

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

Hannah Kera
33 Thomas Street
Manchester
M4 1NA

Agent (if used)

Mr Matthew Hargreaves
Back Room Architecture & Design
313 Barlow Moor Road
Manchester
M21 7GH

Part 1 – Particulars of the application/development

Proposal: Retention of Class E use to ground floor and basement and creation of a residential apartment Class C3(a) including external alterations and alteration to existing outrigger including a roof terrace.

Location: 33 Thomas Street, Manchester, M4 1NA

Date of application: 5 April 2023

Application number: 135615/FO/2022

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 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:

(a) Location plan BAC057 00 0001; and

(b) Dwgs BAC057 02 0001 Rev A (Proposed Layout and Elevations), 02 0002 (Proposed Demolitions), , 02 0003 (Proposed Sections and Details all stamped as received on 12-05-23 and Dwg BAC057 01 0003 (Proposed Reflected Ceiling Plan) stamped as received on 05-04-23;

(c) Dwgs BAC001-AUR-ZZ-ZZ-DR-5201, BAC001-AUR-ZZ-ZZ-DR-5202 , BAC001-AUR-ZZ-ZZ-DR-5301, BAC001-AUR-ZZ-ZZ-DR-5601, BAC001-AUR-ZZ-ZZ-DR-5701, BAC001-AUR-ZZ-ZZ-DR-6100, BAC001-AUR-ZZ-ZZ-DR-6201, BAC001-AUR-ZZ-ZZ-DR-6301, BAC001-AUR-ZZ-ZZ-DR-6601 and BAC001-AUR-ZZ-ZZ-DR-6801 (all stamped as received on 05-04-23) and all as amended by BAC001-AUR-ZZ-ZZ-DR-5701 Rev P04 and BAC001-AUR-ZZ-ZZ-DR-5702 Rev P01 (both stamped as received on 18-05-23);

(d) Detailed work as shown in the 33 THOMAS STREET, MANCHESTER, M4 1NA, DESIGN & ACCESS STATEMENT Rev B dated 11-05-23;

(e) Structural Report on Existing Building, 33, Thomas Street, Manchester by ING;

(f) Hannah Kera's e-mail dated 25-05-23 in relation to Highways comments;

(g) Waste Proforma and plans stamped as received on 18-05-23 ;

(h) Hannah Kera's e-mail dated 26-04-23 in relation to Design for Security Comments.; and

(i) Noise Impact Assessment, Ref: AA0438, 33 Thomas Street, Manchester, M4 1NA by Azymuth Acoustics UK stamped as received on 08-12-23

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy SP1, CC3, H1, H8, CC5, CC7, CC9, CC10, T1, T2, EN3, EN6, EN8, EN16, EN19 and DM1 saved Unitary Development Plan polices DC18.1, DC19.1 and DC26.1

3) The residential accommodation 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.

4) Prior to the commencement of development, a detailed construction management plan outlining working practices during development shall be submitted for approval in writing by the local planning authority, which should include;

- o Display of an emergency contact number;
- o Arrangements that no noisy work shall commence before 08:30
- o Details of Wheel Washing;
- o Dust suppression measures;
- o Compound locations where relevant;
- o Location, removal and recycling of waste;
- o Routing strategy and swept path analysis;
- o Communication strategy with residents and businesses which shall include details of how there will be engagement, consult and notify residents during the works;
- o Parking of construction vehicles and staff; and
- o Sheeting over of construction vehicles.

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.

The development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents, highway safety and air quality, pursuant to policies SP1, EN16, EN19 and DM1 of the Manchester Core Strategy (July 2012).

5) The scheme for the storage (including segregated waste recycling) and disposal of refuse as detailed within the Waste Proforma and plans stamped as received on 18-05-23 and Hannah Kera's e-mail dated 25-05-23 in relation to Highways comments (Refuse) shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

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.

6) The development hereby approved shall be carried out in accordance with the measures set out in the 33 Thomas Street, Energy Statement dated 10 March 2023 Ref BAC001-AUR-XX-XX-ES Edition P1

A post construction review certificate/statement shall be submitted for approval, within a timeframe 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.

7) The development hereby permitted shall be carried out in accordance with the security improvement measures as set out in Hannah Kera's e-mail dated 26-04-23 in relation to Design for Security Comments.

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

8) Notwithstanding the recommendation within the Noise Impact Assessment, Ref: AA0438, 33 Thomas Street, Manchester, M4 1NA by Azymuth Acoustics UK stamped as received on 08-12-23 before development commences final details of the following shall be submitted:

(a) a scheme for acoustically insulating and mechanically ventilating the residential accommodation against local road traffic network, any local commercial/industrial noise sources including the ground floor / basement commercial unit;

(b) An assessment of the potential for overheating and any required mitigation which the noise insulation scheme shall take into account

shall be submitted to and approved in writing by the City Council as local planning authority.

The approved noise insulation and ventilation scheme and shall be completed before any of the dwelling units are occupied.

The following noise criteria will be required to be achieved whilst providing adequate ventilation as defined by Approved Document F of the Building Regulations (whole dwelling ventilation):

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

The 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 (Leq,5min), respectively.

(c) 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 the residential accommodation 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.

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 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.

9) Prior to occupation of:

(a) The residential accommodation; and

(b) The ground floor / basement commercial unit

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.

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 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.

10) Notwithstanding the recommendation within the Noise Impact Assessment, Ref: AA0438, 33 Thomas Street, Manchester, M4 1NA by Azymuth Acoustics UK stamped as received on 08-12-23 before the use of the ground floor / basement commercial unit commences a scheme for acoustically insulating the unit to ensure that there is no unacceptable level of noise transfer from the unit to the residential accommodation above shall be submitted to and approved in writing by the City Council as local planning authority.

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

(c) 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.

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 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.

11) The ground floor / basement commercial units shall not be operated outside the following hours:

10:00 to 22:00 Monday to Saturday and 12:00 to 20:00 hours Sundays

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 - 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.

12) Deliveries, servicing and collections associated with the management of the building and ancillary uses within it 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.

13) In the event that the commercial units is occupied as an restaurant (Class E) or Drinking Establishment (Sui Generis) use, prior to their first use the following details must be submitted and agreed in writing by the City Council, as Local Planning Authority.

A Management Strategy for patrons and control of any external areas. For the avoidance of doubt this shall include:

- *An Operating Schedule for the premises (prevention of crime and disorder, prevention of public nuisance, Management of smokers)

- *Details of a Dispersal Procedure

- * Mechanism for ensuring windows and doors remain closed after 9pm

- * Details of management of storage of any external freestanding furniture

The approved scheme shall be implemented upon first use of the premises and thereafter retained and maintained. The approved details 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 nearby residential occupiers as the site is located in a residential area, pursuant to policies SP1, DM1 and C10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

14) Final details of the method of extraction of any fumes, vapours and odours from any kitchen within each ground floor commercial unit shall be submitted to and approved in writing by the City Council as local planning authority prior to commencement of those uses.

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).

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

15) No development that is hereby approved shall commence unless and until a schedule of material samples and programme for the submission and implementation of

works to which the materials relate has been submitted to and approved in writing by the City Council as local planning authority.

The samples strategy shall then be submitted, approved in writing by the City Council as local planning authority in accordance with the programme agreed above and implemented in accordance with the agreed timescales.

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.

16) Notwithstanding the details approved within condition 2 before development commences the following shall be submitted to and approved in writing by the City Council as Local Planning Authority:

Structural strengthening works and other structural interventions to the front first floor window.

The approved details shall be implemented prior to the first use of the development.

Reason - In the interests of visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest 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 DC19.1 of the Unitary Development Plan for the City of Manchester.

17) Notwithstanding the details approved within condition 2 before development commences the following shall be submitted to and approved in writing by the City Council as Local Planning Authority:

- a) Shopfront treatment based on any findings as a result of the discharge of condition 4.
- b) Works to roof (beams, ceilings slates etc.) and chimneys based on any findings as a result of the discharge of condition 4.
- c) Product details and sections of any secondary glazing.
- d) Repairs to the existing windows & doors, including sample of the new glazing and a method statement for the works.
- e) New external doors & windows including the new door to the 1990's extension.
- f) Treatment of the east external wall.

Reason - In the interests of visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest 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 DC19.1 of the Unitary Development Plan for the City of Manchester.

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.

Construction works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

For this development proposals for good practice principles for both the design and operational phases are recommended. Reference should be made to IAQM/EPUK guidance: <http://iaqm.co.uk/guidance>

If during works to demolish / convert the building to the use hereby permitted any sign of the presence of bats is found, then all such works shall cease until a survey of the site has been undertaken by a suitably qualified ecologist and the results have been submitted to and approved by the Council in writing as local planning authority. Any recommendations for the protection of bats in the submitted document shall be implemented in full and maintained at all time when the building is in use as hereby permitted

Any lighting at night needs to adhere to guidance within the 'Landscape and urban design for bats and biodiversity' (Gunnell et. al., 2012, Bat Conservation Trust) Guidance Note 8 'Bats and Artificial Lighting' 2018, Bat Conservation Trust.

Any materials approved for planning purposes should be discussed in full with Building Control. This is to ensure they meet the guidance contained in the Building Regulations for fire safety. Should it be necessary to change the external facade treatment due to conflicts with the Building Regulations you should discuss these with the Planning Service as soon as possible as this could materially effect your permission.

Date: 9 June 2023

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written in a cursive style.

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