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Manchester City Council
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06/12/22

To whom it may concern,

BT STREET HUB PROJECT

DISCHARGE OF CONDITION APPLICATION

MAN027B - Pavement at Aytoun Street, opposite jcn Minshull Street, Manchester, M1 3BN

We write on behalf of our client, BT, following a combined application for Full Planning and Display of Advertisement consents relating to the installation of 1no. new BT Street Hub, incorporating 2no. digital 75" LCD advert screens, which was approved by the LPA on 01/07/2022 (132468/FO/2021 & 132469/AOH/2021)

This Discharge of Condition application relates to the AOH application (132469/AOH/2021)

Attached to the Full Planning application the LPA attached a condition to discharge.

"6) a) The Communication apparatus hereby approved shall not use voice activated or

handsfree technology unless and until a Noise Management Plan (NMP) detailing the control measures including volume and sound levels have been submitted and approved by the LPA. The agreed levels set out within the NMP shall thereafter be permanently maintained.

b) A noise assessment and noise management plan shall be submitted to determine the noise level of the speaker associated with the equipment and agreed by MCC as Local Planning Authority. Once the noise levels have been agreed, the levels will be included within the NMP and shall be complied with thereafter.

c) Once the NMP has been agreed and the unit installed, a verification report will be required to include sound testing to confirm compliance with agreed noise limit.

Reason - In the interests of the amenities of the occupiers of nearby premises pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

7) Notwithstanding the details in Condition 4 a scheme for the reinstatement of pavements must be submitted to and approved in writing by the City Council as local planning authority before development commences.

Reason - In the interests of visual amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

8) Before the development hereby approved commences, a plan must be submitted to and approved in writing by the City Council as Local Planning Authority. The plan must demonstrate how the development will be maintained to ensure the agreed light levels and noise levels are maintained and not exceeded. The plan must include details of remote monitoring and control capability, how the operator is alerted if any fault is detected and details of what action is taken where a fault is identified or reported including response time to undertake repair. The plan must include details of proposed physical inspection and monitoring frequency.

Reason - In the interests of visual amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester”

Attached to this application is a set of documents including.

- BT Maintenance Management Plan - Street Hubs
- BT Street Hub - All Elevation Spec Drawing - May 2022
- BT Street Hub - All Unit Elevations
- BT Street Hub - Anti-Social Behaviour Management Plan

- BT Street Hub - Noise Management Plan
- BT Street Hub - Noise Test Report
- BT Street Hub - Product Statement
- ILP Professional Lighting Guide 2015

The above document satisfies the condition requiring discharge by providing supporting information to demonstrate compliance.

Local Planning Authority informal advice

It is of note that the discharge of conditions including the documents being provided have been informally discussed and approved as acceptable by Gerry Reilly at LPA on the 14/11/22

"I've had a look at the Maintenance Management Plan, and it does seem to cover all the principal issues. This will need to be submitted as a formal Discharge of Condition app."

Planning Legislation

National Planning Policy Framework

Paragraph 55 & 56 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

These are referred to as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply.

Town and Country Planning Act 1990

Section 74A, *Deemed discharge of planning conditions*, of the Town and Country Planning Act 1990 outlines the relevant planning legislation in relation to Discharge of Conditions including applicant and local planning authority responsibility.

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Article 27 & 28, *Applications made under a planning condition & Deemed discharge*, of The Town and Country Planning (Development Management Procedure) (England) Order 2015 outlines the relevant procedure and responsibilities of both applicant and local planning authority in relation to processing Discharge of Condition applications.

Article 29, *Deemed discharge notice*, outlines the process of giving a Deemed discharge notice once the following has elapsed,

- At least 6 weeks beginning with the day immediately following that on which the application is received by the local planning authority; or
- such shorter period as may be agreed in writing between the applicant and the local planning authority for serving a notice.

If the applicant has served a deemed discharge notice and the local planning authority fails to determine the application by the date specified in the notice or such later date as may have been agreed in writing, approval is deemed to have been given, with the consequence that the condition is deemed to be discharged.

We hope that the submission is in order and can be registered at your earliest opportunity. It is noted the local planning authority should respond to requests to discharge conditions without delay and must give notice to the applicant of its decision within a period of 8 weeks, beginning with the day immediately following that on which the application is received, or any longer period agreed in writing between the applicant and local planning authority. If no decision is made to discharge the condition within 12 weeks, the local planning authority must return the fee to the applicant without further delay.

Should you require any further information or have any queries then please do not hesitate to contact me.

Yours sincerely,

Joshua Lee

Joshua Lee

Graduate Acquisition & Planning Surveyor

Solutions30 UK Ltd

MAN027B-AOH-DoC-Statement

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For and on behalf of BT as a duly authorised agent.