

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 Richard Ward
The Daylesford Trust, C/o Millerbook
Properties Ltd
C/o Agent

Agent (if used)

Mr Ralph Taylor
Paul Butler Associates
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Erection of 2 storey roof top extension to No. 84 and single storey roof top extension to No. 86 to provide 4 no. new apartments, comprising of 2 no. 1-bed and 2 no. 2-bed apartments (Use Class C3), taking total number of apartments within building to 14, together with associated external alterations and works.

Location: 84-86 Oldham Street, Manchester, M4 1LF

Date of application: 7 July 2020

Application number: 126957/FO/2020

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. Concerns were raised during the processing of the application about the need to alter the design to minimise impact on the appearance of the building, the streetscene and the conservation setting. Comments were also made regarding bin storage capacity which was subsequently increased.

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:

Drawings:

- o DA18078.5. 001: Site - Location and Block Plan (Dated 21/05/2019; Received 20/05/2020)
- o DA18078.6. 004 Rev 10: Proposed GA Plans (Dated 25/06/2024; Received 16/07/2024)
- o DA18078.6. 005. Rev 10: Proposed GA Elevations and Axo (Dated 25/06/2024; Received 25/06/2024)
- o DA18078.6. 006. Rev 7: Existing and Proposed Street Scene Elevations (Dated 25/06/2024; Received 16/07/2024)
- o DA18078.6. 401. Rev 3: MCC - Window Detail New (Dated 25/06/2024; Received 25/06/2024)

Documents:

- o Application form and completed ownership certificates (prepared by Paul Butler Associates) (submitted 20.05.2020)
- o Design and Access Statement November 2023 (prepared by Debtal Architecture) (submitted 06.12.2023)
- o Planning Statement (prepared by Paul Butler Associates) (submitted 20.05.2020)
- o Heritage Statement (prepared by Paul Butler Associates) (submitted 20.05.2020)
- o Planning and Heritage Addendum (prepared by Paul Butler Associates) (submitted 06.12.2023)
- o Energy & Sustainability Assessment (prepared by Watt Energy and Consulting Engineers) (submitted 20.05.2020)
- o Residential Acoustic Survey (reference: 10895) (Prepared by Braiden Acoustics) (submitted 20.05.2020)
- o Daytime Bat Survey & Nesting Bird Survey (prepared by Rachel Hacking Ecology) (submitted 20.05.2020)
- o Pre-Construction Signal Reception Impact Survey (prepared by Astbury) (submitted 20.05.2020)
- o Air Quality Assessment (prepared by Redmore Environmental) (submitted 20.05.2020)
- o Letter from Rachel Hacking Ecology dated 11th March 2024 (submitted 11.03.2024)

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to Core Strategy policies SP1, DM1, CC3, CC7, EN4 and EN6 and saved Unitary Development Plan policies DC26.1 and DC26.5.

3) (a) Notwithstanding the details submitted with the application, prior to the commencement of development the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

- hand sized samples and specifications of all materials to be used on all external elevations including window frames and cills;
- drawings to illustrate details of full sized sample panels that will be produced in line with an agreed programme;
- a programme for the production of the full sized sample panels and a strategy for quality control management; and
- The panels to be produced shall include jointing and fixing details between all component materials and any component panels , details of external ventilation

requirements, details of the drips to be used to prevent staining and details of the glazing and frames.

- Final details shopfronts and fascias.

(b) Prior to above ground development submission of a Construction Environmental Management Plan (CEMP)- Circular Economy Statement (Materials) to include details of the strategy for securing more efficient use of non-renewable material resources and to reducing the lifecycle impact of materials used in construction and how this would be achieved through the selection of materials with low environmental impact throughout their lifecycle;

(c) The sample panels and quality control management strategy shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme and dwgs as agreed above.

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.

4) a) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with the submitted Residential Acoustic Survey (Prepared by Braiden Acoustics Ltd; Dated 22/03/2021; Report number 10895). The scheme shall be implemented in full before the use commences.

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.

b) Upon completion 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 has 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, pursuant to policies SP1 , H1and DM1 of the Core Strategy.

5) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with the measures put forward within the submitted Residential Acoustic Survey (Prepared by Braiden Acoustics Ltd; Dated 22/03/2021; Report number 10895). The approved scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as Local Planning Authority.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as Local Planning Authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise 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 secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 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 and Bank Holidays.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

7) The scheme for the storage (including segregated waste recycling) and disposal of refuse as detailed within the email from Ralph Taylor (Dated and received on 23/02/2023) shall be implemented as part of the development and shall remain in operation at all times for the lifetime of the development.

Reason - In order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

8) Prior to the first occupation of the development, a scheme for the removal of any redundant externally mounted equipment, cabling and any other paraphernalia shall be submitted and approved in writing by the City Council, as Local Planning Authority. The approved measures shall be implemented as part of the development and be completed prior to its first occupation.

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

9) Prior to the first occupation of the development hereby approved, details of the provision of nesting opportunities for birds or roosting opportunities for bats on the refurbished building shall be submitted to and approved in writing by the City Council, as Local Planning Authority. The approved measures shall be installed within 3 months of the date of the decision notice and shall be retained thereafter for the lifetime of the development.

Reason: With regards to biodiversity enhancement, in accordance with policy EN15 of the Core Strategy and the National Planning Policy Framework

10) The residential use hereby approved shall be used only as private dwellings (which description shall not include serviced properties 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 1987 (as amended), 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; to safeguard the character of the area, and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the

Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

12) No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the City Council as Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- o 24 hour emergency contact number;
- o Hours of operation;
- o Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- o Routes for construction traffic;
- o Locations for loading/unloading and storage of plant, waste and construction materials;
- o Method of preventing mud being carried onto the highway;
- o Measures to protect vulnerable road users (cyclists and pedestrians);
- o Any necessary temporary traffic management measures;
- o Arrangements for turning vehicles;
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses. Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended. Development shall be carried out in accordance with the approved construction management plan.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012).

13) The development hereby approved shall be carried out in accordance with the targets detailed within the submitted Energy & Sustainability Assessment (Prepared by Watt Energy & Consulting Engineers; Dated 07/05/2020; Received 20/05/2020). A post

construction review certificate/statement shall be submitted for approval, within a timescale that has been previously agreed in writing by the City Council as local planning authority.

Reason - In order to minimise the environmental impact of the development, pursuant to policies SP1, DM1, EN4 and EN8 of Manchester's Core Strategy, and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

14) Notwithstanding the submitted Pre-Construction Signal Reception Impact Survey Manchester (Prepared by Astbury; Dated 17/04/2020; Received 20/05/2020), within one month of the practical completion of the development, 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 a 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 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 - In the interest of residential amenity, as specified in policy DM1 of 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.

Date: 25 July 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 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

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

Standing Advice valid from 1st January 2023 until 31st December 2024