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Ardwick Ward	Application Number	Date of Appln	Committee Date
	080508/FO/2006/N2	12th Feb 2007	25th Oct 2007

Proposal Redevelopment of site to create a mixed use development comprising 52 apartments and 428sqm of commercial and food and drink uses (Class A1, A2, A3) at ground floor level with 37 car parking spaces.

Location 2-10 Stockport Road, Ardwick, Manchester, M12 6AL,

Applicant Mr Hussain Alazzawi, Sasco Homes Ltd, Studio 3, 69 Hamilton Road, Longsight Business Park, Manchester, M13 0PD

Agent Paul Butler Associates 31 Blackfriars Road, Salford, Manchester, M3 7AQ

Description

This application was deferred from consideration by the Planning and Highways Committee at its meeting of 31st May 2007, to allow issues relating to noise and its impact on the future residents of the development to be addressed. A subsequent meeting was held on 21st June 2007 with the applicants, the principal objectors (Live Nation), Environmental Health Officers and Planning Officers where a number of issues were raised relating to potential noise outbreak from the Apollo Theatre and its impact on future residents of the proposed residential units.

The application was presented to the Planning and Highways Committee meeting on 28th June 2007. It was considered that further information and analysis was required in order to address the issues raised at the meeting of 21st June. On the advice of the Head of Planning, Members resolved to defer the application to allow the submission and consideration of information, including the undertaking of further noise surveys at sensitive times of the day and night. The applicants have submitted further acoustic surveys and analysis, which seeks to address these outstanding concerns. The application has now been considered with reference to this revised information.

This application relates to an "island" site bounded by Stockport Road, Polygon Street and Brunswick Street. The site most recently accommodated retail units, which have been demolished. The site is situated to the south-west of the "Apollo" roundabout and has its main frontage to Stockport Road (A6). Residential uses are located to the south-west of the site along Brunswick Street and Polygon Street. The buildings previously occupying the site have been demolished and the site is currently vacant.

This site was previously the subject of the following application which was refused planning permission on 7th October 2004: 069439/FO/2003/N2 -: Revised proposals for the erection of part five, part six storey building to form residential development comprising: 5 x 3-bedroom apartments, 51 x 2-bedroom apartments and 5 x 1-bedroom apartments, with three parking spaces at ground level and 30 parking spaces at basement level.

This application initially related to the creation of a mixed use development comprising of 52 residential apartments and 180 sq.m of office space (Class A2/B1). The application was subsequently amended to provide active frontages to Stockport Road and part of Brunswick Street. This resulted in the re-

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organisation of the internal layout, which maintained 52 apartments and increased the space for retail, commercial and food and drink uses (Class A1, A2 and A3) to 428 sq.m. , following a reduction in the number of car parking spaces from 52 to 37 spaces.

The proposed building will have a triangular configuration reflecting the shape of the site. The building will comprise of 5 storeys to each of the surrounding street frontages, rising to 8 storeys as it meets the junction of Stockport Road and Brunswick Street. The elevational treatment will comprise of glazing, cladding and central brick rectangular sections between first and fifth floors to each of the respective frontages.

Balconies will be situated at each intersection of the elevations. Balconies will be arranged in vertical columns to the Stockport Road and Brunswick Street elevations. The horizontal emphasis of the building is relieved by the verticality of doors and windows the proposed balconies. Although the elevational details of the ground floor non-residential units have not been submitted, details of green screen planting to Polygon Street and part of the Brunswick Street elevations have been provided. Down lighting would over hang each elevation at ground floor level. Elevational details relating to the ground floor units would be submitted as part of separate planning applications once operators for the individual units come forward, should permission be granted for the substantive scheme.

Residential pedestrian access will be provided from Stockport Road and Brunswick Street. Car Parking will be situated at ground floor and basement levels with separate "up" and "down " ramps. The car parking will incorporate disabled car parking spaces, cycle stores and refuse storage areas. Recycling facilities would be located within the communal terraced area.

Consultations

Local Residents - One letter of objection has been received and is summarised below:

- i. The development will create further traffic congestion in an already congested area;
- ii. The provision of 37 parking spaces for 52 apartments is inadequate and will therefore create car parking problems in the area;
- iii. Additional congestion will lead to further pollution and environmental problems in the area.

Councillor Bernard Priest - Objected to the original proposals on the following grounds:

- i. The location of car parking will adversely affect the outlook from existing terraced housing;
- ii. Concern is expressed regarding the quality of potential construction materials. A high quality elevational treatment is required in such an important location.

Live Nation (Apollo Theatre) - 7 letters of objection have been submitted by or on behalf of Live nation, the operators of the Apollo Theatre. The objector is concerned that if the application is granted and implemented, a noise sensitive use will be brought into close proximity to the Apollo Theatre. The objectors

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maintain that whilst acknowledging that traffic creates a significant amount of noise during the daytime, the operation of the theatre generates noise in the early to late evening which will be audible to potential residents.

Live Nation is concerned that any subsequent complaints received by the Council may result in the imposition of restriction on the operation of the theatre by either the courts or the Council itself. This will have serious implications from the operation of the theatre.

Live Nation has made the following comments on the submitted noise survey undertaken by BDP Acoustics on behalf of the applicants, in its first 5 letters of objection.

- i. No specific guidelines or criteria have been put forward or adopted in the report submitted by BDP Acoustics on behalf of their client.
- ii. The Noise Exposure Category (NEC) bands drawn from PPG24 are inappropriate and should be related to specific criteria relating to the operation of the Apollo Theatre.
- iii. The proposed windows need to be sealed and unopenable in order to match the criteria suggested by BDP Acoustics. There is therefore a need for permanent mechanical ventilation
- iv. At the levels being reported it should be noted that speech between people on balconies would be difficult and necessitate being very close together and the use of raised or loud voices.
- v. The report does not provide sufficient information for the LPA to be confident that noise from road traffic would not be an issue for future residents.

A further letter was received from Live Nation prior to the referral of the application to the Planning and Highways Committee meeting on 31st May 2007 and is summarised below:

- a. The Apollo is one of the major entertainment venues in Manchester holding up to 3500 people. The existing premises licence, which allows the venue to operate until 2am and occasionally until 3am. Within this context it is inevitable that there will be noise and disturbance to residents living opposite the site due to the number of people leaving the premises at the same time at night and during the early hours of the morning.
- b. Live Nation are extremely concerned that the residents in proposed flats will find the noise disturbance intolerable resulting in noise complaints to the City Council. This in turn could lead to the possibility of statutory action being taken on noise grounds, thereby affecting the operation of the Apollo and possibly prohibiting late night operation entirely.
- c. The applicant's acoustic report does not satisfactorily deal with the main issues and flaws have been highlighted by within it by Live Nation's noise consultants, namely:
 - The only way in which the current noise levels could be attenuated to an acceptable standard in respect of road traffic alone is for all windows to be permanently sealed and unopenable. There will be a permanent need for mechanical ventilation. This situation cannot be considered acceptable. The position is of course exacerbated by the late night

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operation of the Apollo but clearly the City Council can do nothing about road traffic noise;

- Balconies will be rendered effectively unusable. At levels being reported, normal speech would be difficult.
- No proper evaluation is made in respect of noise issues from the Apollo. No specific guidelines or criteria were suggested by the City Council nor adopted by the applicant's consultants. The local planning authority cannot be confident that a combination of road noise and venue noise would not be a major issue for residents.

d. It is contested that the submitted information is incomplete and inaccurate thereby affecting its evaluation by the City Council.

The sixth letter of objection relates to the detail of a subsequently submitted acoustic survey and is detailed within the issues section of this report. The seventh letter indicates the following:

i. Without such surveys, Live Nation's position is quite clear. The Council is in no position to grant the application as the surveys to date indicate that the proposal will be borderline category C/D and secondly there is no comparison between those evenings and early mornings when there is an event at the Apollo and those when the venue is dark. This is particularly relevant given that the applicant has indicated that balconies, opening doors and windows to the relevant facades are proposed.

ii. Live Nation will continue to request the owner to grant access to the application site for survey purposes. Pending those surveys being undertaken, Live Nation must strenuously uphold its current objection to the application on the grounds already set out to you in detail.

iii. Should the City Council proceed to grant planning permission, Live Nation maintains its previously stated position and reserves its rights as third party objectors to pursue any necessary legal proceedings in order to protect Live Nation's interests, including judicial review of the planning permission if it is granted.

Head of Environmental Health - Consideration has been given to the acoustic information provided by the applicant in order to ensure that occupants of the proposed building will not experience disamenity because of the location and existing noise environment. Equally consideration should be given to the existing activities/businesses, and the potential affects of the proposed new development upon them.

Consideration has been given to :

i. The need of residential and commercial occupants of the proposed building need to be sufficiently protected from noise produced by the road traffic and any potential noise produced by other nearby sources. In this location the Apollo Theatre would be a potential noise source sufficient to produce a noise disamenity.

ii. The existing commercial activity of the Apollo Theatre, positioned opposite the proposed new build. In order to provide technical acoustic information and comment on the proposed development an acoustic report was requested from the applicant.

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The Environmental Health Department has adopted guidelines published by the World Health Organisation (WHO) and British Standards, BS 8233:1999 'Sound Insulation and Noise Reduction for Buildings - Code of Practice'. The adoption of the guidelines gives the following general internal criteria for living rooms and bedrooms; Bedrooms 30 dB LAeq, Living Rooms 40 dB LAeq and maximum levels at night, not normally to exceed 45dB LAmax.

The applicant provided an initial report dated August 2006. Following discussion with the Environmental Health Department, Local Planning Authority, the applicant and the representatives of the Apollo Theatre, two subsequent reports were produced dated November 2006 and August 2007. The three reports and associated papers provided acoustic technical information to address the following issues;

- i. Noise climate in the vicinity of the proposed residential development
- ii. PPG24 noise criteria and internal noise targets in the proposed residential accommodation
- iii. Recommendations for an appropriate scheme of glazing and ventilation
- iv. Analysis of potential noise breakout from the Apollo.

The proposed building and acoustic specification and the supporting acoustic reports indicate that the required internal acoustic standards can be met. The acoustic surveys include the activity of the Apollo Theatre during two concerts and indicate that the proposed acoustic specification will also be sufficient to control the current noise from events at the Apollo theatre.

The acoustic technical information provided by the applicant has detailed several important issues that must be a feature of the application.

- i. The internal acoustic standards are achieved with the windows closed and therefore require mechanical ventilation. This is not an unusual feature of residential buildings in these locations.
- ii.. The applicant's drawings show balconies as part of the architecture. These areas should be considered to be external amenity areas and as such guidelines exist recommending maximum noise levels of 55 dB LAeq. The guidelines are considered to reduce annoyance to residential occupants in such areas. The guideline may not be considered appropriate for City areas. The balconies and other external areas proposed by the applicant will not achieve the guideline recommendation of 55 dB LAeq.
- iii.. The proposed physical room and window dimensions are an integral part of the acoustic specifications and therefore must be confirmed as detailed in the acoustic reports provided by the applicant.
- iv. The acoustic information detailed in the applicants report shows occasional noise events that exceed the night time recommended maximum level of 45 dB LAmax. The report details that the elevated levels are generally due to sirens from the emergency services. The Environmental Health Department accept that in such busy areas the one off noise events that are audible are within the guideline conditions and difficult to avoid.

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v. The applicant should provide a post build acoustic report which demonstrates that the predicted internal acoustic performance has been achieved. The acoustic survey should be completed during worst-case traffic periods and typical early morning Apollo Theatre events.

In respect to the above detail and the full implementation of the detail given in the acoustic reports provided by the applicant the Environmental Health Department would be able to recommend discharge of the acoustic condition NSE4.

An initial response from the Head of Environmental Health also recommended that the following standard conditions be applied to any planning permission should be conditioned to ensure the following:

- i. A scheme for the storage of waste and material to be recycled;
- ii. A scheme for the extraction of fumes and vapours if required;
- iii. Hours to be restricted to those applied for;
- iv. Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20.00, Monday to Saturday, no deliveries / waste collections on Sundays / Bank Holidays.

Greater Manchester Police - No objection in principle. However, if Secured by Design is to be pursued the proposed car parking must have secure access controls that prevent unauthorised access to both vehicles and pedestrians and the unauthorised removal (theft) of vehicles.

Greater Manchester Passenger Transport Executive - The planning application should be accompanied with a Travel Plan, which demonstrates how public transport will be promoted to residents.

Director of Housing - Whilst supporting the proposed redevelopment, concern is expressed regarding the poor impact on the surrounding public realm and adjoining housing, particularly in relation to ground floor elevational treatment of the parking areas.

Environment Agency - Any planning permission should be conditioned to secure satisfactory mitigation of contaminated land.

Head of Engineering Services - The following comments have been received:

- i. The applicant needs to clarify parking strategy for non- residential customers, which has not been provided.
- ii. Pedestrian visibility splays for car park accesses on exiting the building should be provided.
- iii. A condition is require relating to the provision of a "lay by" to be incorporated into Polygon Street following the formation of "build outs" at each end of the street. This would allow for additional parking spaces for non-residential staff and residents. It would also restrict the road to single lane carriageway and provide safer pedestrian crossings at each end of the road.
- iv. Vehicle visibility splay required and should be indicated on the submitted drawings.

Chief Executive's Landscape Practice Group - No objection to the proposed planting schedule, but details need to be submitted in relation to the location, type, size and density of all tree / planting material; the proposed growing

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medium and the management / maintenance proposals. It is considered that the courtyard spaces would be enhanced by some feature lighting.

Contaminated Land Section - Any planning permission should be conditioned to ensure a desk top study and the undertaking of measures to secure satisfactory mitigation of contaminated land.

Issues

Unitary Development Plan - The following City-wide policies are considered to be relevant:

E1.1 -The Council wishes to see substantial reductions in the level of air pollution much of which is caused by vehicles fumes. To achieve this the Council will:-

- a) Promote public transport and cycling and improve conditions for pedestrians;
- b) Discourage the use of the private car for peak time trips to the City Centre and other major employment areas;
- c) Require all major new development to be located where it can be easily served by public transport.

E3.3 - The Council will upgrade the appearance of the City's major radial and orbital roads and rail routes. This will include improvements to the appearance of adjacent premises; encouraging new development of the highest quality; and ensuring that landscape schemes are designed to minimise litter problems.

H2.2 - States that the Council will not allow development, which will have an unacceptable impact on residential areas. The matters that the Council will consider, amongst other things, the scale and appearance of the development, traffic generation and road safety.

S2.1 - The Council recognises the importance of good quality local and convenient shopping facilities within easy reach of people's homes and will seek to ensure that all parts of the City are well provided for and that facilities are accessible to disabled people. New shops to meet local needs will be encouraged where current provision does not adequately meet requirements.

S2.4 - New shopping facilities should not significantly affect the amenities of nearby residential areas particularly through increased traffic congestion, noise and pollution from cars.

S2.5 - The Council will seek to ensure that shopping facilities are of a high standard of design with adequate parking provision and provide a safe and attractive environment for all shoppers.

T1.2 - The Council will encourage the provision of improved bus facilities in the City ranging from new bus priority schemes and interchange facilities, in particular on radial routes into the City Centre, to new or upgraded passenger facilities within the City Centre itself.

T2.6 - The Council will expect adequate car parking provision to be made for disabled people so that they can get easy access both to existing and new facilities in the City.

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T3.1 - The Council will ensure that the particular needs of both pedestrians and cyclists are catered for in the design of new developments and new road and public transport schemes.

DC9.1 - The Council will require all new commercial and industrial buildings and the environments in which they are set, including car parking areas, to meet high standards of accessibility for disabled people. This requirement will also apply to development, which involves the adaptation of existing buildings unless practical considerations dictate otherwise.

DC10.1 - In determining planning applications for developments involving the sale of food or drink for consumption on the premises, or for hot food to be consumed off the premises, the Council will have regard to:

- a. the general location of the proposed development, including any reference to the area in other policies in the Plan;
- b. the effect on the amenity of neighbouring residents;
- c. The availability of safe and convenient arrangements for car parking and servicing;
- d. Ease of access for all, including disabled people; and
- e. The storage and collection of refuse and litter.

DC26.1 The Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. The effect of new development proposals which are likely to be generators of noise; and
- b. The implications of new development being exposed to existing noise sources, which are effectively outside planning control.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance - The Guide aims to support and enhance the on going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester.

Of particular relevance is:

Policy 2 - Makes specific reference sections of the policy relating to:

- i. Design and Function;
- ii. Development sustaining local neighbourhoods;
- iii. Areas of change promoting a sense of place;
- iv. Design of streets to promote neighbourliness;
- v. Buildings should front onto streets;
- vi. Strong corners providing important landmarks;
- vii. Clear definition of public and private space
- viii. Junctions designed as places;
- ix. Minimising the impact of car parking;
- x. Encouraging a mix of uses;
- xi. New development should maximise access for disabled people.

Policy 4 - Encourages energy efficiency, the use of renewable energy and water and waste management.

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Policy 6 - Outline car parking requirements, it also require that developers provide Travel Plans where appropriate, encourages and supports walking, cycling and public transport uses. It also seeks to ensure that car parking areas are design to meet the needs of disabled people.

Design For Access 2 (DfA2) - The City Council's best practice guidance of inclusive design standards. Whilst the full weight of the Guide can only be applied to land in which the City has an interest, it can be generally related to the consideration of the internal layouts arrangements of access and manoeuvrability and the design of car parking spaces. DfA2 is related to Guide to Development in Manchester Supplementary Planning Document and Planning Guidance

City Council Interim Housing Policy - Outlines the City Council's approach towards new housing development, its density and location. This policy also forms the basis for the development of an affordable housing policy. This policy states that the City Council will not support high density, apartment led development outside the City Centre and its fringes.

Regional Spatial Strategy for the North West - (RPG13) Provides planning guidance for the North West region. Since 2004, the RSS has formed part of the development plans; as such the weight to be attached to its policies has increased. It contains policies that address core principles of development including the following:

- i. DP1: Economy in the use of land and buildings;
- ii. DP2: Enhancing the Quality of Life - Ensuring development provides a high quality of life for this and future generations;
- iii. DP3: Quality in New Development - Ensuring that new development demonstrates good design and respect for its setting;
- iv. DP4: Promoting sustainable economic growth and competitiveness and social inclusion;
- v. ER13 : Renewable energy and energy efficiency.

The North West Plan, Draft Regional Spatial Strategy (RSS) - Publicised in January 2006, this draft RSS document provides a framework for the physical development of the region over the next 15 to 20 years. The following policies are of relevance:

DP1 - Defines regional development principles and requires that Local Planning Authorities:

- a. Make more sustainable, transparent decisions;
- b. Make better use of land and ensure quality in development, ensuring the promotion of an appropriate mix of uses within a site or its wider neighbourhood, reduce the need to travel and assist people to meet their needs locally.

Planning Policy Statement Note 1 (PPS1): Creating Sustainable Communities

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PPS1 encourages the promotion of urban and rural regeneration to improve the well being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. In addition to this PPS1 clearly outlines the importance of creating sustainable communities.

Planning Policy Statement Note 3 (PPS3): Housing - Sets out the national planning policy framework for delivering the Government's housing objectives. PPS3 reflects the Government's commitment to improving the affordability and supply of housing in all communities.

Reference is particularly made to paragraph 10 (of PPS3) which states that the planning system should deliver:

- i. High quality housing that is well-designed and built to a high standard;
- ii. A flexible, responsive supply of land - managed in a way that makes efficient and effective use of land, including re-use of previously developed land, where appropriate.

Planning Policy Statement 6: Planning for Town Centres (PPS 6)-

The Government's key objective for town centres is to promote their vitality and viability by:

- i. Planning for the growth and development of existing centres;
- ii. Promoting and enhancing existing centres, by focusing development in such centres and
- iii. Encouraging a wide range of services in a good environment, accessible to all.

PPS 6 states that in considering planning applications for development which include main town centre uses, before development plans can be reviewed to reflect this planning policy statement, local planning authorities should have regard to the policies in this statement as material considerations which may supersede the relevant policies in their development plan.

Furthermore, in assessing development proposals, local planning authorities should require applicants to demonstrate:

- a) the need for development;
- b) that the development is of an appropriate scale;
- c) that there are no more central sites for the development;
- d) that there are no unacceptable impacts on existing centres; and
- e) that locations are accessible.

Planning Policy Guidance 24 - Planning and Noise (PPG24) - Guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities, which generate noise.

It explains the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise.

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Principle of the development - The submitted application seeks to address the issues, which resulted in the refusal of planning permission in respect of application 069439/FO/2003/N2, i.e.:

- i. The overdevelopment of the site;
- ii. The poor relationship of the development to the surrounding context by virtue of its design, external appearance, height and massing;
- iii. The insufficient provision of car parking.

It is considered that, given the proximity of the site to the City Centre, the development satisfactorily relates to the current City Council housing policy.

It is also considered that the density of the development has been satisfactorily reduced from 60 to 52 residential units. The proposed level of car parking has been reduced to allow the viable provision of active retail / commercial frontages to ground floor level. It is considered that on balance to the loss of car parking may be offset by the benefits accrued by the formation of a mixed use development that positively contributes to the character and vitality of the local area. It is also considered that the proposal would positively contribute to the diversity and mix of housing types and tenure in the local area. To this regard the development responds to City Council policy as expressed within the Development Guide.

Securing active and sustainable uses for the currently derelict application site is considered to be of significant importance in retention to local regeneration. However, the site is situated on a gateway route into the adjacent City Centre. The regeneration benefits of the redevelopment of the site should not just be considered locally but in terms of its contribution towards the continued regeneration of the regionally and nationally important City Centre.

However, consideration of the application has revealed the significance of introducing a noise sensitive, residential use to an area, which is exposed to high levels of noise from surrounding major roads and the Apollo Theatre. Issues relating to noise and its impact on the proposed use have therefore been given substantial weight. The following analysis therefore details the issues pertaining to noise and the measures taken by the applicant to secure its mitigation and attenuation.

Noise - Extensive discussions have been undertaken throughout the life of the planning application, involving the applicants, the principal objectors (Live Nation), Environmental Health Officers and Planning Officers, regarding the potential relationship of the Apollo theatre and a noise sensitive residential use. Representations submitted on behalf of Live Nation, following a meeting with the above parties, identified concerns regarding the scope and detail of the acoustic surveys undertaken by the applicant's acousticians. A view was expressed that the applicant should undertake:

- i. A 24 hour traffic noise survey;
- ii. An assessment of noise levels from the Apollo impacting on the first to the eighth storeys of the proposed development;
- iii. An assessment of the Apollo when it holds a late night event, i.e. up to 3.00 am.

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It should be noted that the late night analysis of the operation of the Apollo has also been affected by changes to the approved licensing hours. These hours have changed during the life of the application and are detailed below:

Monday to Thursday: 11.00 am to 0033 am

Friday and Saturday: 11.00 am to 0230 am

Sunday: 12 noon to 0030 am

Club nights occurring 8 times per annum up to 0330 am and up to 0430 am 4 times per annum.

Members were made aware of the need to undertake further analysis of noise related issues at the Planning and Highways Committee meeting on 28th June and deferred consideration of the application. The applicants were subsequently required to submit additional information relating to :

- i. A survey of music breakout from the Apollo during performances including:
 - a. Information relating to typical early hours / maximum music levels recorded during performances;
 - b. Extended noise survey into the early hours of the morning;
 - c. Assessment of the survey results particularly in relation to any low frequency breakout from the Apollo during performances and the resultant prediction within the most sensitive receptor premises.

A further meeting was held, again applicants, the principal objectors (Live Nation), Environmental Health Officers and Planning Officers, which aimed to secure an agreed methodology for further noise surveys and provide and establish:

- i. The extent of noise outbreak from the Apollo, including its roof. It was intended that the survey would record noise at varying heights, in order to allow an assessment of predictive noise levels;
- ii. An assessment of noise events, both internal and external, to establish the impact of the Apollo. At this stage, Live Nation accepted the extended survey should take place between 10 pm and 4.30 am on 26th and 27th August 2007.
- iii. The methodology was agreed between the acousticians appointed by the applicants (BDP Acoustics) and Live Nation (Vanguardia). The agreed methodology was forwarded to the Environmental Health Officer and detailed the following:
 - a. The survey would be undertaken by 2 acousticians from BDP;
 - b. Agreed measurement positions and durations.

The survey was undertaken and its findings were circulated to the previously specified parties. The survey conclude that:

- i. The assessment indicates that the proposed site falls into Noise Exposure Category (NEC) C for both daytime and night time periods when determined in accordance with Planning Policy Guidance Note 24.
- ii. Applying the recommendations of PPG 24 suggests that conditions should be imposed on the development to ensure that noise nuisance does not become an issue for future residents.
- iii. On the basis of noise measurement data, noise break-in calculations have been undertaken to establish a suitable scheme for the glazing and ventilation

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that should satisfy the requirements of the local planning and environmental health authorities.

iv. Calculations have been undertaken to predict bedroom and living room internal noise levels with windows open and the external noise level on balconies.

v. An analysis of noise break-out of the Apollo has been undertaken, which suggests that the proposed design should result in suitable internal levels.

Live Nation (via Vanguardia) carried out its own analysis of the survey details provided by BDP Acoustics. Live Nation maintain their objection on the basis that the survey does not satisfy concerns regarding the impact of the development on the current and future operation of the Apollo. Particular concerns remain regarding the potential for future complaints relating not only to noise outbreak from the Apollo but also the increased pedestrian and vehicular movement in the hour after the event has finished.

Live Nation maintains that a "control" survey should have been undertaken to establish noise movements on an evening when the Apollo is not operating. Live Nation has indicated that they intend to commission such a survey and compare its findings to those gathered from the survey undertaken by BDP Acoustics. The detail of this "control" survey has not, as yet, been submitted.

In considering the proposed development reference has been made to Planning Policy Guidance Note 24 : Planning and Noise (PPG24). PPG24 states that "the impact of noise can be a material consideration in the determination of planning applications" and the "planning system has the task of guiding development to the most appropriate locations".

PPG 24 was particularly significant as the development would be introduced to an already noisy environment due to the relationship of the site to the busy, surrounding highways network but also the Apollo Theatre. PPG24 indicates, "wherever practicable, noise-sensitive developments are separated from major sources of noise". However, where such a separation of land uses is not possible, "local planning authorities (lpa's) should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning obligations".

PPG24 also states that local planning authorities (lpa) should consider carefully in each case whether proposals for new noise-sensitive development would be incompatible with existing activities. When determining planning applications for development, which will be exposed to an existing noise source, local planning authorities should consider both the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. LPAs may also wish to bear in mind that, while there will be sites where noise is significantly lower at night than during the day, other sites may be subjected to night-time noise, for example from traffic, at a level which is little below the daytime level. These sites warrant particular protection: noise-sensitive development should not normally be permitted where high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping.

PPG 24 also states that a number of measures can be introduced to control the source of, or limit exposure to, noise. Such measures should be proportionate and reasonable and may include one or more of the following:

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- (i) Engineering: reduction of noise at point of generation; containment of noise generated and protection of surrounding noise-sensitive buildings;
- (ii) Lay-out: adequate distance between source and noise-sensitive building or area; screening by natural barriers, other buildings, or non-critical rooms in a building;
- (iii) Administrative: limiting operating time of source; restricting activities allowed on the site; specifying an acceptable noise limit.

PPG24 states that in determining planning applications for development which will be exposed to an existing noise source, lpa's should consider carefully in each case whether proposals for new noise-sensitive development would be incompatible with existing activities. PPG24 Annex 1 also introduces Noise Exposure Categories (NECs), ranging from A-D, to be used in the consideration of applications for residential development near transport-related noise sources.

PPG24 Annex 1 states that in assessing a proposal for residential development near a source of noise, local planning authorities should determine into which of the four noise exposure categories (NECs) the proposed site falls, taking account of both day and night-time noise levels. Local planning authorities should then have regard to the advice in the appropriate NEC. PPG 24 states that the NEC procedure is only applicable where consideration is being given to introducing residential development into an area with an existing noise source.

The applicants have placed the proposal in Category C for the day and night period, i.e. daytime category B/C and night time C/D. A Category C noise exposure would usually result in planning permission being refused unless there are extenuating circumstances and the impact of noise can be mitigated against through design and condition. In this case the redevelopment of the site would bring significant regeneration benefits to the area by: providing an active use for a derelict site; positively affecting the mix of housing types and tenures and providing additional local employment opportunities in relation to the ground floor retail and commercial uses. An approach has therefore been pursued which seeks to mitigate against the impact of locating a noise sensitive use in close proximity to the Apollo.

In considering the proposals the Head of Environmental Health has recognised that the site is located in a noisy environment but maintains that the proposed building and its acoustic insulation is capable of meeting the required internal acoustic standards. However, the achievement of these standards is dependent upon the windows to the residential accommodation being closed. The permanent sealing of windows would ensure that the development attains these standards but this is not considered to be a desirable or practical solution in a residential scheme. It is therefore considered that potential residents should be allowed to open windows if they choose to do so, in the understanding that their amenity may be affected. In order to secure appropriate ventilation when the windows are closed and secondary mechanical ventilation system has been recommended by condition.

Whilst noting that the submitted noise surveys indicate that noise levels in the area of the site will occasionally exceed the recommended night maximum levels(i.e. 45dB_LA_{max}), it is considered that these events may be attributed to elevated noise levels from sirens etc.. Such events are infrequent, difficult to control and not characteristic of the typical noise environment.

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It should be noted that the applicants noise surveys have been based upon a "worse case" scenario in terms of noise generated by traffic. It is considered that the impact of noise is capable of being mitigated against subject to the following conditions:

- i. A post construction acoustic survey of the residential accommodation to ensure that the installed glazing performs to the standards detailed in the approved noise insulation scheme;
- ii. The installation of mechanical ventilation to ensure compliance with the detail of the approved noise insulation scheme when the windows of each of the authorised residential units are closed;
- iii. The provision of noise insulation against the potential for noise transmission from the ground floor Class A1, A2, A3 uses to the residential accommodation above.

Siting - The proposed siting of the building is considered to be appropriate within the context of the surrounding area, which is characterised by active frontages in close proximity to the back of footpath. The siting of the proposed building is reflective of the building previously occupying the site. It is therefore considered that the proposal reflects the character of built form in the locality and maintains an established and satisfactory relationship to the Apollo Theatre (Grade II Listed).

A distance of between 15 and 25 metres would be maintained between the south-west elevation of the proposed building and the existing houses on Polygon Street. It is considered that given the positioning of the proposed terraces on the western and eastern sides of the Polygon Street elevation and the orientation of the existing and proposed windows there should be no undue diminution of residential amenity.

Height - The application relates to an important landmark site and this is reflected in the height, scale and proportions of the building. The building rises to a maximum height of 25 metres as it reaches the intersection of the elevations at the junction of Stockport Road and Brunswick Street. This height is considered appropriate and necessary in order to give the building presence and enhance the setting of the listed Apollo Theatre and the roundabout at the junction of the major routes of Stockport Road and Hyde Road.

In recognition of the potential impact of the height of the new building on TV reception the applicants have submitted a related survey, which identifies some impact on TV reception. A condition has been recommended to ensure the provision and implementation of measures to mitigate against the impact of the development.

Scale and Massing - The building has been designed to provide strong and striking elevations to each of its street frontage. The initial first five storeys of the building are reflective of the bulk and massing of the neighbouring Apollo Theatre. The introduction of lighter cladding and glazing combined with the graduated increase in height as the buildings ascends to its triangulated form provide a robust, yet proportionate, corner treatment. In so doing the building effectively presents itself to the streetscene without overwhelming it.

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The more open, staggered design to Polygon Street has less imposing presence whilst maintaining visual interest. This elevational treatment is considered to be appropriate given its relationship to residential uses.

Landscaping - It is considered that the proposed landscaping to the communal terrace is acceptable. The comments of the Director of Housing are noted regarding the planted screening to the elevational treatment. Whilst this approach is acceptable in principle it is considered that its detail needs to be expanded upon. A condition has been recommended to give clarification of the practicality of using such a treatment in the proposed locality together with a regime for its future maintenance. A condition has also been recommended to secure the satisfactory future maintenance of the communal terrace.

Introduction of Town Centre Uses - This application includes the provision of 428 sq m of retail, commercial and food and drink uses (Class A1,A2,A3) at ground floor level. The precise form and number of the units accommodating these uses is still to be determined. However, it is the case that these "town centres" uses will need to be assessed in accordance with the following criteria as expressed by PPS6:

a. The need for the development

Whilst the potential uses may be found in town centres, they are also found in localised shopping parades and would be potentially supported by residents of the proposed development and existing nearby residents, as well as, patrons of the Apollo Theatre. The development would thereby provide uses, which would contribute to the sustainability of the residential element of the development as well as complementing existing leisure uses to the benefit of the continued regeneration of the local area.

Furthermore, in urban design terms it is essential that the development provides active frontages to Stockport Road and Brunswick Street at street level. Given the nature and the lack of defensible space around the building, ground floor residential uses would not be appropriate.

b. That the development is of an appropriate scale

Given the magnitude of the non-residential uses, it is not considered that this part of the development would have an adverse impact on established centres, but would instead supplement existing facilities. Furthermore, the ground floor uses would not, in themselves, draw people into the local area but would provide complementary uses to the Apollo Theatre.

c. That there are no more central sites for the development

It should be emphasised that the bulk of the development relates to residential apartments and the retail/commercial/ food and drink uses form a relatively small part of the development. Given the small proportion of non-residential uses, its scale and the need to secure an appropriate relationship to the upper floors and the streetscene, it is not considered there is scope for disaggregation and the location is considered to be acceptable.

d. That there are no unacceptable impact on existing centres

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It should be emphasised that the non-residential element of the scheme is relatively small (428 sq. metres) and is therefore of an insufficient magnitude to have an appreciable impact on existing retail and commercial uses or centres in the local area. Any impact would be localised and positive, i.e. it would provide additional facilities for existing and potential residents, as well as the patrons of the Apollo Theatre.

e. That the locations are accessible.

The site is located in a prominent location at the junctions of Stockport Road, Polygon Street and Brunswick Street. Given the position of the site within a very busy section of the local highway network, the scope for passing vehicular trade may be limited. However, the Class A1, A2, A3 units will be accessible to pedestrians, existing and potential residents visiting the premises on foot and patrons of the Apollo Theatre.

It is considered that the proposal will supplement existing Class A1, A2, A3 uses in the local area and potentially provide a greater diversity of facilities which will contribute to the sustainability of the the development and its surrounding locational context. In this way, the development will not adversely impact on existing provision but will contribute towards continued regeneration.

Design - The proposal presents the opportunity to introduce a building with a high quality design to a highly prominent site. The design of the building will contribute positively to the streetscene and a major radial route to the City Centre. The triangular shape of the building reflects the configuration of the site and therefore provides cohesive frontages to Stockport Road, Brunswick Street and Polygon Street. The configuration of the building also provides a central courtyard and amenity space for residents.

The building is "framed" by a 4-storey plinth, with graduated elevations rising to 8 storeys, which emphasise the relationship of the building to the junction of Stockport Road and Brunswick Street. The building reduces in height where it fronts Polygon Street to reflect the more domestic scale of development within this streetscene. The use of smooth convex corners to the building reflects the elevational design of the Apollo thereby securing a cohesive visual relationship between the 2 buildings.

Disabled Access - The applicants have indicated that the scheme provides level access to both the residential and non-residential uses. A total of 3 disabled access spaces have been provided. Lifts and satisfactory circulation areas will allow the access throughout the residential part of the scheme.

As the City Council does not have a land ownership interest in the site, Design for Access 2 cannot be comprehensively applied. However, in this context it is considered that the proposed access arrangements are acceptable.

Eco - Homes and environmental construction assessment - The proposed construction was assessed under the now superseded BREEAM arrangements. An excellent rating was achieved at that time. The expectations for the construction of a high quality and sustainable building remains high.

However, it is considered that the potential measures, which may be required to meet the required noises insulation standards, may affect the previously indicated "excellent" rating. It is considered that, in recognition of the

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practicalities of this situation, a "Very Good" or Level 3 equivalent under the Code for Sustainable Homes has been included in the recommended condition. The recommended condition also ensure s that the development meets the required BREEAM standards for the potential Class A1, A2 and A3 uses.

Waste Management - A condition has been recommended that requires the submission of a waste management strategy for the entire mix of uses within the development. This must include arrangements for storage, separation of material and its collection.

Vehicular Access - The issues raised by Head of Engineering in relation to vehicular access arrangements and associated highways works are capable of being addressed through the recommended condition.

Car Parking - The proposed level of car parking is below that usually required for flat developments. However, this needs to be balanced against the nature and location of the site. The site is well served by public transport and is within reasonable walking distance of the City Centre. The applicant has also indicated the provision of 40 cycle spaces. These factors and measures should reduce reliance upon private car usage.

A condition has been recommended which will require the provision of a Green Transport Plan, which will incorporate further measures to encourage the use of sustainable transportation and ensure mitigation against the impact of the development. The applicant has already accepted such an approach through the submission of a basic travel plan and shall include arrangements for car pooling.

Contaminated land - Addressed through the recommended condition.

Bats - The applicants have indicated that a bat survey was undertaken in July 2006 and at that time no roosts were found on the site. Furthermore, the findings concluded that bats do not use the site as an important foraging habitat. Since the submission of the application the buildings on the site have been demolished, thereby removing issues relating to the roosting of bats.

Hours of Operation - The applicant is seeking approval to operate the proposed retail/commercial/food and drink uses (Class A1, A2, A3) between the hours of 8.00 am and 6.00 pm, Monday to Sunday. These hours are considered to be satisfactory within the context of the application site and given the proximity to the neighbouring and proposed residential accommodation.

Servicing - Given the position of the site in relation to the "Apollo" roundabout, pedestrian crossings and waiting restrictions on Polygon Street, it is recommended that a condition be imposed requiring the submission and implementation strategy relating to the servicing of the site.

Section 106 Agreement - The applicant is willing to enter into a Section 106 agreement relating to payment of a contribution towards off-site infrastructure and /or environmental improvements. The precise details of the Agreement are still to be finalised. Members are therefore asked to be "Minded to Approve" the proposed development subject to the finalisation of the Agreement and its signing.

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Conclusion - It is considered that the development will bring into use a prominent and derelict site. This redevelopment will allow the introduction of a mix of uses, which will positively contribute the regeneration and vitality of the area. The residential element of the development will also lead to the provision of a more diverse mix of housing types and tenures in the local area, thereby positively contributing to the formation of a sustainable community.

Furthermore, the proposal positively contributes to the local area and the radial route on which the site is located, in terms of its elevational and urban design. With regard to the impact of noise on residents of the proposed residential accommodation it is anticipated that the on-going negotiations will produce a solution, which will satisfactorily safeguard future residential amenity.

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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning 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. He believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and country Planning Acts.

Recommendation MINDED TO APPROVE

subject to a Section 106 Agreement relating to off-site infrastructure and /or environmental improvements and any traffic or acoustic issues arising and on the basis that the proposal is in accord with the City Council's Unitary Development Plan in particular policies E1.1, E3.3, H2.2, S2.2, S2.4, S2.5, T1.2, T2.6, T3.1, DC9.1, DC10.1, DC26.1 and other material considerations of material weight including Guide to Development in Manchester Supplementary Planning Document and Planning Guidance policies 2,4,6; Design For Access 2, RPG policies DP1, DP2, DP3, DP4, ER13; RSS policy DP1; PPS1, PPS3, PPS4 in that the development would: positively contribute to the local environment through the quality of its design; secure an active use for a derelict site to the benefit of the visual and residential amenities of the area; improve the diversity of housing tenure in the local area; provide a sustainable development of uses which would be beneficial to the broader community thereby promoting the continuing regeneration of the locality.

Conditions and/or Reasons

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

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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 drawings numbered 355/04A; 05A;06A; 07B, 07iiB, 08A, 09A;, 09A,10A, 11A, 12A, 13A, 14A, 15A, 16, 17, 18, 647/01 stamped as received by the Local Planning Authority on 29th November 2006, 13th December 2006 and 9th February 2006, Noise Reports: 1225/PM (August 2006), P 20011238/1257JWH (Revision A) November 2006, P20011238/1257JWH (Revision B) August 2007, Letter from BDP Ref P20011238/1257JWH dated 28th September 2007; Design and Access Statement 22nd August 2006 (as amended by approved drawings) Travel Plan Report 9th February 2007 unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - To ensure that the development is carried out in accordance with the approved plans.

3) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from the Apollo Theatre, Stockport Road (A6), Brunswick Street and Polygon Street shall be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Reason - To secure a reduction in noise from the Apollo Theatre, Stockport Road (A6), Brunswick Street and Polygon Street in order to protect future residents from noise nuisance pursuant to policies H2.2 and DC26.1 of the Unitary Development Plan for the City of Manchester and PPS24.

4) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied pursuant to policies H2.2 and T2.6 of the Unitary Development Plan and Guide to Development in Manchester Supplementary Planning Document and Planning Guidance .

5) No development shall commence until:

- a) The site has been investigated for the presence of ground contamination and/or ground gas and for the effects of any ground contamination and/or ground gas emanating from outside the site. The investigation shall be carried out in accordance with a scheme previously approved in writing by the City Council as local planning authority.
- b) A report using the results of the approved scheme of investigation and containing plans and particulars of the extent of ground contamination and ground gas present on or affecting the site and the means of remediation has been submitted to and approved in writing by the City Council as local planning authority.
- c) The site has been remediated in accordance with the report approved under b) above and written confirmation thereof has been submitted the City Council.

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If ground contamination and/or ground gas or the effects of any ground contamination and/or ground gas emanating from outside the site and not included in the report approved under b) above is discovered during the course of remediation of the site, no development shall commence until:

- i) A report containing plans and particulars of the extent of the new ground contamination and/or ground gas present on or affecting the site and the means of remediation has been submitted to and approved in writing by the City Council as local planning authority.
- ii) The site has been remediated in accordance with the report approved under i) above and written confirmation thereof has been submitted to the City Council

Reason - To ensure that the presence of or the potential for any contaminated land/ground gas is detected and appropriate remedial action is taken in the interests of public safety in order to comply with Policies H2.1, H2.2, E3.1 and E3.2 of the adopted Unitary Development Plan for the City of Manchester.

6) Before development commences, the internal car park area shall be ventilated in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in accordance with the approved details.

Reason - In the interests of public health and to ensure satisfactory conditions within the car parking area pursuant to policies H2.2 and DC26.1 of the Unitary Development Plan for the City of Manchester.

7) The development hereby approved shall not be occupied until Code for Sustainable Homes Level 3 or equivalent and BREEAM "Very Good" in relation to the non-residential units has been awarded by an assessor licensed by the Building Research Establishment in respect of the development, unless otherwise agreed in writing by the City Council as local planning authority.

Reason - In the interests of minimising the impact on the environment of the building, pursuant to Policy E1.6 of the adopted UDP for the City of Manchester, policy 4.8 of Guide to Development in Manchester 2: Supplementary Planning Document and Planning Guidance; Regional Spatial Strategy policy ER13 and Planning Policy Statement 1 (PPS1).

8) Before development commences a scheme for the extraction of any fumes, vapours and odours from any kitchen areas within the development hereby approved shall be submitted to, and approved in writing by, the City Council as Local Planning Authority.

Reason - In the interests of the amenities of the occupiers nearby properties.

9) Those part of the premises with consent for Class A1, A2 and A3 uses shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as Local Planning Authority:-

* Monday to Saturday 8:00am to 6:00pm

* Sunday and Bank Holidays 8:00am to 6:00pm.

Deliveries, servicing and vehicle/equipment movements on the premises or outdoor parking/amenity areas shall be restricted to the above opening hours.

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Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the adopted UDP.

10) Before the development commences a schedule of proposed servicing arrangements to the site has been submitted to and approved in writing by the City Council as local planning authority. This schedule shall ensure that no loading or unloading shall be carried out after 8.00p.m. Saturdays or before 7.30a.m. Sundays. Loading and unloading shall be restricted to the period between 11.00a.m. and 5.00p.m. daily. The schedule shall be implemented in full unless otherwise approved in writing.

Reason - In the interests of residential amenity pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

11) The development shall not be occupied unless accreditation, confirming achievement of the Secured by Design standards in respect of the development has been issued by Greater Manchester Police, unless otherwise agreed in writing by City Council as local planning authority.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

12) No development shall commence unless and until a Travel Plan scheme that will provide for the needs of future residents who may wish to have the use of a motorcar has been submitted to and approved in writing by the City Council as local planning authority. The scheme submitted shall incorporate the following, as applicable, a car club, notification to future residents of the absence of on-site car parking, contract car parking and public transport passes, and should include details of the arrangements to be put in place and shall also identify the parties who will be responsible for managing the scheme. The submitted Travel Plan scheme shall also include arrangements to encourage car sharing and the use of public transport by staff employed in the commercial and retail units forming part the development hereby approved. Any scheme approved in discharge of this condition shall be operational at all times whilst any of the residential units or commercial and retail units are occupied.

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 arrangements) for the needs of future residents whom may need to use a motorcar, pursuant to policy E3.5 and H2.2 of the Unitary Development Plan for the City of Manchester.

13) Before the development hereby approved commences a waste management strategy for the storage, separation and disposal of refuse and material to be recycled shall be submitted to and approved in writing by the City Council as Local Planning Authority. The details of the approved scheme shall relate to the authorised residential and non- residential uses and shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policy H2.2 of the adopted UDP.

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14) The development hereby approved shall be undertaken in accordance with the landscaping scheme as detailed on the drawing numbered 647/01. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. Any shrubs or planting removed, dying or becoming severely damaged or becoming severely diseased within 5 years of planting shall be replaced by shrubs or planting of a similar size or species to those originally required to be planted unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

15) Before the development commences a scheme shall be submitted to and approved by the City Council as local planning authority relating to the specification of the "Green Screen" landscaping treatment the elevations of Brunswick and Polygon Street as indicated on drawings numbered 355/04B, 355/05B, 355/06B together with details of its future maintenance. This scheme shall be implemented in full and its arrangements remain in place whilst the building is occupied unless otherwise agreed in writing by the City Council as local planning authority.

Reason - In the interest of residential amenity pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

16) Construction of the works hereby approved by this permission shall not take place until samples and specifications of the materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

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 pursuant to policy E3.3 of the Unitary Development Plan for the City of Manchester.

17) The details of an emergency telephone contact number shall be displayed in a publicly accessible location on the site and shall remain so displayed unless otherwise agreed in writing by the City Council as local planning authority.

Reason - In the interests of local amenity pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

18) Before any use hereby approved commences, the ground floor Class A1, A2 and A3 uses and car parking areas 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 scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties pursuant to policies H2.2 and DC26 of the Unitary Development Plan for the City of Manchester.

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19) The applicant shall, with regard to television reception in the area containing the application site, provide the City Council as local planning authority with studies that:

a) Measure the existing television signal reception within the potential impact area, as identified in the TV Reception Survey report dated 18th and 21st August 2006, and within an area of 500 metres radius surrounding the building, before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Office of Communications (Ofcom), and shall include an assessment of the survey results obtained.

b) Assess the impact of the development on television signal reception within the potential impact area identified in (a) above 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. The 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 in (a) 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, as advised in Planning Policy Guidance Note 8: Telecommunications.

20) No development shall take place until details of the formation lay-bys adjacent to the Polygon Street boundary to the site, associated highways works and the provision of pedestrian visibility splays at the proposed vehicular exit points to the residential car parking areas, have been submitted to and approved in writing by the City Council as local planning authority. The development shall not be occupied until the works have been constructed in accordance with the approved details.

Reason - In the interests of pedestrian and highway safety pursuant to policies H2.2 of the Unitary Development Plan for the City of Manchester.

21) The wheels of contractors vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site.

Reason - In the interest of pedestrian and highway safety, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

22) The development hereby approved shall be undertaken in accordance with detailed specifications contained within the noise surveys and acoustic mitigation

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measures as detailed in the approved acoustic reports unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To secure a reduction in noise from the Apollo Theatre, Stockport Road (A6), Brunswick Street and Polygon Street in order to protect future residents from noise nuisance pursuant to policies H2.2 and DC26.1 of the Unitary Development Plan for the City of Manchester and PPS24.

23) Before the first occupation of the authorised development, a post construction survey shall be undertaken in accordance with a methodology agreed with the City Council as local planning authority to be agreed in writing prior to the commencement of the development. The survey shall be related to the predicted specifications of the approved acoustic reports and the approved installation methodology. Any remedial works, which may be required as a result of the post construction survey, shall be fully implemented before the first occupation of the authorised development unless otherwise agreed in writing.

Reason - To secure a reduction in noise from the Apollo Theatre, Stockport Road (A6), Brunswick Street and Polygon Street in order to protect future residents from noise nuisance pursuant to policies H2.2 and DC26.1 of the Unitary Development Plan for the City of Manchester and PPS24.

24) Before the development commences details shall be submitted to and approved in writing by the City Council as local planning authority relating to the provision of supplementary mechanical ventilation systems relating to each of the residential units hereby approved. The mechanical ventilation systems shall meet the specifications of the approved acoustic surveys when the windows to the authorised residential units are closed. The approved mechanical ventilation systems shall be installed and fully operational before the first occupation of the authorised residential units unless otherwise agreed in writing.

Reason - To secure a reduction in noise from the Apollo Theatre, Stockport Road (A6), Brunswick Street and Polygon Street in order to protect future residents from noise nuisance pursuant to policies H2.2 and DC26.1 of the Unitary Development Plan for the City of Manchester and PPS24.

25) Unless otherwise agreed in writing by the City Council as Local Planning Authority no residential unit shall be used for any purpose other than C3.

Reason - For the avoidance of doubt as changes to any element of the development may have consequences in terms of national and local policy considerations, and pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 080508/FO/2006/N2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

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Head of Environmental Health
South Manchester Regeneration
Greater Manchester Ecology Unit
Environment & Operations (Refuse & Sustainability)
Greater Manchester Police
Greater Manchester Passenger Transport Executive
Director of Housing
Environment Agency
Head of Environmental Health
Head of Engineering Services
Chief Executive's Landscape Practice Group
GMPTE
Chief Executive's Landscape Practice Group
Head of Engineering Services
Director of Housing
Environment Agency
Head of Environmental Health
Head of Environmental Health
Greater Manchester Ecology Unit
Greater Manchester Police
Environment & Operations (Refuse & Sustainability)
Greater Manchester Passenger Transport Executive
South Manchester Regeneration
Chief Executive's Landscape Practice Group
Head of Engineering Services
Director of Housing
Environment Agency
Head of Environmental Health
Head of Environmental Health
Greater Manchester Ecology Unit
Greater Manchester Police
Environment & Operations (Refuse & Sustainability)
Greater Manchester Passenger Transport Executive
GMPTE
South Manchester Regeneration
Chief Executive's Landscape Practice Group
Contaminated Land Section
Auto Gas, 14 Hyde Road, Ardwick, Manchester, M12 6BW
Panache, 14 Hyde Road, Ardwick, Manchester, M12 6BW
10 Stockport Road, Ardwick, Manchester, M12 6AN
Lancet Retailers Ltd, 14 Hyde Road, Ardwick, Manchester, M12 6BW
Wadson Junior School, Wadson Road, Ardwick, Manchester, M13 9UJ
Artillery Court, Flat 1 - 32, Wadson Road, Ardwick, Manchester, M13 9TU
2 - 4 Maplin Close, Ardwick, Manchester, M13 9UE
Artillery Court, Flat 33 - 62, Wadson Road, Ardwick, Manchester, M13 9TU
2 - 12 Tristram Close, Ardwick, Manchester, M13 9TS
17 - 21 Brunswick Street, Ardwick, Manchester, M13 9SU
2 - 6 Polygon Street, Ardwick, Manchester, M13 9SG
Ardwick Hall Cottage, Hyde Road, Ardwick, Manchester, M12 6BQ
Auto Time Spares, 23 Hyde Road, Ardwick, Manchester, M12 6BQ
Shawn Knitwear, 16-18, Hyde Road, Ardwick, Manchester, M12 6BW
1 -9 Gotha Walk, Ardwick, Manchester, M13 9RX
2 -10 Beamish Close, Ardwick, Manchester, M13 9RW
1 -9 Belmont Walk, Ardwick, Manchester, M13 9RR
12 - 14 Beamish Close, Ardwick, Manchester, M13 9RP

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11 -17 Tower Square, Ardwick, Manchester, M13 9RL
1 -9 Tower Square, Ardwick, Manchester, M13 9RL
23 -39 Brunswick Street, Ardwick, Manchester, M13 9SU
3 -9 Ardeen Walk, Ardwick, Manchester, M13 9SP
11-21 Ardeen Walk, Ardwick, Manchester, M13 9SP
19 Ardeen Walk, Ardwick, Manchester, M13 9SP
1 Ardeen Walk, Ardwick, Manchester, M13 9SP
8 Polygon Street, Ardwick, Manchester, M13 9SG
10 Polygon Street, Ardwick, Manchester, M13 9SG
7 Eastpark Close, Ardwick, Manchester, M13 9SD
Apollo Theatre, Stockport Road, Ardwick, Manchester, M12 6AP
The Apsley Cottage, Apsley Grove, Ardwick, Manchester, M12 6AW
12 - 30 Stockport Road, Ardwick, Manchester, M12 6AN
58- 60 Stockport Road, Ardwick, Manchester, M12 6AL
Hudson Court, Flat 1- 6, 65 Ardwick Green North, Ardwick, Manchester, M12 6ER
Hudson Court, Flat 1-6, 63 Ardwick Green North, Ardwick, Manchester, M12 6ER
Hudson Court, Flat 1 - 6, 61 Ardwick Green North, Ardwick, Manchester, M12 6ER
Into Action Computers Ltd, 73 Ardwick Green North, Ardwick, Manchester, M12 6FX
Dar Al Islamic Foundation, 2a, Higher Ardwick, Ardwick, Manchester, M12 6BZ
79 -89 Ardwick Green North, Ardwick, Manchester, M12 6FX
Control Plus, 67 Ardwick Green North, Ardwick, Manchester, M12 6FX
Shanich Knitwear, 18a, Harkness Street, Ardwick, Manchester, M12 6BT
18b, Harkness Street, Ardwick, Manchester, M12 6BT
Ardwick Green Service Station, Ardwick Green South, Ardwick, Manchester, M13 9XF
Victek, 52 Ardwick Green South, Ardwick, Manchester, M13 9XF
Medacs, 69 Ardwick Green North, Ardwick, Manchester, M12 6ES
Natural Style Fashion, 13 Dolphin Street, Ardwick, Manchester, M12 6BG
Level 42 Ltd, 17 Dolphin Street, Ardwick, Manchester, M12 6BG
15 Dolphin Street, Ardwick, Manchester, M12 6BG
Ardwick Body Centre, 10-12, Harkness Street, Ardwick, Manchester, M12 6BT
2 Higher Ardwick, Ardwick, Manchester, M12 6BZ
George House Trust, 75-77, Ardwick Green North, Ardwick, Manchester, M12 6FX
Henry Boot Construction (uk) Ltd, 71 Ardwick Green North, Ardwick, Manchester, M12 6FX
Fenton House, 4 Higher Ardwick, Ardwick, Manchester, M12 6BZ
Khokar House Knit Ltd, Ardwick Hall, 16 Dolphin Street, Ardwick, Manchester, M12 6BG
Excell Knitwear Ltd, Ardwick Hall, 16 Dolphin Street, Ardwick, Manchester, M12 6BG
Diamond Knitwear, Ardwick Hall, 16 Dolphin Street, Ardwick, Manchester, M12 6BG
7 Higher Ardwick, Ardwick, Manchester, M12 6DB
5 Higher Ardwick, Ardwick, Manchester, M12 6DB
3 Higher Ardwick, Ardwick, Manchester, M12 6DB
87 Ardwick Green North, Ardwick, Manchester, M12 6FX
Total Furniture, 3-9, Hyde Road, Ardwick, Manchester, M12 6BQ

Representations were received from the following third parties:

List No. 12

Head of Environmental Health
Greater Manchester Police
Greater Manchester Passenger Transport Executive
Director of Housing
Environment Agency
Director of Housing
Environment Agency
Head of Environmental Health
Greater Manchester Police
Greater Manchester Passenger Transport Executive
GMPTE
Chief Executive's Landscape Practice Group
Contaminated Land Section
David Hardy, 40B Mayfield Road, Whalley Range,, Manchester,, M16 8EU
Councillor Priest,
Live Nation, 35 - 36 Grovesnor Street, London, W1K 4QX

Relevant Contact Officer : Carl Glennon
Telephone number : 0161 234 4164
Email : c.glennon@manchester.gov.uk