MANCHESTER CITY COUNCIL

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

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Birchpark Investments Ltd
C/o Agent

Agent (if used)

Mr Matthew Hard
Indigo Planning
St James Tower
7 Charlotte Street
Manchester
M1 4DZ

Part 1 – Particulars of the application/development

Proposal: Change of use of ground floor from betting shop (sui generis) to restaurant and bar (A3/A4); change of use of basement to restaurant, bar, kitchen and toilets; change of use of first, second and third floors to eight apartments (C3) and associated external and internal works, including: removal of light-box on principal entrance; reinstatement of fenestration to the third-floor attic window to the right-hand gable; replacement of existing non-original stepped entrance with a ramp access to the principal entrance; removal of fans and reinstatement of glazing to the bay to the left of the left-hand gable; reinstatement of missing glazed bars to first-floor windows; removal of fire escape; repairs to stone, brick and cladding to the rear elevation; removal of existing plant and ventilation above eaves level; extension at second-floor level to enclose space currently occupied by plant; replacement of render at third-floor level; replace wired-glazing on rear elevation with clear glazing and removal of security bars; removal of betting shop fittings and replacement with bar and restaurant facilities; alteration to dividing wall between lobby and betting shop; removal of partition wall between basement spaces; relocation of metal storage enclosures; subdivision of open office areas; removal of false ceilings; reparation of ceiling moulds; insertion of artificial floor; and, replacement of secondary glazing.

Location: 86 Cross Street, Manchester, M2 4LA

Date of application: 31 January 2018

Application number: 117966/FO/2017

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 pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. Officers held pre-application discussions with the applicant to establish the in-principle

acceptability of the proposed development. Also, officers worked with the applicant during the planning application process to deal with comments raised by consultees.

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 (Ref: 394-EX.1.01), including site edged red
Existing Basement Floor Plan (Ref: 394-EX.1.02 Rev B)
Existing Ground Floor Plan (Ref: 394-EX.1.03 Rev B)
Existing First Floor Plan (Ref: 394-EX.1.04 Rev B)
Existing Second Floor Plan (Ref: 394-EX.1.05 Rev B)
Existing Third Floor Plan (Ref: 394-EX.1.06 Rev B)
Existing Elevations (Ref: 394-EX.2.01 Rev B)
Existing Sections (Ref: 394-EX.3.01)
Proposed Basement Floor Plan General Arrangement (Ref: 394-PL.1.01)
Proposed Ground Floor Plan General Arrangement (Ref: 394-PL.1.02)
Proposed First Floor Plan General Arrangement (Ref: 394-PL.1.03 Rev A)
Proposed Second Floor Plan General Arrangement (Ref: 394-PL.1.04 Rev B)
Proposed Third Floor Plan General Arrangement (Ref: 394-PL.1.05 Rev A)
Proposed Elevations (Ref: 394-PL.2.01)
Proposed Sections (Ref: 394-PL.3.01)
Proposed Basement Floor Plan Enabling Layout (Ref: 394-PL.4.01)
Proposed Ground Floor Plan Enabling Layout (Ref: 394-PL.4.02)
Proposed First Floor Plan Enabling Layout (Ref: 394-PL.4.03)
Proposed Second Floor Plan Enabling Layout (Ref: 394-PL.4.04)
Proposed Third Floor Plan Enabling Layout (Ref: 394-PL.4.05)

Operating Statement
Design and Access Statement
Air Quality Assessment
Vibration Assessment
Planning Statement
Access Statement
Transport Statement
Consultee response letter dated 8 May 2018

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, as specified in policies SP1 and DM1 of the Core Strategy.

3) Notwithstanding the plans and documents approved in Condition 2, above, no development shall take place unless and until the following revisions and further details have been submitted to, and approved by, the City Council, as local planning authority:

An amendment to the partition between the lounge and bedroom of apartment S03 which shows the partition straightened to align it with the existing pier.

A detailed design of the proposed flue at the rear.

A detailed room by room survey identifying all original features, including doors, skirtings, cornices, architraves, etc and how they will be retained and restored.

Details of secondary glazing

Details of new entrance and ramp

Details of the extension and its interface with the existing building and new flat roof structure to the rear as the eaves detailing and roof finish are a little vague.

Detailed design of any new windows or changes to existing windows

Details / method statement of how the skirtings and architraves to the Oval Room will be removed and repositioned and how the fireplace will be carefully removed and re positioned.

Details of M and E and services

Raised floor details and impact on existing floor and walls

Detailed design of new partitions and doors to the corridors.

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, and in the interests of securing an acceptable scheme for the historic fabric of the building, as specified in policies SP1 and DM1 of the Core Strategy, and the provisions of the NPPF

4) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development, along with jointing and fixing details, have been submitted to, and approved in writing by, the City Council as local planning authority. Thereafter, all materials to be implemented in the external elevations of the development shall be fully in accordance with those which have been approved.

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, as specified in policies SP1 and DM1 of the Core Strategy.

5) Before development commences or within a timescale as otherwise agreed in writing by the City Council details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason : To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy.

6) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

07:30 to 20:00, Monday to Saturday,
10:00 to 18:00, Sundays/Bank Holidays.

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

7) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences; any works approved shall be implemented before the use commences.

Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

Reason - In the interests of the amenities of occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

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

Monday to Thursday 11am to 23:00
Friday and Saturday 10am to 00:00
Sunday 10am to 23:00

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

9) 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, and shall only allow background music to be played in the bars and restaurant areas.
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Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB 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, respectively.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

10) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from the surrounding streets and the Second City Crossing Metrolink line shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data must include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The internal noise criteria are as follows:

Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not normally exceed 45 dB LAmax,F by more than 15 times)
Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq
Gardens and terraces (daytime) 55 dB LAeq

Additionally, where entertainment noise is a factor in the noise climate the sound insulation scheme shall be designed to achieve internal noise levels in the 63Hz and 125Hz octave centre frequency bands so as not to exceed (in habitable rooms) 47dB and 41dB, respectively.

Due to the proximity of the development to the Second City Crossing Metrolink Line it will be necessary for vibration criteria to apply which can be found in BS 6472: 2008 "Guide to evaluation of human exposure to vibration in buildings". Groundborne noise/re-radiated noise should also be factored into the assessment and design.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance, pursuant to policies SP1 and DM1 of the Core Strategy.

11) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.

The scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policies SP1 and DM1 of the Core Strategy.

12) Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

Reason - In the interests of amenity and public health, pursuant to policies SP1 and DM1 of the Core Strategy.

13) The development hereby approved shall not commence unless and until a servicing strategy, including a schedule of loading and unloading locations and times, has been submitted to and agreed in writing by the City Council as local planning authority. Servicing shall take place from the existing loading bay present on South King Street, and shall thereafter take place in accordance with the approved strategy.

Reason: In the interests of public and highway safety and the protection of residential amenity, pursuant to policy DM1 of the Core Strategy

14) The development hereby approved shall not commence unless and until a Construction Management Plan, has been submitted to and approved in writing by the City Council as Local Planning Authority.

The Construction Management Plan shall include details of the following:

o Hours of site opening/operation
o A Site Waste Management Plan
o Air Quality Plan
o A Plan Layout showing areas of public highway agreed with the Highway Authority for use in association with the development during construction.
o The parking of vehicles of site operatives and visitors
o Loading and unloading of plant and materials
o Storage of plant and materials used in constructing the development
o Construction and demolition methods to be used, including the use of cranes
o The erection and maintenance of security hoarding
o Measures to control the emission of dust and dirt during construction and
o A scheme for recycling/disposing of waste resulting from demolition and construction works
o Details of and position of any proposed cranes to be used on the site and any lighting
o A detailed programme of the works and risk assessments
o Temporary Traffic Management measures to address any necessary bus re-routing and bus stop closures
o Details of safe methods of working adjacent to railway operational land
o Details on the timing of construction and scaffolding
o A Human Impact Management Plan, including a Noise & Vibration section that should base the assessment on British Standard 5228, with reference to other relevant standards. It should also contain a community consultation strategy which includes how and when local businesses and residents will be consulted on matters such out of hours works.
o A scheme for safe methods of working adjacent to the Metrolink Hazard Zone, to be adhered to throughout the construction period. This will include the retention of 24hr unhindered access to the trackside equipment cabinets and chambers for the low voltage power, signalling and communication cables for Metrolink, both during construction and once operational, the erection and maintenance of security hoarding at a minimum distance of 1.5m from the kerb which demarcates the tramway path, and, the provision of a 'mock up' security hoarding to review and mitigate any hazards associated with positioning next to the operational tramway path.

Any approval granted shall be following a consultation process that includes Transport for Greater Manchester. The approved CMP shall be adhered to throughout the construction period.

Reason: To ensure that the appearance of the development is acceptable and in the interests of the amenity of the area, pursuant to policies EN15, EN16, EN17 and EN18 of the Core Strategy and Guide to Development 2 (SPG)

15) No part of the development shall be occupied unless and until a scheme to provide space and facilities for bicycle parking has been submitted to, and approved in writing by, the City Council, as local planning authority. These facilities shall include parking arrangements for 8 bicycles, located within the residential units, and a minimum of 2 secured covered in association with the restaurant use, and shall be retained and permanently reserved for bicycle parking.

Reason: To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to transport mode, pursuant to policy T1 of the City of Manchester Core Strategy.

16) The details of an emergency telephone contact number for shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete.

Reason : To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with policies SP1 and DM1 of the Core Strategy.

17) 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 policies SP1 and DM1 of Core Strategy.

18) The apartments hereby approved shall be used only as private dwellings (which description shall not include serviced apartments/apart hotels or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1995, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as serviced apartments/apart hotels do not commence without prior approval pursuant to Core Strategy policies SP1 and DM1 and to ensure the permanent retention of the accommodation for normal residential purposes.

19) No externally mounted telecommunications equipment shall be mounted on any part of the buildings hereby approved, including the roofs.

Reason: In the interest of visual amenity, pursuant to policies SP1 and DM1 of the Core Strategy.

20) No development shall take place unless and until a Residents Management Strategy has been submitted to, and approved in writing by, the City Council, as local planning authority. The Residents Management Strategy shall include details of maintenance, security, energy management, janitorial services, common parts cleaning, exterior services, and building policies in relation to waste disposal, storage and deliveries. The Residents Management Strategy shall be fully implemented , prior to first occupation of the building, and shall be kept in operation at all times thereafter.

Reason: To ensure the development is managed in interests of the general amenities of the area, pursuant to policies SP1 and DM1 of the Core Strategy.

21) Construction/demolition works shall be confined to the following hours:

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

*Workforce may arrive on site 30 minutes prior but no working outside these times. Noise to be kept to a minimum in the first hour.

Any proposal for out of hours works shall be submitted and approved, at least 3 weeks in advance of such works commencing.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation during the construction/demolition phase, pursuant to policies SP1 and DM1 of the Core Strategy.

22) No use hereby approved shall not commence unless and until a strategy for the management of smokers has been submitted to, and approved in writing by, the City Council, as local planning authority.

Reason - To safeguard the amenities of the occupiers of nearby properties, and pedestrians, pursuant to policy DM1 (Development Management) of the Core Strategy.
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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.

In relation to Condition 7, Defra have published a document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. It describes a method of risk assessment for odour, guidance on minimum requirements for odour and noise control, and advice on equipment selection. It is recommended that any scheme should make reference to this document (particularly Annex B). Details should also be provided in relation to replacement air. The applicant will therefore need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval

In relation to Condition 10, the acoustic report submitted with the application prepared by Environmental Noise Solutions dated 21st November 2017 reference NIA/7588/17/7554/v1 has been reviewed by Environmental Health, and the following comments are made:

1 Table 4.2 provides the recommended glazing performance and includes the build up requirement. Section 4.05 also states that there must be a minimum of 150mm cavity between the existing pane and the secondary glazing. The existing glazing must be made good and the top and side reveals formed between the existing single glazed windows and the secondary glazing should be lined with an acoustically absorbent tile.

The applicant will need to confirm that the above glazing specification and requirements will be fully adopted into the development.

2 . The rooms are to be ventilated by mechanical means so not to rely on openable windows for ventilation other than for purge ventilation. We will require details of the proposed system and an assessment to provide evidence that when in full operation, our internal noise criteria will still be met.

3. Consideration and comment with regard to potential to vibration from the Second City Crossing metrolink line should also be included based in the above criteria.

4. Consideration and comment should be provided on acoustically insulating any building service risers for kitchen extraction equipment for example and lift areas that travel up through the building. Ideally, these should not be located next to habitable rooms.

5. A post completion report will be required to confirm that the improvement to the existing windows has taken place as recommended, the agreed secondary glazing specification has been installed in accordance with the above report and the additional deep (200mm) dynamic batten floor at first floor level has been installed. The post completion report should include sound testing to confirm the recommended measures to verify that the predicted internal noise levels have not been exceeded.

In relation to Condition 12, the proforma/ Waste Management Strategy must include the following information:

-Estimated volumes and types of waste produced by the development;
-Details of internal and external stores for both waste and recycling, including any plans and designs;
-Location of the proposed collection point and details of the route the collection vehicle will take;
-Details of how waste will be transferred between stores and to the collection location; and
-Details of number and capacity of bins proposed and collection frequency.
-Other details as per 'Waste Proforma v1.0' - refer to guidance at:

http://www.manchester.gov.uk/downloads/download/6048/waste_management_strategy

10 units or below = low rise
11 or above = high rise

The waste proforma submitted needs to be amended to use the updated proforma found in the most recent guidance document (amended in 2017). As there are only 8 apartments being proposed, this needs to be assessed against the low rise domestic criteria rather than the high rise apartment block so the correct section in the proforma and number of containers needs to be completed.

Commercial waste - As the end user is not yet know the condition will need to remain in place to ensure that Environmental Health can agree a suitable method of waste storage and disposal for this element of the development.

Date: 7 September 2018

Signed: 

Julie Roscoe
Head 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/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

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.

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 of 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 2017 until 31st December 2018