

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

Ms Lauren Gavaghan
Bruntwood
Union
Albert Square
Manchester
M2 6LW

Agent (if used)

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

Part 1 – Particulars of the application/development

Proposal: Works to the main entrance and creation of external terrace.

Location: 38 - 42 Mosley Street And 57 Spring Gardens, Manchester, M2 3AZ

Date of application: 23 September 2022

Application number: 135023/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

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included significant ongoing advice about the information required to be submitted to support the application and to address issues and allow determination of 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:

The location plan referenced 20-059 AXI 010 Rev 01 received by the City Council as local planning authority on 23 May 2023

The drawings referenced:

20-059 AXI 019 Rev 00
20-059 AXI 020 Rev 00
20-059 AXI 021 Rev 00
20-059 AXI 022 Rev 00
20-059 AXI 023 Rev 00
20-059 AXI 040 Rev 00
20-059 AXI 041 Rev 00
20-059 AXI 042 Rev 00
20-059 AXI 043 Rev 00
20-059 AXI 050 Rev 00
20-059 AXI 051 Rev 00
20-059 AXI 052 Rev 00
20-059 AXI 053 Rev 00
20-059 AXI 060 Rev 00
20-059 AXI 061 Rev 00
20-059 AXI 062 Rev 00
20-059 AXI 063 Rev 00
20-059 AXI 070 Rev 00
20-059 AXI B119 Rev 00
20-059 AXI B120 Rev 00
20-059 AXI B122 Rev 00
20-059 AXI B123 Rev 00
20-059 AXI B130 Rev 00
20-059 AXI 200 Rev 00
20-059 AXI 210 Rev 00
20-059 AXI 211 Rev 00
20-059 AXI 500 Rev 00
20-059 AXI B 300 Rev 00
20-059 AXI B 302 Rev 00
20-059 AXI B 303 Rev 00
20-059 AXI B500 Rev 00
20-059 AXI B501 Rev 00
20-059 AXI B502 Rev 00
20-059 AXI B503 Rev 00
20-059 AXI B504 Rev 00
20-059 AXI B524 Rev 00
20-059 AXI B525 Rev 00
20-059 AXI B526 Rev 00
20-059 AXI B527 Rev 00
20-059 AXI B528 Rev 00
20-059 AXI B529 Rev 00
20-059 AXI B530 Rev 00
20-059 AXI B531 Rev 00
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20-059 AXI B602 Rev 00
20-059 AXI B603 Rev 00
20-059 AXI B609 Rev 00
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20-059 AXI B612 Rev 00
20-059 AXI B613 Rev 00
20-059 AXI B619 Rev 00
20-059 AXI B620 Rev 00
20-059 AXI B622 Rev 00
20-059 AXI B623 Rev 00
S-B-01 Rev A
S-G-05 Rev B
S-G-06
S-G-07
S-G-08
S-01-10 Rev C
S-01-12
S-02-20 Rev D
S-02-22
S-03-30
S-03-32
27618-HM-ZZ-01-DR-ES-4202 Rev 03
27618-HM-ZZ-02-DR-ES-4203 Rev 04
27618-HM-ZZ-03-DR-ES-4204 Rev 04
27618-HM-B1-DR-ES-4200 Rev 03
27618-HM-GF-DR-ES-4201 Rev 04
27618-HM-ZZ-RF-DR-ES-4205 Rev 03
27618-HM-ZZ-01-DR-ES-6202 Rev 03
27618-HM-ZZ-02-DR-ES-6203 Rev 04
27618-HM-ZZ-03-DR-6204 Rev 04
27618-HM-ZZ-B1-DR-ES-6200 Rev 03
27618-HM-ZZ-GF-DR-ES-6201 Rev 04
278618-HM-ZZ-RF-DR-ES-6205 Rev 03
27618-HM-ZZ-01-DR-ES-2202 Rev 03
27618-HM-ZZ-02-DR-ES-2203 Rev 04
27618-HM-ZZ-03-DR-ES-2204 Rev 04
27618-HM-ZZ-B1-DR-ES-2200 Rev 03
27618-HM-ZZ-B1-DR-ES-2201 Rev 04
27618-HM-ZZ-RF-DR-ES-2205 Rev 03
27618-HM-ZZ-01-DR-ES-3202 Rev 03
27618-HM-ZZ-DR-ES-3203 Rev 04
27618-HM-ZZ-03-DR-ES-3204 Rev 04
27618-HM-ZZ-B1-DR-ES-3200 Rev 03

27618-HM-ZZ-GF-DR-ES-3201 Rev 04
27618-HM-ZZ-RF-DR-ES-3205 Rev 03
27618-HM-ZZ-DR-MS-1202 Rev 04
27618-HM-ZZ-01-DR-M2-2202 Rev 04
27618-HM-ZZ-01-DR-PH-1202 Rev 05
27618-HM-ZZ-02-DR-MS-1203 Rev 06
27618-HM-ZZ-02-DR-MS-2203 Rev 07
27618-HM-ZZ-02-DR-PH-1203 Rev 05
27618-HM-ZZ-03-DR-MS-1204 Rev 05
27618-HM-ZZ-03-DR-MS-2204 Rev 05
27618-HM-ZZ-03-DR-PH-1204 Rev 05
27618-HM-ZZ-B1-DR-MS-1200 Rev 04
27618-HM-ZZ-B1-DR-MS-2200 Rev 04
27618-HM-ZZ-B1-DR-PH-1200 Rev 04
27618-HM-ZZ-GF-DR-MS-1201 Rev 05
27618-HM-ZZ-GF-DR-MS-2201 Rev 05
27618-HM-ZZ-GF-DR-PH-1201 Rev 05
27618-HM-ZZ-ZZ-DR-MS-2101 Rev 04
27618-HM-ZZ-ZZ-DR-PH-1101 Rev 04
27618-HM-ZZ-RF-DR-CS-0401 Rev 02
27618-HM-ZZ-RF-DR-MS-2206 Rev 04

received by the City Council as local planning authority on 23 September 2022

20-059 AXI - 502 Rev 3 01
20-059 AXI - 521 Rev 3 00
20-059 AXI - 522 Rev 3 00
20-059 AXI - 524 Rev 3 00
Prop - Lay - BF 'Basement Floor Cat A and Cat B Comparison'
Prop - Lay - GF 'Ground Floor Cat A and Cat B Comparison'
Prop - Lay - 1F '1st Floor Cat A and Cat B Comparison'
Prop - Lay - 2F '2nd Floor Cat A and Cat B Comparison'
Prop - Lay - 3F '3rd Floor Cat A and Cat B Comparison'
Ovrly - 1F - R0 '1st Floor Overlayed Electrical Containment'
Ovrly - 2F - R0 '2nd Floor Overlayed Electrical Containment'
Ovrly - 3F - R0 '3rd Floor Overlayed Electrical Containment'
Ovrly - GF - R0 'Ground Floor Overlayed Electrical Containment'

received by the City Council as local planning authority on 13 January 2023

FM-PROP-LAY-BF
FM-PROP-LAY-1F
FM-PROP-LAY-2F
FM-PROP-LAY-GF
FM-PROP-LAY-3F

received by the City Council as local planning authority on 24 March 2023

Glazed Screen 1 Cross Section Plan (System: SMA Alitherm Heritage Square
(W20170))
Glazed Screen 2 Cross Section Plan (System: SMA Alitherm Heritage Square
(W20170))

received by the City Council as local planning authority on 2 June 2023

20-059 AXI-B130 Stage 3 Rev 03

received by the City Council as local planning authority on 12 July 2023

20-059 AXI-B100 Rev 06
20-059 AXI-B101 Rev 05
20-059 AXI-B102 Rev 07
20-059 AXI-B103 Rev 06
20-059 AXI-040 Rev 01
20-059 AXI-040 Rev 01
DW2022

received by the City Council as local planning authority on 31 July 2023

The following documents:

Construction Management Plan prepared by Cubic Works
The Method Statement Heritage Restoration and Reinstatement Works by Gazelle Art Plaster.
The Conservation Method Task Statement Timber Repairs.
The Conservation Method Task Statement for Soft-Strip Out.
The Method Statement Flooring to 38 Mosley Street, Manchester.
The Painting & Decorating Method Statement prepared by Cubic Works.
The Terrace Method Statement information, including: Removal of Glass from 38 Mosley Street Terrace, Installation of New Aluminium Capping / Cladding at 38 Mosley Street Terrace, Installation of New Aluminium Frames and Glass at 38 Mosley Street Terrace
Additional Terrace Demolition information, Risk assessment for : City Glass (Manchester) Co Ltd.

received by the City Council as local planning authority on 23 September 2022

Construction and Environmental Management Plan by Cubic Works Rev 3
Logistics and Traffic Management Plan by Cubic Works Ref FM7630

received by the City Council as local planning authority on 21 April 2023

Smart - Alitherm Heritage Brochure
Smart - The Heritage Collection Brochure

received by the City Council as local planning authority on 2 June 2023

Completed Construction Local Labour KPI Spreadsheet

received by the City Council as local planning authority on 11 August 2023

Heritage Addendum dated 16.8.23 Ref 21.1590

received by the City Council as local planning authority on 16 August 2023

Mosley Street Local Labour Post Code information

received by the City Council as local planning authority on 31 August 2023

Completed GMCA Social Value Policy Spreadsheet

received by the City Council as local planning authority on 12 September 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, CC1, CC4, EN1 and DM1 of the Core Strategy, saved policies DC18.1 and DC19.1 of the Unitary Development Plan and Sections 6, 7 and 12 of the National Planning Policy Framework.

3) Prior to the commencement of the works to replace the terrace glazing a detailed construction and demolition management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;

- details on utility works and associated traffic management.
- the phasing and quantification/classification of vehicular activity associated with planned construction with commentary on types and frequency of vehicular demands together with evidence (including appropriate swept-path assessment) of satisfactory routing both within the site and on the adjacent highway.
- contractor parking provision.
- measures to deal with mud and dust on the highway.
- consideration of ongoing construction works and contractor parking in the locality.
- details of an emergency telephone contact number for a person responsible for the site; to be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete.
- compound locations where relevant.
- location, removal and recycling of construction waste.
- A community consultation plan.
- Details of the measures agreed with Metrolink.

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

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN14, EN15, EN17, EN19 and DM1 of the Manchester Core Strategy.

4) (a) Notwithstanding the details submitted with the application, prior to the removal of any glazing from any elevation the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

(a) Samples and specifications of all material to be used in all works to the terrace and terrace elevations and detailed drawings and specifications of the glazing and frames and junctions and fixings and a strategy for quality control management.

(b) Submission of a Construction Environmental Management Plan (CEMP) (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 quality control management strategy.

The approved materials shall be used in the construction of the development.

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.

5) a) Before the restaurant use hereby approved commences a scheme for the extraction of any fumes, vapours and odours from the premises shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

b) Following approval of 'part a' of this condition, a verification report must be submitted to and approved in writing by the City Council within 2 months of approval of part a, which is required to validate that the work undertaken throughout the installation conforms to the recommendations and requirements in the approved consultant's report and drawings. The report shall also undertake post completion testing to confirm that acceptable criteria has been met. If further mitigation is required, this shall be fully detailed.

The approved strategy, and any further mitigation required by part b, shall then be fully implemented within 2 months of approval of part b, and fully maintained & retained thereafter while the use is in operation.

Reason - In interests of protecting the amenity of surrounding occupiers in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy and saved policies DC10.1 and DC26 of the Unitary Development Plan for the City of Manchester.

6) a) Prior to the installation of any fume extraction equipment this equipment shall be acoustically insulated in accordance with a scheme 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. 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.

b) Upon completion of the development and within 3 months of the equipment becoming operational, a verification report shall be submitted to and agreed 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 consultant's report. The report shall also undertake post completion testing to confirm that the above criteria is 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 noise criteria. This report shall be submitted to and approved in writing by the City Council as local planning authority within 6 months of the equipment becoming operational along with a timescale that confirms when any necessary changes will be implemented.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

7) The external terrace hereby approved shall not be used outside of the following hours:

- 07:00 and 22:00 daily.

The use of amplified sound or any music is not permitted in these external areas at any time.

Reason -In the interests of amenity for surrounding occupiers 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.

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

Construction and demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council's Environmental Health Service:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Date: 14 September 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 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.