



MANCHESTER
CITY COUNCIL

Planning

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Date: 17 January 2024

Dear Sir/Madam,

Application under Section 96a of the Town & Country Planning Act 1990 (as amended) for a Non-Material change to a planning permission

Application No: 138876/NMC/2023

Description: Non material amendment to application ref no 125573/FO/2019 as amended by 132553/NMC/2021, 132804/NMC/2022, 135358/NMC/2022, 135526/NMC/2022 and 138391/NMC/2023 to amend to revise to the description of development to reflect approved plans and updates to Use Classes Order and make relevant amendments to existing planning conditions (15,17,18,19 and 33)

Location: Block A/B, Plot 11, First Street Which Comprises Land Bound By Hulme Street To The North, Wilmott Street To The East, The Unite Parkway Gate Development And Mancunian Way To The South And Medlock Street To The West, Manchester

I refer to your application for a non-material amendment to planning permission reference 125573/FO/2019.

Reason 1: Following an assessment of the details and plans submitted, it is confirmed that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as Local Planning Authority. The City Council is satisfied that the proposed changes will have no material impact upon the previously approved scheme and the works will not adversely affect visual or residential amenity within the area or will they have any significant material impact upon the overall quality of the development

This Non-Material Amendment Application seeks to remove some minor discrepancies identified between the approved description of development, subsequent non material amendment applications and associated conditions, and approved plans and technical documents. The approved description of development refers to ground floor commercial use only, despite the approved First Floor Plan (10266-Z0-A-G100-PL-01-99001 REV P03) (138876/NMC/2023) showing commercial uses at both ground and first floor level, within Block B. The amendments also seek to capture the range of permitted uses now permitted under the equivalent parts of Class E of the current Use Classes Order and includes for permitting a hairdressers. In terms of the latter this would not have any additional impact that the previously named permitted uses would have on terms of amenity.

As such the description of development will be amended to the following:

Construction of four buildings of heights varying from 10 storeys to 45 storeys together comprising Co-living bedspaces (use class sui generis) and associated amenity facilities, with ground floor and first floor commercial and first floor commercial (Use Class E a (retail), E b (Cafe / restaurant), E (c) Hairdressers and E(d) (Gym), private amenity space and public realm comprising hard and soft landscaping, car parking and cycle facilities and other associated works.

Therefore I can confirm that the proposed amendments are hereby **approved**.

It should be noted that this letter of consent does not supersede the decision notice attached to planning permission 125573/FO/2019. These documents should be read in conjunction with one another. Therefore, the conditions previously applied to approval 125573/FO/2019 still apply to this development. However, due to the acceptance of the amendments outlined above, the following amended conditions also now apply:

15) (a) In relation to the residential accommodation, the development shall be carried out in accordance with the following, as approved under ref. CDN/23/0533: DOWNING LIVING. PLOT 11, FIRST STREET SOUTH, MANCHESTER, DISCHARGE OF PLANNING CONDITION

15,28 July 2023 AEC REPORT: P3921/R9/PJK by AEC. The approved scheme shall be completed before the premises is occupied and a verification report submitted for approval by the City Council as local planning authority and any non-compliance suitably mitigated in accordance with an agreed scheme prior to occupation. The approved scheme shall remain operational thereafter.

(b) Prior to occupation of each of the ground floor and first floor commercial units

a scheme for the acoustic insulation of any externally mounted ancillary equipment associated with the development to ensure that it achieves a background noise level of 5dB below the existing background (La90) at the nearest noise sensitive location 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 equipment. The approved scheme shall be completed before the premises is occupied and a verification report submitted for approval by the City Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation. The approved scheme shall remain operational thereafter.

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.

17) A scheme for acoustically insulating each of the ground and first floor commercial units within Block A/ B (Use Class E (a) (retail), E (b) (Cafe / restaurant), E (c) (Hairdressers) and E (d) (Gym) to ensure that there is no unacceptable level of noise break out or noise transfer from the ground floor uses to the residential accommodation above shall be submitted to and approved in writing by the City Council as local planning authority prior to commencement of the use of each unit.

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.

The approved noise insulation scheme shall be completed before any of the approved uses commence.

Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in adjacent residential accommodation arising directly from the proposed development shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non compliance shall be suitably mitigated in accordance with an agreed scheme.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26.

18) Before each of the Use Class E (a) retail, E (b) (Cafe / restaurant), E (c) Hairdressers and E (d) (Gym) units within the ground and first floor of Block A/ B commence details of the proposed opening hours shall be submitted to and approved in writing by the City Council as local planning authority. The units shall be not be operated outside the hours approved in discharge of this condition.

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.

19) Final details of the method of extraction of any fumes, vapours and odours from any kitchen within each of the Use Class E a (retail), E b (Cafe / restaurant), E (c) Hairdressers and E (d) (Gym) units within the ground and first floor of Block A/ B shall be submitted to and approved in writing by the City Council as local planning authority prior to commencement of those uses. The details of the approved scheme shall be implemented prior to occupancy and shall remain in situ whilst the use or development is in operation.

Defra have published a document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (withdrawn but still available via an internet search). 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) or other relevant guidance or documents which supersede this guidance. 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.

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

33) The proposed communal uses within the building hereby approved (excluding the Class E (a,b,c and d) units) shall be ancillary to the residential use of the building and not operate as separate planning units or commercial uses for which a separate application for planning consent would be required.

Reason - For the avoidance of doubt and in order to secure a satisfactory form of development due to the particular circumstance of the application site, and in the interest of residential amenity, pursuant policy DM1 of the Core Strategy for Manchester.

Should you wish to discuss the matter further, please contact Angela Leckie using the details above.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Julie Roscoe', with a stylized, cursive script.

Julie Roscoe
Director of Planning, Building Control & Licensing