

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

Raine
Allied London Quay Street Two Limited
Suite 1 Bonded Warehouse
18 Lower Byrom Street
Manchester
M3 4AP

Agent (if used)

Mrs Deborah Baker Barnett
Zerum
Suite 4E South Central
11 Peter Street
Manchester
M2 5QR

Part 1 – Particulars of the application/development

Proposal: Variation of condition 7 (Hours) attached to planning permission 126861/JO/2020.

Location: Astley House, 23 Quay Street, Manchester, M3 4AE

Date of application: 6 September 2024

Application number: 140946/JO/2024

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/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the application. In this case, this has involved discussions over modifying the hours proposed to be varied.

Condition(s) attached to this decision

1) The minor material amendment to Condition 7 (Hours) of planning permission ref: 140946/JO/2024 hereby granted consent gives approval to the following drawings and documents, received by the City Council as the Local Planning Authority on 02 October 2024:

- Covering Letter

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy

2) The development shall be carried out in accordance with samples and specifications of all materials to be used on all external elevations of the development referred to in File Note, dated 19th August 2019, and drawing references and photographs referred to in letter from Deloitte Real Estate, dated 23rd August 2019 and approved 28 October 2019.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy

3) All external doors shall open inwards and shall not open out onto any area of highway, footpath or public realm.

Reason - For the avoidance of doubt, to ensure that the detail of the development is acceptable to the City Council as local planning authority, pursuant to Policies SP1 and DM1 of the Core Strategy.

4) In relation to external lighting, including illumination of the canopy, the development shall be carried out in accordance with drawing references.

- 8888 - ABC Illuminated Canopy Details, Manchester - Rev P04.
- 180046- 3DR-DE-DR-27008_A - Canopy - Details Sheet 1 of 2
- 180046-3DR-SE-DR-27006_A - Canopy - Elevations
- 180046-3DR-SE-DR- 27007_A - Canopy - Sections
- 180046-3DR-XX-DR-27004_A - Canopy - Plan and Technical
- Submissions for Electrical Services produced by Encon Maintain Limited and supporting product specification, approved 28 October 2019.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy

5) The signage for the development shall be carried out in accordance with the Tenant Signage Strategy dated October 2018, approved on 28 October 2019.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy

6) No externally mounted telecommunications equipment shall be mounted on any part of the buildings hereby approved, including the roofs, unless otherwise agreed in the form of a Planning Permission submitted to the City Council as the Local Planning Authority.

Reason: In the interest of visual amenity and pursuant to policy DC18.1 of the Unitary Development Plan for the City of Manchester.

7) The Leisure use (cinema) with ancillary café / bar offer (Use Class D2) shall operate between 9.30 am to 2am Monday to Saturday, and 10.00am to 1am on Sundays.

Unit 3, a gymnasium use, shall operate between 5.45am to 10.30pm Monday to Friday, with classes not commencing before 6.00am, and 7.15am to 8pm Saturday and Sunday, with classes not commencing before 7.30am.

All external rooftop terraced areas shall only be used between 8.00am and 11.00pm seven days a week, and there shall be no use of amplified sound.

The hours of the following units shall operate in accordance with the hours listed below:

Unit 2 - 9am to 9pm, Monday-Sunday

Unit 4a - 9am to 9pm, Monday-Sunday

The Gallery 10am to 9pm, Monday-Sunday

Deck and Dome internal spaces - 9am to 00.30am, Monday-Sunday (Please note, these hours do not apply to the external space)

Unit 4 (The Side Street Studio) - 8am to 1am, Sunday to Thursday. 8am 3am, Friday to Saturday.

Unit 5 - 8am to 1am, Sunday to Thursday. 8am 3am, Friday to Saturday.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy

8) The development shall be carried out in accordance with the following documents:

Awas Operations Memo - Sound Discharge ABC Dome received on the 12 April 2023
Noise Breakout Assessment for Condition 8 M001-C received on the 30 May 2023

All vents / windows and doors will remain closed during any occasion when amplified sound takes place.

Noise levels will be controlled by means of an electronic limiter.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy

9) The details of the approved scheme set out in Waste Management Strategy dated 5 November 2018 shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy

10) 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 the local planning authority in order to secure a reduction in the level of noise emanating from the site.

Notwithstanding the details in the Plant Noise Assessment dated 17 October 2019 prepared by RBA and Noise Assessment prepared by Sandy Brown dated 8 March 2018, prior to occupation of the development, a validation report is required to be

submitted to in writing and to be approved in writing by the City Council as the Local Planning Authority.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy

11) 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.

Where Sunday/Bank Holiday deliveries etc. are permitted, the times shall be confined to 10:00 to 18:00.

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

12) 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 intake.

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

13) The construction works shall be carried out in accordance with Safety, Health, Environmental Quality Plan (SHEQ) Plan, prepared by McClaren, dated 18 September 2018 and approved 12 February 2019.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy

14) The measures to address issues, including crime prevention, as set out in e-mail from Deloitte to the City Council, as the local planning authority, dated 4th June 2018, shall be fully implemented prior to the commencement of development, and fully maintained thereafter.

Reason - To ensure that the detail and operation of the development is acceptable to the City Council as local planning authority in the interests of the amenities of the area within which the site is located, pursuant to policies SP1 and DM1 of the Core Strategy.

15) The approved scheme for landscaping and design of all areas of public realm, including at upper levels, shall be carried out fully in accordance with the submitted and approved plans outlined in condition 1.

If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously

damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the 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:

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.

Date: 30 October 2024

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/appeal-planning-decision . 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 their 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.