirm that the second part of the condition which requires the submission of a verification report relating to the additional external equipment, either:

- a) Does not apply in relation to the two units and therefore does not need to be discharged; or
- b) Can be discharged on the basis that no additional externally mounted equipment exists.

If you consider b) to be the appropriate mechanism, then please accept this letter as a request to discharge condition 8 in relation to Units 1 and 2 of Block B.

The condition remains to be discharged in relation to commercial units in Block A.

Condition 18 – Travel Plan

Part two of condition 18 states:

“Within four months of the first use of the date of this decision, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (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) 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.”

Please find enclosed a revised Travel Plan prepared by TetraTech to discharge the remainder of the condition.

Conditions 29 (Signage Strategy) & Condition 31 (Waste Strategy - Unit 2, Block B)

Conditions 29 and 31 attached to previous planning permission ref. 131730/JO/2021 were recently discharged through application ref. CDN/24/0306. The decision notice is attached at Enclosure **EP1**.

Section 73 application ref. 139580/JO/2024 was approved shortly after but does not incorporate the discharged details into the two conditions due to the timing of the decisions. The following approved details are therefore re-submitted as part of this application so that they can be discharged against the latest consent for completion:

Condition 29:

- Signage Strategy Rev P3

Condition 31 (Unit 2, Block B only):

- Drawing referenced V6107/M01 Rev –
- Waste collection details for Unit 2, Block B as follows (as stated in letter dated 12 April 2024):
 - Service 1 – One 660 Litre General Waste Unit disposed fortnightly
 - Service 2 – Three Sanitary Disposal Units disposed weekly
 - Service 3 – One 1100L recycling unit disposed weekly

Conclusion

We trust that the submitted details are sufficient to discharge conditions 7, 8, 18, 29 and 31 of planning permission 139580/JO/2024. However, should you require anything further then please do not hesitate to contact our office at your earliest convenience.

Yours sincerely
Emery Planning

Caroline Payne

Caroline Payne BA (Hons), DIP TP, MRTPI, PIEMA
Director

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Enc. EP1 – Decision notice CDN/24/0306

EP1

Town & Country Planning Act 1990 (as amended)
Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Approval of details reserved by condition

Applicant

Kempton Homes
C/o Agent

Agent (if used)

Mrs Caroline Payne
Emery Planning
1-4 South Park Business Court
Hobson Street
Macclesfield
SK11 8BS

Part 1 – Particulars of the application/development

Proposal: Discharge of conditions 29 (Signage Strategy) and 31 (Commercial Waste Management block B only) attached to application ref no 131730/JO/2023 as amended by 139154/NMC/2024.

Location: Land Off Oldham Street And Spear Street, Manchester, M4 1LF

Date of application: 16 April 2024

Application number: CDN/24/0306

Part 2 – Particulars of decision

Manchester City Council gives notice that the detail(s) referred to in Part 1 are **Approved** in accordance with the information set out below.

Condition 29 (Signage Strategy)

Condition 29 is hereby discharged on the basis that the signage strategy contained within The Quarters Manchester Signage Strategy Rev P3 received by the City Council as local planning authority on 11 June 2024 will be fully implemented for the duration of the use of the development.

Condition 31 (Commercial Waste)

Condition 31 can hereby be considered to be part discharged for Unit 2, Block B only, provided that the waste management for this unit is carried out fully and only in accordance with the following documents:

- The letter from Emery Planning dated 12 April 2024
- The drawing referenced V6107/M01 Rev -

Date: 11 June 2024

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written in a cursive style.

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 (as amended) or Planning (Listed Building & Conservation Area) Act 1990 (as amended) 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 or sections 20 and 21 of the Planning (Listed Building & Conservation Area) 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-inspectorate. The Inspectorate will publish details of your appeal on the internet.

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 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.

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.