

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Sean O Garra
Robertson Construction Group Ltd
Robertson House
Castle Business Park
Stirling
FK9 4TZ

Agent (if used)

Mr Colin Williams
The Planning Studio
111 Piccadilly
Ducie Street
Manchester
M1 2HY

Part 1 – Particulars of the application/development

Proposal: Change of use of railway arches to provide flexible use purposes for the arts, education & training, events, workshops and performance; (Use Class Sui Generis) together with associated external alterations and additional external brick pods to the rear of the arches

Location: Arches Within Part Of The Railway Viaduct Adjacent To Manchester Home, Whitworth Street West & Tony Wilson Place, Manchester, M15 4FN

Date of application: 4 November 2021

Application number: 131992/FO/2021

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In this instance, further details and information was requested in order to ensure that the heritage asset is to be duly protected and conserved, as well as further information relating to proposed digital advertising screens.

Condition(s) attached to this decision

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

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

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

- Location Plan (Drawing _B1_00_1001 dated 19/10/21) - Received 04/11/21
- Existing Site Plan (Drawing _B1_00_1002 dated 19/10/21) - Received 04/11/21
- Existing Ground Floor Plan (Drawing 022000 Revision P01 dated 19/10/21) - Received 04/11/21
- Existing Elevation 1 Whitworth Street (Drawing 042000 Revision P01 dated 19/10/21) - Rec 04/11/21
- Existing Elevation 2 HOME (Drawing 042001 Revision P01 dated 19/10/21) - Received 04/11/21
- Existing Section A-A (Drawing 052000 Revision P01 dated 19/10/21) - Received 04/11/21
- Existing Section B-B (Drawing 052001 Revision P01 dated 19/10/21) - Received 04/11/21
- Existing Cross Sections (Drawing 052002 Revision P01 dated 19/10/21) - Received 04/11/21
- Proposed GF Plan (Drawing 022200 Revision P01 dated 19/10/21) - Received 04/11/21
- Proposed Roof & Plant Plan (Drawing 022201 Rev P01 dated 19/21/21) - Received 04/11/21
- Proposed Elevation Whitworth Street (Drawing 042200 Rev P01 dated 19/10/21) - Rec. 04/11/21
- Proposed Elevation HOME (Drawing 042201 Rev P01 dated 19/10//21) - Received 04/11/21
- Proposed Whitworth Street Axonometric (Drawing 252200 Rev P01 dated 19/10/21) - Rec 04/11/21
- Proposed HOME 2 Axonometric (Drawing 252201 Rev P01 dated 19/10/21) - Rec 04/11/21
- Proposed HOME Axonometric (Drawing 252202 Rev P01 dated 19/10/21) - Received 04/11/21
- Arch 01 Cross Section (Drawing 052202 Revision P01 dated 19/10/21) - Received 04/11/21
- Arch 02 Cross Section (Drawing 052203 Revision P01 dated 19/10/21) - Received 04/11/21
- Arch 03 Cross Section (Drawing 052204 Revision P01 dated 19/10/21) - Received 04/11/21
- Section A-A Longitudinal (Drawing 052200 Revision P01 dated 19/10/21) - Received 04/11/21
- Section B-B Longitudinal (Drawing 052201 Revision P01 dated 19/10/21) - Received 04/11/21
- External Lighting Calculation prepared by DIALux dated 24 January 2022 - Received 02/02/22.
- Crime Impact Statement (Reference 2021/097/CIS/01 dated 13/01/21) - Received 14/01/22
- Section 4.1 of HOME Railway Arches, Manchester Bat Survey dated October 2021 and prepared by Dunelm Ecology.
- HOME MCR - Arches Waste Management Strategy (HOMEMCR WMSv1 dated 15/02/22) - Received 17/02/22

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

3) Prior to construction of the development commencing, all materials to be used on all external elevations of the proposed development shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include the submission of samples and specifications of all materials to be used on all external elevations of the proposed rear extensions along with jointing and fixing details, details of ventilation/air bricks and a strategy for quality control management

The approved materials shall then be implemented as part of the development.

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 policies SP1 and DM1 of the Core Strategy

4) Notwithstanding the details as set out in Condition 2 above, no construction shall commence with regards to each of the following points unless and until final details (including where appropriate specification and method statement) of the following have been submitted to and approved in writing by the City Council as Local Planning Authority:

- a) Full and final details of the proposed glazing system including method statement of how this will be installed, including all connections and attachments to the listed fabric of the arches
- b) Full and final details, including cross section, of all proposed entrance and loading doors including proposed framing system
- c) Full and final details, including finishes, colours and trim detail to proposed extension parapets.
- d) Full and final details including methodology of brickwork repair and reinstatement (including use of sealant, paint or any other finishes)
- e) Full and final details including extent and method of attachment of any over-panelling to brickwork.
- f) Full details, location and extent of means of affixing any proposed fittings and fixtures (including but not limited to lighting rig/s, doors to internal arches between arches, fitted furniture etc.) to the listed structure, including where possible a programme of making good any interventions/fixings in the future.
- g) Full and final details of floor coverings to be used internally

Reason: To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of visual amenity of the area within which the site is located, as specified in policies SP1, DM1 and EN3 of the Core Strategy and saved Policy DC19.1 of the Manchester Unitary Development Plan.

5) Prior to the commencement of development, a construction management plan outlining working practices shall be submitted to and approved in writing by the City Council as Local Planning authority, which for the avoidance of doubt shall include as a minimum:

- o Measures to control noise and vibration;
- o Dust suppression measures;
- o Compound locations where relevant;
- o Details of an emergency contact telephone number;
- o A community consultation plan and;
- o Sheeting of construction vehicles;
- o The routing of construction traffic;

- o Detail the vehicular activity associated with the construction including appropriate swept-path assessment where necessary;
- o Details of the location and arrangements for contractor parking;
- o The identification of the vehicular access points into the site;
- o Identification of measures to control mud including on the surrounding public highway including details of how the wheels of contractor's vehicles are to be cleaned during the construction period;
- o The details of an emergency contact number for the site contractor to be displayed in a publicly accessible location

The development shall only be carried out in accordance with the approved management plan.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

6) The premises shall not be open outside the following hours unless otherwise agreed in writing by the City Council as local planning authority:-

Monday - Saturday	06:00am - 12:00am
Sundays and Bank Holidays	07:00am - 12:00am

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation and pursuant to policies SP1, DM1 of the Manchester Core Strategy and saved policy DC26.1 of the Manchester Unitary Development Plan

7) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, Sunday/Bank Holiday 10:00 to 18:00.

Reason - To safeguard the amenities of the occupiers of nearby residential Accommodation and pursuant to policies SP1, DM1 of the Manchester Core Strategy and saved policy DC26.1 of the Manchester Unitary Development Plan

8) a) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (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 (Leq,5min), respectively.

b) Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report

shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenities of the occupiers of nearby residential Accommodation and pursuant to policies SP1, DM1 of the Manchester Core Strategy and saved policy DC26.1 of the Manchester Unitary Development Plan

9) Development shall not begin until a surface water drainage layout for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details and details provided of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

10) The approved internal digital display screens on the Whitworth Street West elevation shall be limited to a maximum of 600cd/m² and be used only for the purpose of displaying digital artwork and advertising upcoming events, performances etc. associated directly with HOME Manchester or their associated partner organisations. They shall not be used for general advertising of third party products, services or similar. The display screens shall be turned off between the hours of 12:00am and 06:00am Monday-Sunday.

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

Informatives

Building Regulations 2010

This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Mining Information

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Construction works shall be confined to the following hours:

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

The applicant is advised that any requirements for licensing, hoarding / scaffolding, building maintenance and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Date: 8 March 2022

Signed:



Julie Roscoe
Director of Planning, Building Control & Licensing

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

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/planning-inspectorate. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix A



The Coal
Authority

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/government/organisations/the-coal-authority

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

This Standing Advice is valid from 1st January 2021 until 31st December 2022