

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

Manchester Charles Street Residential
Scottish LP
C/o Agent

Agent (if used)

Mr John Cooper
Deloitte LLP
Hanover Building
Corporation Street
Manchester
M4 4AH

Part 1 – Particulars of the application/development

Proposal: Change of Use to mezzanine level of retail units T1 and T5 of Vita Living North (Circle Square Plots 5 & 6) from commercial (class E) to ancillary residential amenity areas (class C3).

Location: Vita Living North, Circle Square (Plots 5 & 6) , Oxford Road, Manchester, M1 7GB

Date of application: 9 June 2023

Application number: 137232/FU/2023

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

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance, this has included ongoing advice that has resolved the issues associated with the proposal.

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:

- o CSAR-FCBS-XX-XX-DR-A-1000 Rev P01: Site Location Plan (Received 16/06/2023)
- o CSAR-FCBS-ZT-MZ-DR-A-1101 Rev P01: GA Plan - Mezzanine - Strip Out (Received 16/06/2023)
- o CSAR-FCBS-ZT-MZ-DR-A-1102 Rev P01: GA Plan - Mezzanine Proposed (Received 16/06/2023)

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

3) The studio gym room hereby approved shall be wholly ancillary to the residential accommodation on site and shall not be open to the public for use at any time for the lifetime of the development.

Reason - To safeguard the amenity of the occupiers of the building and other nearby properties. Pursuant to policy DM1 of the Core Strategy, Saved Policy DC26 of the Unitary Development Plan and the National Planning Policy Framework.

4) No free weights shall be used within the studio gym room hereby approved for the lifetime of the development.

Reason - To safeguard the amenity of the occupiers of the building and other nearby properties. Pursuant to policy DM1 of the Core Strategy, Saved Policy DC26 of the Unitary Development Plan and the National Planning Policy Framework.

5) Prior to the first use of the studio gym room hereby approved, a management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented upon the first use of the development and then be adhered to for the lifetime of the development. The management plan shall include a system for the processing of noise complaints from local residents if received.

Reason - To safeguard the amenity of the occupiers of the building and other nearby properties. Pursuant to policy DM1 of the Core Strategy, Saved Policy DC26 of the Unitary Development Plan and the National Planning Policy Framework.

6) a) The development hereby approved shall proceed in accordance with the submitted Technical Acoustic Note (Prepared by Fisher Acoustics; Dated 24/05/2023; Received 16/06/2023) and subsequent addendum note (Prepared by Fisher Acoustics; Dated 21/08/2023; Received 22/08/2023). The proposed noise mitigation measures shall be installed prior to the first use of the development hereby approved and shall be retained for the lifetime of the development.

b) Prior to the first use of the development hereby approved, a verification report to validate that the work undertaken throughout the development conforms to the recommendations and requirements listed in the approved Technical Acoustic Note and subsequent Addendum Note shall be submitted to and approved in writing by the Local Planning Authority. 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 amenity of the occupiers of the building and other nearby properties. Pursuant to policy DM1 of the Core Strategy, Saved Policy DC26 of the Unitary Development Plan and the National Planning Policy Framework.

7) The development shall proceed in accordance with the submitted Waste Management Review Letter (Prepared by SLR Consulting; Dated 26/05/2023; Received 16/06/2023) and shall be implemented upon the first use of the development and adhered to for the lifetime of the development.

Reason - To secure proper waste storage and collection arrangements on site in accordance with Core Strategy Policy DM1.

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.

Date: 20 October 2023

Signed:



Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

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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 he 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.