

21 August 2023

F.A.O Jen Atkinson
Manchester City Council
Planning and Development
PO Box 532
Town Hall
Manchester
M60 2LA

Dear Jennifer,

New Cross, Bendix Street– Application for Discharge of Conditions 13a, 14a, 15a, 19, 24, 31, 35 and 38 of Planning Permission Ref: 125681/FO/2019 (as amended by Non-Material Amendment (NMA) Ref: 132527/NMC/2021 and 136545/NMC/2023).

Please find enclosed a Condition Discharge application submitted by Mulbury Homes (Central) Limited ("The Applicant") for the discharge of Planning Conditions 19, 24, 31, 35 and 38, and the Partial Discharge of Conditions 13a, 14a and 15a relating to the New Cross development in Bendix Street.

For clarity, the original Planning Permission Ref: 125681/FO/2019 (as amended by 132527/NMC/2021 and 136545/NMC/2023) approved the following description of development:

"Erection of a ground plus 12-storey residential building (Use Class C3) comprising 161 residential units, with ground floor commercial use (Use Class A1, A2, A3, B1, and / or D1 (excluding Places of Worship)) (160sqm) or ancillary residents lounge, disabled car parking, with highways, landscaping and other associated works following demolition of existing buildings."

The Planning Permission relates to the erection of a 12-storey residential building on the Site bound by Thompson Street to the north-east, Oldham Road to the south, Bendix Street to the south west and a building occupied by Turning Point to the north west.

This Application is submitted to discharge Conditions 13a (Acoustics), 14a (Acoustics), 15a (Acoustics), and the full discharge of Conditions 19 (Roller shutters), 24 (commercial Unit Management), 31 (TV survey), 35 (Bird and Bat boxes) and 38 (Solar Panels) attached to Planning Permission 125681/FO/2019 (as amended). The table below sets out the relevant conditions and the documents that are submitted in support of the application for discharge.

Table 1: Condition Wording and Submission Documents

Condition Number	Partial or Full Discharge	Condition Wording	Submission Document(s)
13a	<i>Partial Discharge in relation to part a) of the condition</i>	<p>Notwithstanding the noise impact assessment stamped as received by the City Council, as Local Planning Authority, on the 23/12/2020</p> <p>a) Prior to the first occupation of the development hereby approved, details of any externally mounted ancillary plant, equipment and servicing shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt, externally mounted 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 5 db (Laeq) below the typical background (La90) level at the nearest noise sensitive location.</p> <p>b) Prior to the first occupation of the development, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.</p>	A Noise Impact Assessment has been prepared by Environoise, on 16/01/2023. Ref: D480-ENV-ZZ-XX-RP-Y-1007

Condition Number	Partial or Full Discharge	Condition Wording	Submission Document(s)
14a	<i>Partial Discharge in relation to part a) of the condition</i>	<p>Notwithstanding the noise impact assessment stamped as received by the City Council, as Local Planning Authority, on 23/12/2020:</p> <p>a) prior to the first occupation of the residential element of the development, a scheme for acoustically insulating the proposed residential accommodation against noise from Oldham Road and local traffic network shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved noise insulation scheme shall be completed before the first occupation of the development.</p> <p>Noise survey data must include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria will be required to be achieved:</p> <p>Bedrooms (night time - 23.00 - 07.00) 30 dB L Aeq (individual noise events shall not exceed 45 dB L Amax,F by more than 15 times) Living Rooms (daytime - 07.00 - 23.00) 35 dB L Aeq Gardens and terraces (daytime) 55 dB L Aeq</p> <p>b) Prior to the first occupation of the development, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion</p>	Façade Strategy Review (stage 5) - Acoustics as prepared by Environoise and ANC (Acoustics and Noise Consultants), on 30/04/2022. Ref: D480-ENV-ZZ-XX-RP-Y-1005

Condition Number	Partial or Full Discharge	Condition Wording	Submission Document(s)
		<p>testing to confirm the noise criteria has been met.</p> <p>In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.</p>	
15a	<i>Partial Discharge in relation to part a) of the condition</i>	<p>a) Notwithstanding the noise impact assessment stamped as received by the City Council, as Local Planning Authority, on the 23 December 2020, prior to the first use of the commercial unit/or residents lounge as indicated on drawing 0324-TGA-XX-00-DR- A-0300 Rev P4 and 0324-TGA-XX-00-DR-A-0301 Rev P4 stamped as received by the City Council, as Local Planning Authority, on the 23 April 2021, a scheme of acoustic insulation for that commercial unit shall be submitted for approval in writing by the City Council, as Local Planning Authority. Where entertainment noise is proposed the L Aeq (entertainment noise) shall be controlled to 10dB below the L A90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63HZ and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively.</p>	Façade Strategy Review (stage 5) - Acoustics as prepared by Environoise and ANC (Acoustics and Noise Consultants), on 30/04/2022. Ref: D480-ENV-ZZ-XX-RP-Y-1005

Condition Number	Partial or Full Discharge	Condition Wording	Submission Document(s)
		b) Prior to the first use of the commercial unit, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.	
19	Full Discharge	Prior to the first use of the commercial unit or residents lounge as indicated drawing 0324-TGA-XX-00-DR-A-0300 Rev P4 stamped as received by the City Council, as Local Planning Authority, on 23 April 2021, details of any roller shutters to the ground floor of that commercial unit shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt the shutters shall be fitted internally to the premises. The approved details shall be implemented prior to the first occupation of each commercial units and thereafter retained and maintained in situ.	N/A as no roller shutters are proposed as confirmed by GMI Construction Group PLC in memo submitted alongside this application.
24	Full Discharge	In the event that any of the commercial unit, as indicated on drawing 0324-TGA-XX-00-DR-A-0300 Rev P4 and 0324-TGA-XX-00-DR-A-0301 Rev P4 stamped as received by the City Council, as Local Planning Authority, on 23 April 2021 are occupied as Use Class A3 or A4, prior to its first use the following details must be submitted and agreed in writing by	The unit will operate as residential amenity space only.

Condition Number	Partial or Full Discharge	Condition Wording	Submission Document(s)
		<p>the City Council, as Local Planning Authority. These details are as follows:</p> <ul style="list-style-type: none"> - Management of patrons and control of external areas. For the avoidance of doubt this shall include: <ul style="list-style-type: none"> • Dispersal policy; • Mechanism for ensuring windows and doors remain closed after 9pm <p>The approved scheme shall be implemented upon first use of the premises and thereafter retained and maintained.</p>	
31	Full Discharge	<p>Notwithstanding the TV reception survey stamped as received by the City Council, as Local Planning Authority, on the 23 December 2019, within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, 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 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.</p>	Television Post-Construction Survey Report published by Pager Power: Urban and Renewables, 07/2023.
35	Full Discharge	<p>Prior to the first occupation of the development hereby approved, details of the number, siting and appearance bird and bat boxes at the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented and be in place prior to the first occupation of the</p>	Bird & Bat Box Location prepared by Tim Groom Architects, Ref: D480-TGA-XX-RF-DR-A-85000

Condition Number	Partial or Full Discharge	Condition Wording	Submission Document(s)
		development hereby approved and shall thereafter be retained and maintained in situ.	
38	Full Discharge	Prior to the first use of the development hereby approved, details of the siting, scale and appearance of the solar panels to the roof (including cross sections). The approved details shall then be implemented prior to the first use of the development and thereafter retained and maintained in situ.	<p>As agreed through 136545/NMC/2023; the Energy Strategy has been amended to introduce an Air Source Heat Unit, and to accommodate this the proposed rooftop plant room will replace the old ground floor plant room, owing to insufficient space at ground floor to house the new electric-powered heating equipment. This amendment was driven by an ambition to achieve a more energy efficient scheme overall.</p> <p>As there is no alternate viable space available within the existing building layout, a new plant enclosure on the roof is required.</p> <p>The flat roof areas of the building are therefore relatively limited and payback periods for Photovoltaic panels can be onerous, for this reason there will be no Solar Photovoltaic panels</p>

Application Documentation

The application has been submitted through the Planning Portal, and comprises of the following documents:

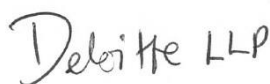
- Television Post-Construction Survey Report published by Pager Power: Urban and Renewables;
- Façade Strategy Review (stage 5) - Acoustics as prepared by Environoise and ANC (Acoustics and Noise Consultants), Ref: D480-ENV-ZZ-XX-RP-Y-1005;
- Noise Impact Assessment prepared by Environoise, Ref: D480-ENV-ZZ-XX-RP-Y-1007;
- Bird & Bat Box Location prepared by Tim Groom Architects, Ref: D480-TGA-XX-RF-DR-A-85000; and
- A letter from GMI Construction Group PLC confirming there will be no roller shutters

In addition to the information submitted as a specific requirement of this condition and this covering letter, a Condition Discharge Application Form has been submitted via the Planning Portal to formalise this Application seeking to discharge Conditions 19, 31, and 35, and Partial Discharge of Conditions 13a, 14a, and 15a.

The fee of £116.00 + £64.00 has been paid online. The Planning Portal Reference number for the submitted condition discharge application is PP-12358079.

We request the Local Planning Authority's written consent that the enclosed information is sufficient to allow the formal discharge of the conditions outlined above. If you require any further details, please do not hesitate to contact my colleague Eithne FitzGerald (eithnefitzgerald@deloitte.co.uk/ 0161 455 6963).

Yours sincerely



Deloitte LLP

Encl.