



Planning

Growth & Development

Delegated officer report for planning application

Application no. 132537/JO/2021
Date registered valid: 17 January 2022
Proposal: S73 Application to vary condition 12 (attached to application ref no 114146/FO/2016 as amended by 120315/NMC/2018) to remove the requirements of condition 12 (b) and (c)
Address: Transmission House, 11 Tib Street, Manchester, M4 1AF
Ward(s): Piccadilly Ward

Applicant: Mr Simon Ismail Salboy Limited Birchwood One Business Park, Unit 3, Birchwood, Warrington, WA3 7GB
Agent (if any): Miss Ellie Philcox Euan Kellie Property Solutions Landmark House, Station Road, Cheadle, SK8 7BS
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk
Recommendation: Approve subject to Deed of Variation of S106
Date of recommendation: 23-04-24

Application details

Type of application: Variation or Removal of Condition
Development type: Smallscale Major Dwellings
Date of site visit: N/A

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
No neighbour notifications have been printed and sent.

Site notice
No site notice has been produced

Press advert
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Smithfield Conservation Area 1987

Tree Preservation Order: Not applicable

The application site comprises 0.28 hectares and is bounded by Tib Street, Church Street, Joiner Street and Bridgewater Place located within the Smithfield Conservation Area and the Northern Quarter. It is directly to the rear of the grade II listed Rylands (Debenhams) Building. The site is occupied by a building varying in height from 7 to 10 storeys which contains 183 apartments above ground floor commercial uses. This development was granted approval under application ref no 114146/FO/2016 in 2017.

Description of area

The site is at a transition between the Commercial Core and the Northern Quarter, the latter of which contains independent retail and leisure outlets and is noted for its cultural offer. The Northern Quarter contains a mix of commercial, residential and hotel uses.

Description of development

Consent is sought to remove some requirements of condition 12 (attached to application ref no 114146/FO/2016 as amended by 120315) to allow payment through a legal agreement of sum of money for off site tree planting in lieu of providing planting of street trees within the pavement of Tib Street, Church Street and Bridgewater Place required by that condition and removal parts (b) and (c) of the condition.

Condition 12 of the aforementioned planning approval (ref. 114146/FO/2016) required the Applicant to submit a strategy for the planting of street trees within the pavement of Tib Street, Church Street and Bridgewater Place. The development of the site necessitated the removal of all of the 11 trees on the site and the proposed scheme proposed provision of 17 native species street trees by way of mitigation for that loss.

Subsequent detailed Ground Investigation works have demonstrated that it is not possible for street trees to be successfully accommodated within the pavements of Tib Street, Church Street or Bridgewater Place and a financial contribution towards the off-site provision of street trees in lieu of on-site provision is to be made to MCC.

It is intended that a legal agreement pursuant to the Section 73 application be prepared between the current site owners and MCC to allow the payment of a sum of money to be paid for off-site tree planting in lieu of providing planting of the previously proposed street trees.

Consultations & Notification Responses

NONE

Issues

Core Strategy - The following policies are considered to be most relevant to the proposed development:

Policy EN 15 Biodiversity and Geological Conservation - which seeks to maintain or enhance sites of biodiversity and geological value throughout the City.

Policy SP1 (Spatial Principles),- which guides the strategic development of Manchester identifying the Regional Centre as the focus for economic and commercial development, leisure and cultural activity, alongside high quality city living. It states that all development within the City Centre regeneration area should have regard to the character and issues as identified in the Manchester City Centre Strategic Plan and outlines the following core development principles:

Development should:-

Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character;
- making a positive contribution to the health, safety and wellbeing of residents;
- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income;
- protect and enhance the built and natural environment;
- minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- Improve access to jobs, services, education and open space by being located to reduce the need to travel; and
- provide good access to sustainable transport provision.

Policy DM1 (Development Management) – Which states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:- which says that in determining applications consideration should be given to amongst others:

- The effects on amenity, including privacy light, noise.
- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.
- Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage. Green Infrastructure including open space, both public and private.

- Flood risk and drainage.
- Existing or proposed hazardous installations.

And that for new commercial developments to demonstrate best practice which will include the application of the BREEAM (Building Research Establishment Environmental Assessment Method) standards. By 2019 provisions similar to the Code for Sustainable Homes will also apply to all new non-domestic buildings.

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of “sustainable development” (NPPF Paragraph 7). In order to meet this key planning objective, in this instance the development should sustain and contribute to the stimulation of a thriving historic environment.

Principle of the Proposed S106 payment in lieu of Tree Planting

It is noted that the provision of the 17 street trees was principally proposed as mitigation for the loss of the existing trees on site. Given the identified below ground infrastructure and the consequential impacts of this on the ability to plant street trees it is considered that the only feasible alternative mitigation is a payment in lieu via a S106 agreement for off-site provision of street trees.

On this basis the principle of amending the condition would be consistent with Policies EN14, DM1 and SP1 of the Core Strategy.

The effect of the above is that the obligations under parts (b) and (d) of condition 12 can be removed. Although not formally agreed through a condition discharge application the implemented hard landscaping around the site is considered to be acceptable and as such the requirements to submit this information for approval are considered to be superseded. No information has been submitted in relation to part (c) and as the development has now been completed a timescale to comply with this condition will need to be imposed by the new condition.

The original and revised condition are outlined below.

Original condition

Prior to the commencement of development and notwithstanding the details shown in dwg numbers C2814-90-001 Rev C, C2814-90-002 Rev A, C2814-90-003 Rev A, C2814-90-004, C2814-90-005 Rev B, C2814-90-006 Rev A, C2814-90-007 Rev A, C2814-90-008 Rev B, C2814-90-009, C2814-90-010 Rev A, C2814-90-011, C2814-90-012 programmes for submission of final details of the public realm works as indicated in those dwgs shall be submitted to and approved in writing by the City Council as Local Planning Authority to include an implementation timeframe and details of when the following details will be submitted:

- (a) Details of the materials, including natural stone or other high quality materials to be used for the footpaths and for the areas between the pavement and the line of the proposed building;
- (b) A strategy for the planting of street trees within the pavements on Tib Street, Church Street and Bridgewater Place including details of overall numbers, size, species and planting specification, constraints to further planting and details of on going maintenance;
- (c) Details of the proposed tree species within the public realm including proposed size, species and planting specification including tree pits and design; and
- (d) Details of measures to create potential opportunities to enhance and create new biodiversity within the development to include bat boxes and brick, bird boxes and appropriate planting;

and shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above.

The approved scheme shall be implemented not later than 12 months from the date the proposed 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 R1.1, I3.1, T3.1, S1.1, E2.5, E3.7 and RC4 of the Unitary Development Plan for the City of Manchester and policies SP1, DM1, EN1, EN9 EN14 and EN15 of the emerging Core Strategy.

Proposed condition

The development shall be implemented in accordance with the following:

Hard landscaping associated with the development as implemented around the site perimeter (part a condition 11114146/FO/2016)

Within 6 months of the granting of this consent details of measures to create potential opportunities to enhance and create new biodiversity within the development to include bat boxes and bricks, bird boxes and appropriate planting shall be submitted to and approved in writing by the City Council. The approved scheme shall be implemented within 3 months of the approval and retained in situ thereafter.

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 Core Strategy policies EN15.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve subject to Deed of Variation of S106

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Pre application advice has been sought in respect of this development where early discussions took place regarding the unique nature of the accommodation, the scale, design and appearance of the development, and car parking issues. Further work and discussions have taken place with the applicant through the course of the application, particularly in relation to other matters arising from the consultation and notification process. The proposal is now considered to be acceptable.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development must be begun not later than 20.02.2020

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The consent shall be implemented on the basis of the submitted signed Slater Gordon Contract dated 25-07-17 (application ref no CDN/17/0246)

Reason - In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following demolition of the existing building pursuant to saved policy DC18 of the Unitary Development Plan for the City of Manchester, policies SP1, EN3 and DM1 of the Core Strategy and the National Planning Policy Framework.

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

(a) 2814-02-001 (Location Plan), 2814-02-002 (Site Plan As Existing);

(b) 2814-02-003- Demolition Plan;

(c) 2814-03-001 Rev K, 2814-03-002 Rev D, 2814-03-003 Rev D, 2814-03-004 Rev D
2814-03-005 Rev D, 2814-03-006 Rev D, 2814-03-007 Rev E, 2814-03-008 Rev F
2814-03-009 Rev F, 2814-03-010 Rev E, 2814-03-011 Rev B;

(d) 05-001 Rev H, 05-002 Rev H, 05-003 Rev I, 05-004 Rev I, 05-005 Rev H, 05-006 Rev H, 05-007 Rev I, 05-008 Rev H;

(e) 2814-31-001- Typical Curtain Walling Detail;

(f) C2814-90-001 Rev C, C2814-90-002 Rev A, C2814-90-003 Rev A, C2814-90-004,
C2814-90-005 Rev D, C2814-90-006 Rev D, C2814-90-007 Rev E, C2814-90-008 Rev F,
C2814-90-009 Rev F, C2814-90-010 Rev E, C2814-90-011 Rev B,
C2814-90-012;

(g) Service Tracking Plan 1518-01 received on 09-12-16;

(h) Recommended mitigation measures as set out in Section 7 of Wardel Armstrong's Air Quality Assessment dated Sept 16;

(i) Waste Management Strategy dated 06/10/16 in relation to the Residential Units;

- (j) Recommendations in Crime Impact Assessment Version A : 27th September 2016 ;
- (k) Statement in relation to proposed commercial operators from Salboy dated 22-12-16;
- (l) Wind Mitigation Measures as detailed in Dwg TIB1608 Rev A stamped as received on 03-11-16;
and
- (k) Parking provision as set out in Salboys letter dated 27th Jan 2017.

Reason - To ensure that the development is carried out in accordance with the approved plans and pursuant to Core Strategy SP 1, CC3, H1, H8, CC5 , CC6 , CC7, CC9 , CC10, T1, T2 , EN1, EN2 , EN3 , EN6 , EN 8, EN9, EN11, EN14, EN15, EN 16 , EN17, EN18, EN19, DM 1 and PA1 saved Unitary Development Plan policies DC19.1 , DC20 and DC26.1.

4) Details of materials shall be submitted in accordance with the Citu NQ Design Sample Materials Description Rev C (Intent and choice of material Document) received on 25-08-17 ; and Tib Street Sample Programme Panel D received on 25-08-17 (CDN/17/0246)

and implemented in accordance with

Peter Carroll's e-mail dated 15-07-19;
ALSECCO TECHNICAL MONITORING REPORT;
QUALITY ASSURANCE CHECKLIST ALSECCO SYSTEMS
FIXING detail , Flus Glazing, GRANITE , WELD and BRICK all as shown in submitted sample panel (omitting black glazed brick) and additional photos (application ref no CDN/19/0613)

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 Core Strategy.

5) The Horn is to be relocated in accordance with Jenny Anderson's e-mail dated 09-06-17 and retained in situ thereafter (CDN/17/0273)

Reason - In accordance with the agreement of the applicant to gift the artwork to the City Council as set out within the application in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC18.1 of the Unitary Development Plan for the City of Manchester.

6) The development shall be implemented in accordance with the following:

Forrest Construction Management Plan SYNQ Tib Street Rev B dated 04-08-17 and measures as detailed in the Forest Noise and Vibration Statement SYNQ Tib Street Contract NO 101895 the condition is discharged (CDN/17/0272)

Reason: To ensure that the appearance of the development is acceptable and in the interests of the amenity of the area, pursuant to policies DM1, EN14 EN15, EN16, EN17 and EN18 of the Core Strategy and Guide to Development 2 (SPG).

7) The development shall be implemented in accordance with the following:

Forrest Construction Management Plan SYNQ Tib Street Rev B dated 04-08-17 and measures as detailed in the Forest Noise and Vibration Statement SYNQ Tib Street Contract NO 101895 the condition is discharged (CDN/17/0272)

Reason - In the interest of pedestrian and highway safety, as specified in policies SP1 and DM1 of Core Strategy.

8) The development shall be implemented in accordance with the following:

Forrest Construction Management Plan SYNQ Tib Street Rev B dated 04-08-17 and measures as detailed in the Forest Noise and Vibration Statement SYNQ Tib Street Contract NO 101895 the condition is discharged (CDN/17/0272)

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with policies SP1 and DM1 of the Core Strategy.

9) The development shall be implemented in accordance with the recommendations in the following:

- * Final Phase 2 Geo-environmental Investigation & Risk Assessment, LK Consult Ltd, June 2017;
- * Phase 1 - Outline Site Desk Top Report, CCS Consulting, 03 October 2016; and
- * Citu NQ Tib Street, Site Remediation Works Asbestos Management Strategy.

(CDN/17/0271)

and

Brownfield Solutions Validation Report JM/JC3682/7193 October 2017 and Brownfield Solutions e-mail dated 08 09 20 (CDN/20/0489)

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 Section 11 of the National Planning Policy Framework and policy EN18 of the Core Strategy.

10) The Secure by Design Accreditation is confirmed by the Secure by Design Certificate (CDN/20/0185) and the approved measures shall remain in situ so long as the building is in use for the approved purposes

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.

11) Prior to commencement of development a scheme for dealing with the discharge of surface water and which demonstrates that the site will be drained on a separate system, with only foul drainage connected into the foul sewer, shall be submitted to and approved in writing by the City Council as Local Planning Authority.

Reason - Pursuant to National Planning Policy Framework policies (PPS 1 (22) and PPS 25 (F8)).

12) The development shall be implemented in accordance with the following:

Hard landscaping associated with the development as implemented around the site perimeter (part a condition 11114146/FO/2016)

Within 6 months of the granting of this consent details of measures to create potential opportunities to enhance and create new biodiversity within the development to include bat boxes and bricks, bird boxes and appropriate planting shall be submitted to and approved in writing by the City Council. The approved scheme shall be implemented within 3 months of the approval and retained in situ thereafter.

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 Core Strategy policies EN15.

13) The development shall be implemented in accordance with the following:

16-1138 P3 200 - Below Ground Drainage Layout

the approved measures shall remain in situ so long as the building is in use for the approved purposes. (CDN/17/0274)

Reason - The application site is located within a critical drainage area and in line with the requirements in relation to sustainable urban drainage systems, further consideration should be given to the control of surface water at the site in order to minimise localised flood risk pursuant policies EN14 and DM1 of the Core Strategy for Manchester.

14) CDN/20/0256 The SUDS management shall be implemented and maintained in accordance with the following:

Urban Bubble - Implementation, Maintenance & Management of the sustainable Drainage Scheme;

Lanes Group PLC DOMIS TIB ST POST CLEANSE 23 March 2020;

Euan Kellie Property Solutions e-mail dated 23 09 20; and

MCC Site Inspection Notes 22 09 2020

the approved measures shall remain in situ so long as the building is in use for the approved purposes (CDN/20/0256)

Reason - To prevent the increased risk of flooding and to ensure the future maintenance of the surface water drainage system, pursuant to policy EN8 of the Manchester Core Strategy.

15) The Local Labour Agreement shall be implemented in accordance with the Forest Construction's Employment and Skills Plan received by the City Council on 4th July 2017 the condition is discharged. (CDN/17/0273)

Reason - To safeguard local employment opportunities, pursuant to policies EC1 of the Core Strategy for Manchester.

16) The building shall be managed in accordance with the

Management statement for Transmission House dated 4th February 2020 by Urban Bubble

The approved management plan shall be implemented from the first occupation of the residential element and be retained in place for as long as the development remains in use for the approved purposes (CDN/20/0129)

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 accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

17) The lighting scheme shall be implemented and compliance with the following:

P1031-EXT-001 EXTERNAL LIGHTING ASSESSMENT , Transmission House by Novo;
CIRCUIT CHARTS ; and
Dwgs NOV-EX-01-DR-E-6301 REV C02, NOV-EX-07-DR-E06301 REV C02 and NOV-EX-09-DR-E-6301 REV C02 EXTERNAL LIGHTING LAYOUT

the approved measures shall remain in situ so long as the building is in use for the approved purpose. (CDN/19/0988)

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development, pursuant to policy E3.3 of the Unitary Development Plan for the City of Manchester DM1 of the Core Strategy.

18) The development shall operate on the basis of ongoing compliance with the following:

Tib Street, Manchester, Travel Plan, Curtins Ref: 076598-CUR-00-XX-RP-TP-001, Revision: V01, Issue Date: 06 July 2020

Reason - To assist promoting the use of sustainable forms of travel , pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD (2007).(CDN/20/0440)

19) The development shall be implemented in accordance with the following:

On the basis that the scheme of acoustic insulation and ventilation will meet the standards as set out in the following the pre-commencement requirements of the condition are discharged:

dBx acoustics Acoustic Stage 3 Design Report R01 dated 16-06-17

No installation of any external facade materials shall commence unless and until final details of the proposed windows and noise associated with plant to be installed have been submitted and agreed in writing by the City Council as Local Planning Authority (application ref no CDN/17/0272); and

Hann Tucker, TRANSMISSION HOUSE, MANCHESTER -PLANNING CONDITION 19 Report dated 31-07-20 (CDN/20/0505)

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

20) (a) Plant associated with the residential development shall be implemented and operated in accordance with the Sound insulation performance as detailed within Hann Tucker Sound Insulation Test Report 26369/SIT1 21 February 2020 as amended by Hann Tucker Note dated 31 July 2020 (CDN/20/0217)

Prior to occupation of the development a scheme for the acoustic insulation of any externally mounted ancillary equipment associated with:

(b) any of the commercial uses;

to ensure that it achieves a background noise level of 5dB below the existing background (La90) in each octave band at the nearest noise sensitive location 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 equipment. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

21) The development hereby approved shall be carried out in accordance with the Sustainability and Energy Statement and Environmental Standards Statements dated 06-10-16 both prepared by Futurserve Element and Transmission House, Manchester, Energy Strategy Summary, Ref: P1031-SAP-003 Rev A. (CDN/20/0470)

Reason - In order to minimise the environmental impact of the development, pursuant to policies SP1, DM1, EN4 and EN8 of Manchester's Core Strategy, and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

22) Residents parking shall be managed in accordance with the Car Park Management strategy for Transmission House to comply with condition 22 dated 13th February 2020 by Urban Bubble and shall remain in operation so long as the building is in operation for the approved uses. CDN/20/0129

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 Policies DM1 and T1.

23) 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.

24) Notwithstanding the TV reception survey, by Asbury dated 4th August 2016 within one month of the practical completion of the development and at any other time during the construction of the development if requested in writing by the City Council as local planning authority in response to identified television signal reception problems within the potential impact area a study shall be submitted to identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception - In the interest of residential amenity, as specified in Core Strategy Policies DM1 and SP1.

25) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

- o Monday - Friday: 7.30am - 6pm
- o Saturday: 8.30am - 2pm
- o Sunday / Bank holidays: No work

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

26) If during demolition works any sign of the presence of bats is found, then all such works shall cease until a survey of the site has been undertaken by a suitably qualified ecologist and the results have been submitted to and approved by the Council in writing as local planning authority. Any recommendations for the protection of bats in the submitted document shall be implemented in full and maintained at all time when the building is in use as hereby permitted.

Reason - for the protection of bats and in order to comply with the Habitats Directive and pursuant to Core Strategy Policy EN15.

27) No externally mounted telecommunications equipment shall be mounted on any part of the building hereby approved, including the roofs.

Reason - In the interest of visual amenity pursuant to Core Strategy Policies DM1 and SP1.

28) The development hereby approved shall provide full disabled access to be provided to the main residential entrances to the floors above.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions Core Strategy policy DM1.

29) No infiltration of surface water drainage into the ground on land affected by contamination is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - To prevent pollution of controlled waters from potential contamination on site. Infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

30) The commercial units can be occupied as A1 (excluding food retail), A2, A3, A4, B1, D2 (Gym and Cinema) use only.

Reason - In accordance with the application form and to safeguard the amenities of the occupiers of nearby residential accommodation (including from the type and frequency of deliveries associated with food retail) pursuant to Core Strategy policies DM1 and saved Unitary Development Plan policies DC26.1 and DC26.5.

31) Before any Class A3, Class A4, Gym or Cinema use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out 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 approved noise insulation scheme shall be completed before the unit is first occupied. Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed in the residential accommodation shall be submitted and agreed in writing by the City Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

32) Final details of the method of extraction of any fumes, vapours and odours from any Class A3 or Class A4 use commences shall be submitted to and approved in writing by the City Council as local planning authority prior to occupation of that unit. The details of the approved scheme shall be implemented prior to occupancy and shall remain in situ whilst the use or development is in operation.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

33) Before any of the ground floor commercial uses hereby approved commences, for each of the ground floor units, details of the proposed operating hours shall be submitted to and approved in writing by the City Council as local planning authority. The units shall be not be operated outside the hours approved in discharge of this condition.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

34) The commercial uses hereby approved shall not be occupied until a scheme for the storage (including segregated waste recycling) and disposal of refuse for each of the commercial units; has been submitted to and approved in writing by the City Council as local planning authority. 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 order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

35) Any signage design and location shall accord with the following:

Dwg C2814 31-001 Rev A

Reason - In the interests of visual amenity to enable careful attention to signage details and the level of visual clutter associated with any external seating is required to protect the character

and appearance of this building in accordance with policies SP1 and DM1 of the Core Strategy.
(CDN/20/0035)

36) No amplified sound or any music shall be produced or played in any part of the site outside of the building other than in accordance with a scheme detailing the levels at which any music shall be played and the hours during which it shall be played which has been submitted to and approved in writing by the City Council as local planning authority.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Conservation Area - Smithfield Conservation Area 1987

Area Team Boundary - Name: CENTRL