

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 Nathan Appleby
60 Oldham Street Limited
18 Salterns Way
Poole
Dorset
BH14 8JR

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Variation of Condition 3 (Opening Hours) to planning permission 126960/JO/2020 (amended under 124836/NMC/2019) (as discharged under CDN/21/0969) to allow opening of premises the following hours: Sunday to Thursday 11:00 to 02:30 (the next day); and Friday and Saturday 11:00 to 03:30 (the next day).

Location: 60 Oldham Street, Manchester, M4 1LE

Date of application: 20 March 2023

Application number: 136314/JO/2023

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. This has included on going discussions about the form and design of the developments and pre application advice about the information required to be submitted to support the application

Condition(s) attached to this decision

- 1) The development must be begun not later than 21.09.2021

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

(a) Site plans PR 101-01

(b) Dwgs PR 101 Rev A, 102, 103, 104, 105, 106, 107, 108, 109, 201 Rev B, 202 Rev A, 205 Rev B, 301, 302, 303, 304, 400, 401 and 402 Rev A;

(c) Servicing , Waste Management Strategy and dwgs PR101-02, 03, 04 and 05

(d) Extraction strategy set out in Dwg PR108 and 109 and Redmore Environmental's Odour Impact Assessment, 60 Oldham Street, Manchester reference: 2321-1r1, Date: 27th July 2018;

(e) Recommendations within Crime Impact Statement rev A dated 13-07-18;

(f) 60 Oldham St & 53 Spear St Apartment Schedule;

(g) Recommendations within Redmore Environmental Air Quality Assessment dated 27-07-18; and

(h) Recommendations within the Breeam Non Domestic Refurbishment and Fit Out Pre-Assessment Estimator Report Rev 1 (25-07-18), Commercial Energy Statement (26-07-18) and Energy Statement (27-07-18) all by Base Energy;

(g) Energy Efficiency measures as set out on P67 and P68 of submitted D& A Statement as amended by dwg 337 226 P A; and

Reason - To ensure that the development is carried out in accordance with the approved plans and pursuant to Core Strategy SP 1, CC3, H1, H8, CC5 , CC6 , CC7, CC9 , CC10, T1, T2 , EN1, EN2 , EN3 , EN6 , EN 8, EN9, EN11, EN14, EN15, EN 16 , EN17, EN18, EN19, DM 1 and PA1 saved Unitary Development Plan policies DC19.1 , DC20 and DC26.1.

3) The A3/A4 use shall operate in accordance with the following hours:

Sunday to Thursday 11:00 to 02:30

Friday & Saturday 11:00 to 03:30

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

4) The A3/A4 use shall operate in accordance with the following:

*Grease Filtration System: Six cartridge filters installed within the kitchen canopy to capture any initial heavygrease loads;

*Fine Dust Filtration: A HEPA filter has been installed before the exhaust fan;

*Gaseous Phase: Activated carbon filter; and

*High velocity jet cowl by Hydroponics to ensure fast, vertical dispersion.

The approved details shall be implemented and remain in place for as long as the unit is in use (and any subsequent permitted changes of use under Class E)

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

5) The A3/A4 use shall operate in accordance with the recommendations within the following:

NOISE MANAGEMENT PLAN dated 03-08-23 and verified by the TECHNICAL MEMO - SOUND SYSTEM COMMISSIONING AND CALIBRATION dated 25-09-23 both by F1 Acoustics

including that the venue will not operate any live music. All music will be recorded and be from a playlist or DJ

For the avoidance of doubt

Noise levels from external sources including from elsewhere within the building must not exceed the levels as set out below:

Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not 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

Any sound and vibration insulation scheme must be designed to achieve internal noise levels in the 63Hz and 125Hz octave centre frequency bands.

The approved details shall be implemented and remain in place for as long as the unit is in use (and any subsequent permitted changes of use under Class E)

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

6) The development shall be implemented in accordance with the following:

Detailed schedule of repairs and specification for all of the repair works to the external elevations of the building comprising:

Details shown in Discharge Condition 6 Document on 15th Nov 2018;

Email sent on the 24th of May 2019 showing two example of pointing for the front facade. Approval of pointing sample confirmed via email to Richard Frain from Paul Mason on 29th May 2019;

Document 60 Oldham St_Lightwell Materials submitted on 2nd Jan 2019;

Email received on 11th jan 2019 email approving light well cladding materials;

Details and drawings of proposed shop front submitted on 14th and 25th Nov 2019;

Pr-403_Proposed Shop Front Plan Section Detail:

Sliding Sash Spiral Balance Details incl Bars and Horns:

TA Door profiles;

TA_Staffordshire_Window_Sections_14-09-2013; and

Email received on 13th December of approval of submitted shop front details and paint samples

(b) Details including method statement of cleaning of external elevations;

Details shown in Discharge Condition 6 Document on 15th Nov 2018:

Specialist Contractor Stone Mason Method Statement for facade cleaning submitted via email on the 21st March 2019:

Sample area images submitted on 30th April 2019; and

Email received on 3rd May 2019 approving stone repairs and methodology;

(c) A specification of any works to windows including replacement (with a presumption that repairable windows to the Oldham Street; Facade should be retained), repair, painting, reinstatement and installation of ventilation;

Details shown in Discharge Condition 6 Document on 15th Nov 2018, APPENDIX 1 Drawing Nr- Spec-402_Specification Drawing - Works to Windows and APPENDIX 2 Drawing Nr- Spec-402_Specification Drawing - Roof Lights;

Revised window details and further info submitted on the 23rd of Jan 2019 for replacement sashes and casement windows:

60 Oldham Street_Window Types, Pr-405_Sash Window Detail Drawings_Rev B, Pr-406_Casement Window Detail Drawings_Rev B;

Comments received on 18th Dec 2018 on details submitted in Discharge Condition 6 Document on 15th Nov 2018- Response issued on the same day confirming that we would use clear glass for any replacement of broken panes and that we would be using conservation skylights with recessed flashings and Email received on 24th Jan 2019 of approval of replacement windows

(d) Locations and details (including any fixtures and fittings) of any external lighting, TV aerials and CCTV cameras;

Details shown in Discharge Condition 6 Document on 15th Nov 2018; and

On the basis of No CCTV camera, external lighting or TV aerial located or visible on the Oldham Street elevation

(e) Colour of any external painting including rainwater goods and window frames;

Details shown in Discharge Condition 6 Document on 15th Nov 2018 and External paint only applicable to window frames only (not rainwater goods). RAL colour 9005 agreed with approval of works to windows.

(f) Details including method statements of any repair / making good works to the roof;

Details shown in Discharge Condition 6 Document on 15th Nov 2018 and Site visit to review slate samples for roof repairs by Angela Leckie on 18th Jan 2019 with Agreement made on site to use reclaimed slates. Follow up email sent to confirm this on 18th Jan 2019.

All of the above shall be implemented in accordance with the approved details before the development is first occupied

Reason - In the interests of visual amenity and because the proposed works affect a building which is located within a conservation area and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC18.1 of the Unitary Development Plan for the City of Manchester.

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

Surface Water Drainage, Strategy (SWDS) 4151, 60 Oldham Street, Manchester by Ambiantal Environmental Assessment (Phase 2 and 3 only not required for Phase 1)

The approved scheme shall be implemented in full before use of the residential premises first commences.

Reason - Pursuant to National Planning Policy Framework policies (PPS 1 (22) and PPS 25 (F8))

8) The development shall be implemented in accordance with the following:

Emma Lind's e-mail dated 21-02-19;
53 Spear Street Rainwater Attenuation Strategy Dwg dated 13-05-19; and
Project 53 Proposed Rainwater Planter Detail

(Phase 2 and 3 only not required for Phase 1)

The approved scheme shall be implemented in full before use of the residential premises first commences.

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

9) Conditions 10, 11, 12, 13, 15, 16 and 19 of this planning permission shall apply separately to the different phasing zones of the site as defined on the submitted phasing strategy.

Reason - For the avoidance of doubt to allow the development to be carried out in a phased manner, pursuant to Policy DM1 of the Core Strategy.

10) All Phases

The submission of material samples shall be carried out in accordance with the following:

Materials Specification Programme - Phase 1 October 2018

60 Oldham Street/ 53 Spear Street Materials Specification Programme and Quality Control Management Statement by Lind Studio (Phase 2)

(b) All samples and specifications shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programmes as agreed above and the development implemented in accordance with the approved materials before the development is first occupied

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.

11) All Phases

Development shall be carried out in accordance with the following:

reForm Developments Planning, Construction Management Plan, 60 Oldham Street & 53 Spear Street, Manchester (Phases 1,2 and 3)

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012).

12) All Phases

The development shall be carried out in accordance with the Compliance with the Recommendations within Phase I Environmental Desk Study, Earth Environmental & Geotechnical, Ref: A0707/15 Dated: July 2018 and the findings of the 7/18/2018 Asbestos Refurbishment Survey-849001, 53 Spear Street, Manchester Ground Investigation Report by IGE; and Letter date 14 January 2022 from Reform Construction services Ltd

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to Section 11 of the National Planning Policy Framework

13) The residential part of the development shall be implemented on the basis of the following:

1.(a) Specifications and recommendations within 60 Oldham Street / 53 Spear Street, Acoustic Insulation Scheme, October 2018 prepared by LIND Studio; and

(b) Emma Lindblom's e-mail in relation to Mechanical Ventilation dated 28-12-18 and the 60 Oldham Street, Post Completion Verification Report DATE: 09 February 2021

For the avoidance of doubt:

Noise levels from external sources including from elsewhere within the building must not exceed the levels as set out below:

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

Any sound and vibration insulation scheme must be designed to achieve internal noise levels in the 63Hz and 125Hz octave centre frequency bands.

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.

14) The A3/A4 use shall be operated on the following basis:

Operation of plant including kitchen fan at noise levels and with mitigation set out within JPM Acoustic Report 01-3-22 and on the basis that the plant can only operate during daytime hours (07:00 to 23:00 hours)

The approved details shall be implemented and remain in place for as long as the unit is in use (and any subsequent permitted changes of use under Class E)

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

15) All Phases

The development shall be implemented in accordance with the following:

60 Oldham Street / 53 Spear Street Parking Management Plan April 2019

All works approved in discharge of this condition shall be fully completed before the development hereby approved is first occupied.

Reason - The development does not provide sufficient car parking facilities and in order to provide alternative arrangements (e.g. parking leases with car parking companies; car sharing; or car pool arrangement) for the needs of future residents whom may need to use a motorcar and Policies DM1 and T1.

16) 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.

17) 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.

18) Following commencement of construction of the hereby approved development, any interference complaint received by the Local Planning Authority shall be investigated to identify whether the reported television interference is caused by the Development hereby permitted. The Local Planning Authority will inform the developer of the television interference complaint received. Once notified, the developer shall instruct a suitably qualified person to investigate the interference complaint within 6 weeks and notify the Local Planning Authority of the results and the proposed mitigation solution. If the interference is deemed to have been caused by the Development, hereby permitted mitigation will be installed as soon as reasonably practicable but no later than 3 months from submission of the initial investigation to the Local Planning Authority. Television interference complaints are limited to 12 months from the completion of the Development hereby permitted.

Reason - To ensure terrestrial television services are maintained In the interest of residential amenity, as specified in Core Strategy Policies DM1 and SP1

19) The development shall be implemented in accordance with the:

PILING RISK ASSESSMENT FOR GROUNDWATER PROTECTION; 53 SPEAR STREET, MANCHESTER dated 26-04-19 by IGE Consulting; and

Emma Lindblom's e-mail dated 24-06-19

(Phases 2 and 3)

Reason

To ensure a safe form of development that poses no unacceptable risk of contamination to controlled waters pursuant to section 10 of the National Planning Policy Framework Core Strategy policy EN14 and EN17

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

Date: 19 October 2023

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.