

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

Manchester City Council
C/o Agent

Agent (if used)

Miss Frances Hampson
Deloitte LLP
Corporation Street
Manchester
M4 4AH

Part 1 – Particulars of the application/development

Proposal: Variation of planning condition 2 (approved dwgs) (Changes to comprise: change to the material and appearance of the theatre cladding system; expansion of the picture window, changes to the back-of-house towers (substitution from channel glass to translucent film and use of curtain wall to part elevation), omission of the cladding to the external truck lift and alternative corner protection and amendments to align with submission of information in respect of the detailed design of the public realm ((including changes to facilitate alignment with a prohibition of driving order to part of of Water Street) (application ref no CDN/20/0187)) attached to application ref no 119890/VO/2018 as amended by 121792.

Location: Factory, 161 Water Street, Manchester, M3 4JQ

Date of application: 20 April 2021

Application number: 130034/JO/2021

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. Officers held pre-application discussions with the applicant to establish the in-principle acceptability of the proposed development. Also, officers worked with the applicant during the planning application process to deal with comments raised by consultees.

Condition(s) attached to this decision

- 1) The development must be begun not later than 26.07.2021

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:

Planning Application Drawing Numbers:

(a) MF-OMA-XX-XX-DR-A-01-0001 Rev P4 EXISTING SITE PLAN, MF-OMA-XX-XX-DR-A-01-0002 Rev P4 EXISTING SITE PLAN - REDLINE BOUNDARY, MF-OMA-XX-RF-DR-A-01-0003 Rev P4 EXISTING SITE PLAN - DEMOLITION PLAN;

(b) MF-OMA-XX-GF-DR-A-10-0100 REV P10 - GROUND FLOOR PLAN, MF-OMA-XX-L1-DR-A-10-0110 REV P10 LEVEL 1 PLAN, MF-OMA-XX-L2-DR-A-10-0120 REV P10 LEVEL 02 PLAN, MF-OMA-XX-L3-DR-A-10-0130 REV P10 LEVEL 03, MF-OMA-XX-L4-DR-A-10-0140 REV P11 LEVEL 04 PLAN, MF-OMA-XX-L5-DR-A-10-0150 REV P10 - LEVEL 05 PLAN, MF-OMA-XX-L6-DR-A-10-0160 REV P10 - LEVEL 06 PLAN, MF-OMA-XX-L7-DR-A-10-0170 REV P10 LEVEL 07 PLAN, MF-OMA-XX-L8-DR-A-10-0180 REV P9 LEVEL 08 PLAN, MF-OMA-XX-RF-DR-A-10-0190 REV P11- ROOF PLAN, MF-OMA-XX-XX-DR-A-18-0010 REV P10 - NORTH ELEVATION, MF-OMA-XX-XX-DR-A-18-0020 REV P10 - EAST ELEVATION, MF-OMA-XX-XX-DR-A-18-0030 REV P10 - SOUTH ELEVATION and MF-OMA-XX-XX-DR-A-18-0040 REV P10 - WEST ELEVATION, MF-RYD-TH-XX-DR-A-37-0202 REV PO2 - THEATRE GA WEST ELEVATION, MF-RYD-TH-XX-DR-A-41-0203 REV PO2 - ROOF PLANE 1 TO 2 PROFILE SECTION DETAIL, MF-RYD-TH-XX-DR-A-41-0204 REV PO2 - ROOF PLANE 1 TO WAREHOUSE GUTTER SECTION, MF-RYD-WH-L3-DR-A-40-0502 PO1 - TOWERS ENVELOPE EXTERNAL SECTION DETAIL, MF-RYD-WH-L3-DR-A-40-0535 PO1- TOWERS ENVELOPE EXTERNAL PLAN DETAIL 35, MF-RYD-WH-L6-DR-A-40-0504 PO1 - TOWERS ENVELOPE EXTERNAL SECTION DETAIL 04, MF-RYD-WH-L6-DR-A-40-0510 PO1 -TOWERS ENVELOPE EXTERNAL SECTION DETAIL 10, MF-RYD-WH-XX-DR-A-36-001 PO1 - TOWERS GA; and ROOF PLANE 1 TO WAREHOUSE GUTTER SECTION DETAIL- TOWERS ENVELOPE EXTERNAL PLAN DETAIL 19, MF-OMA-XX-XX-DR-A-16-0010 Rev P8 SECTION AA, MF-OMA-XX-XX-DR-A-16-0020 Rev P8 SECTION BB, MF-OMA-XX-XX-DR-A-16-0030 Rev P8 SECTION ZZ, MF-OMA-XX-XX-DR-A-16-0040 Rev P2 SECTION YY

(c) XX_200 FACTORY PUBLIC REALM KEY PLAN

(d) Laing O'Rourke's THE FACTORY PROJECT EXECUTION PLAN SECTION 5.0 WORKS CONTRACTOR MANAGEMENT MF-LOR-XX-XX-RP-W-05-0000 Construction Management (Delivery) Plans REV P05 25 May 18; and

(e) The Sandy Brown Vibration Management Plan and Assessment reference P18985-R02-E22 dated May 2018 which has been referenced into the above CMP REV P05

(f) LAING O'ROURKE, SOCIAL SUSTAINABILITY DEVELOPMENT FRAMEWORK , Version: 1.1 ,Dated: 09.10.2017; and

(g) The Factory Sustainability Plan Contract Doc 181017;

(h) Coach and blue badge Management Plan within July 2017 Travel Plan by Vectos

(i) Measures detailed in Factory Interim Flood Risk Statement prepared by RoC dated September 2017

(j) Laing O'Rourke Factory Manchester Traffic Management Plan including Logistics
Dated: 7th June 2018 -Rev-B

(k) Access Statement prepared by David Bonnett Associates.

(l) Environmental Standards Statement and Energy Statement prepared by Buro Happold.

(m) BREEAM Pre-Assessment prepared by Buro Happold.

(n) Framework Travel Plan prepared by Vectos.

(o) Servicing and Waste Management Strategy prepared by Vectos April 2018;

(p) Ventilation Strategy prepared by Buro Happold.

(q) Event Management Strategy prepared by Deloitte.

(r) Structural Investigation Survey prepared by Buro Happold.

(s) Mitigation measures set out in Section 8 (Air Quality) of the Factory Manchester Environmental Statement Vol 1 October 2016;

(t) Dwgs MF-BHE-XX-XX-DR-X-01-0300-Rev C12 (Drainage General Arrangement), MF-BHE-XX-XX-DR-X-01-0302-Rev P01 - (Public Realm Drainage Strategy), MF-BHE-XX-XX-DR-C-01-0305 rev. C02 (Upper Viaduct Drainage GA), MF-BHE-XX-XX-DR-C-01-0306-C02 (Upper Viaduct - Drainage Details) , MF-BHE-XX-XX-DR-X-01-0310-Rev C03 (Southern Outfall Detail), MF-BHE-XX-XX-DR-X-01-0311-Rev P05 (Southern Outfall Contribution Areas), MF-BHE-XX-XX-DR-X-01-0330-Rev C08 (Manhole Schedule), MF-BHE-XX-XX-DR-C-01-0360-C04 (Replacement Sewer Key Plan and Longitudinal Section), MF-BHE-XX-XX-DR-C-01-0362- C03 (Replacement Sewer Manhole Details Sheet 2), MF-BHE-XX-XX-DR-X-01-0377-Rev C03 (Manhole S3.0 Details), MF-BHE-XX-XX-DR-X-01-0378-Rev C02 (Manhole S4.0 Detail), 034933 Central Outfall Hydraulic Calculations, 034933 Southern Outfall Hydraulic Calculations, 20190620 (Factory River Wall Survey), Peel Correspondence - Licensing Requirements ,The Factory - Southern Outfall Methodology Proposal and MCC letter dated 18-10-19; and

(u) MF-PLA-XX-GF-DR-L-10-0004-S4-P05 - LANDSCAPE ILLUSTRATIVE MASTERPLAN

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.

3) The pre-cast concrete is to be implemented in accordance with the sample viewed on site in August 2019 and Dwg MF-EIP-XX-XX-DR-X-00-0101; ProtectiT_100_Data_Sheet; image of St. Ambrose; and, site photographs.

The remaining materials are to be implemented in accordance with the FACTORY FAÇADE MATERIAL SUMMARY

04-08-2022 and on the basis of the materials as viewed at the site visit dated 07 07 22 and quality control managed in accordance with the FAÇADE QUALITY CONTROL PROCEDURE set out in the FACTORY FAÇADE MATERIAL SUMMARY 04-08-2022

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) The proposed public realm shall be implemented in accordance with the following:

(a) hard and soft landscaping:

Dwgs MF-PLA-XX-GF-DR-L-10-0004-S4-P05, MF-PLA-XX-GF-DR-L-10-1000-D2-P10 , MF-PLA-XX-GF-DR-L-10-1001-D2-P08, MF-PLA-XX-GF-DR-L-10-2000-D2-P04, MF-PLA-XX-GF-DR-L-10-5000-D2-P05, MF-PLA-XX-GF-DR-L-10-5001-D2-P03, MF-PLA-XX-GF-DR-L-10-5002-D2-P02; MF-PLA-XX-GF-DR-L-10-5005-D2-P01, MF-PLA-XX-GF-DR-L-10-5006-D2-P01, MF-PLA-XX-GF-DR-L-10-5007-D2-P05, MF-PLA-XX-GF-DR-L-10-5008-D2-P04, MF-PLA-XX-GF-DR-L-10-5009-D2-P01, MF-PLA-XX-GF-DR-L-10-7014-D2-P10, MF-BHE-XX-XX-DR-C-01-0280 and MF-BHE-XX-XX-DR-C-01-0281

PL1803-ID-022-00 The Factory - Discharge of Condition 4A; and

Deloitte's e-mail dated 11-10-21 in relation to concrete and in ground pulsating lighting feature 08-12-21

subject to final sign off of the following:

(i) submission of final details of the layout and spacing of in situ poured concrete pavement sections to Festival Square and Factory Square and a quality control statement;

(ii) viewing of a samples of all hard landscaping materials and typical intersections in situ on site; and

(iii) agreement of final details of tactile route through Festival Square.

(b) Tree Details:

DISCHARGE OF CONDITION 4B- THE FACTORY PUBLIC REALM REF. 119890/VO/2018

Dwgs MF-PLA-XX-GF-DR-L-10-6002 D2 REV P06, MF-PLA-XX-GF-DR-L-10-6001-D2-P06, MF-PLA-XX-GF-DR-L-10-6002-D2-P06; and

TREE OFFICER RESPONSES 2021-03-12

(c) Details of measures to create potential opportunities to enhance and create new biodiversity within the development:

Section 4.1 Biodiversity The Factory Public Realm Design and Access Statement and Dwg MF-PLA-XX-GF-DR-L-10-2000-D2-P04.

with provision of two bird boxes and two bat boxes to the roof of the development (final design to be developed through a Manchester International Festival (MIF) public engagement exercise)

(d) Street furniture details (excluding bins):

MF-PLA-XX-GF-DR-L-10-7001-D2-P01 and MF-PLA-XX-GF-DR-L-10-7005-D2-P031 and points on Street Furniture (4) in Deloittes e-mail dated 08-12-21;

e) external steps and handrail details (excluding River Wall Balaustrade Detail) :

MF-PLA-XX-GF-DR-L-10-7014-D2-P10, MF-PLA-XX-GF-DR-L-10-7001-D2-P01; and points on River Wall Detail (5) and River Wall Balaustrade Detail in Deloittes e-mail dated 08-12-21

PL1803-ID-026-00 The Factory - Discharge of Condition 4E

The approved details above shall be implemented prior to the use of the building and public realm commencing.

If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place,

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies R1.1, I3.1, T3.1, S1.1, E2.5, E3.7 and RC4 of the Unitary Development Plan for the City of Manchester and policies SP1, DM1, EN1, EN9 EN14 and EN15 of the Core Strategy.

5) Before first occupation of the development, the development hereby approved shall include a building lighting scheme during the period between dusk and dawn. Full details of such a scheme, including details of the proposed feature art and light installations within the undercroft of the building and how the impact on occupiers of nearby properties will be mitigated, should be submitted to and approved in writing by the City Council as local planning authority. External lighting shall be designed and installed so as to control glare and overspill onto nearby residential properties. The development shall be carried out in accordance with the approved scheme.

Reason

In the interests of amenity, crime reduction and the personal safety of those using the proposed development, pursuant to policy E3.3 of the Unitary Development Plan for the City of Manchester DM1 of the Core Strategy.

6) The development shall be implemented and operated in accordance with the recommendations within the Crime Impact Statement, prepared by Greater Manchester Police (dated 4 October 2016). The development hereby approved shall not be

occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

7) No externally mounted telecommunications equipment shall be mounted on any part of the buildings hereby approved, including the roofs.

Reason:

In the interest of visual amenity pursuant to policy DM1 of the Core Strategy.

8) Before first occupation of the development, a servicing and access management plan, including:

Details of management and enforcement of the coach parking strategy

Details of how the access to the service road would be designed so that HGVs do not over run the pavement which should include use of a banksman to aid in manoeuvres;

Details of refuse collection from Grape Street accessed from Water Street through the ANPR controlled bollards;

A schedule of loading and unloading locations and times which should include for servicing to take place outside of peak hours and during non-event hours to reduce congestion on the adopted highway; and

A plan to manage residents and visitors to South Village.

must be submitted to and agreed in writing by the City Council as local planning authority. Servicing shall thereafter take place in accordance with the approved plan.

Reason:

In the interests of public and highway safety and the protection of residential amenity, pursuant to policy DM1 of the Core Strategy

9) The development shall be implemented in accordance with the Foundation Works Risk Assessment prepared by BuroHappold Engineering, dated 2 October 2018.

Any mitigation measures identified by the risk assessment shall be implemented as part of the works.

Reason

In the interests of amenity and public health, pursuant to policy DM1 of the Core Strategy for the City of Manchester.

10) The development hereby approved shall be implemented in accordance with the Travel Plan prepared by Vectos dated June 2018 as approved by CDN/17/0423

Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above

shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel and to secure a reduction in air pollution from traffic or other sources in order to protect existing and future residents from air pollution. , pursuant to policies SP1, T2 and DM1 of the Core Strategy, the Guide to Development in Manchester SPD (2007) and Greater Manchester Air Quality action plan 2016.

It should also include details of locations and numbers for blue badge parking and coach drop off/pick up, coach parking. Information relating to preferred car parks for visitors, combined ticket and tram/train/car park passes should be offered and how this will be communicated. It should set out how parking will be marshalled and managed effectively on event days. It should confirm: spaces to accommodate electric vehicle charging; on street and off street visitor pick up and drop off; and locations for private vehicles.

The Travel Plan shall be fully implemented thereafter, and shall be kept in operation at all times.

The results of the monitoring and review processes shall be submitted in writing to the local planning authority and any measures that are identified that can improve the effectiveness of the Travel Plan Strategy shall be adopted and implemented.

Reason:

In accordance with the provisions contained within planning policy guidance and in order to promote a choice of means of transport, pursuant to policies T2 and EN16 of the Core Strategy

11) Notwithstanding the details set out in the approved Event Management Strategy, an updated version of that Strategy shall be submitted to and approved in writing by the City Council as local planning authority.

It should include the information contained in Condition 10 as well as details of the operational hours, event schedules including the number and types of event being held and the timing of these events, details of how events will involve, include and engage with the Manchester Community including older age groups, dispersal routes and how conflicts with other venues will be managed. It should set out the agreed approach to servicing hours and servicing within the public realm.

The development shall be operated in accordance with the approved Event Management Plan at all times.

Reason

To ensure that the detail and operation of the development is acceptable to the City Council as local planning authority in the interests of the amenities of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

12) Should kitchens be installed, fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted for each unit and approved in writing by the City Council as local planning authority before the use commences. Any works approved shall be implemented before the use commences and shall be retained thereafter.

Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

Reason

In the interests of the amenities of occupiers of nearby properties, pursuant to policy DM1 of the Core Strategy

13) If the ground floor commercial units are to be used for A3 or A4 Use Classes, they shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences and should consider the impact of the use of the ground floor commercial units in relation the other noise sensitive locations including the office space above.

The proposed scheme should be designed so that low frequency sound emission within any dwelling does not exceed 47dBLeq in the 63Hz octave frequency band and 41dBLeq in the 125Hz band.

Reason

To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policy DM1 of the Core Strategy

14) Externally mounted ancillary plant and equipment shall comply with the targets and recommendations within the Level Acoustic report titled Acoustic Study Noise Emission, reference LA.190505.R02 (MF-LAV-XX-XX-RP-YA-01-0039, T06, Revision 3 Dated 24th January 2022 along with the clarifications provided in the Factory Plant meeting note dated 14th July 2022 (Approved Acoustic Scheme)

Prior to the ancillary plant and equipment being brought into use 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 scheme. The report shall also undertake post completion testing to confirm that the noise criteria have been met and any non compliance suitably mitigated in accordance with an agreed scheme prior to the units becoming operational. The approved scheme shall remain operational thereafter.

Reason

To minimize the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policy DM1 of the Core Strategy.

15) Deliveries, servicing and collections including waste collections from the Water Street loading bays and Factory Servicing Yard servicing access shall not take place outside of 0700 and 1100 Monday to Saturday and 1000 to 1100 Sundays and Bank Holidays, with the exception of:

Limited additional deliveries and servicing to the Water Street loading bays and Factory Servicing Yard servicing access that may take place between 1500 and 1800 subject to confirmation of the type and frequency of activity to be agreed via the submission and approval in writing by Manchester City Council of a Servicing Management Plan in accordance with Condition 9; and,

Deliveries and takedowns associated with events and performances utilising the truck lifts, which shall be able to take place at extended times to be agreed via the submission and approval in writing by Manchester City Council of an updated Event Management Strategy in accordance with Condition 17 and Servicing Management Plan in accordance with Condition 9. Any extended servicing hours will be subject to the following operational strategy / limitations:

- I. Personnel to utilise two-way radios or similar to prevent noise disturbance from raised voices.
- II. No reversing beepers to be used for vehicles. All vehicles to be safely reversed into location using banksmen.
- III. All engines to be switched off during loading/ unloading
- IV. No cab radios to be operated during specified hours

Reason

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

16) Foul and surface water shall be drained on separate systems.

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to policy DM1 of the Core Strategy, the National Planning Policy Framework and National Planning Practice Guide.

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

Dwgs MF-BHE-XX-XX-DR-X-01-0300-Rev C12 (Drainage General Arrangement), MF-BHE-XX-XX-DR-X-01-0302-Rev P01 -

(Public Realm Drainage Strategy), MF-BHE-XX-XX-DR-C-01-0305 rev. C02 (Upper Viaduct Drainage GA),

MF-BHE-XX-XX-DR-C-01-0306-C02 (Upper Viaduct - Drainage Details) , MF-BHE-XX-XX-DR-X-01-0310-Rev C03 (Southern Outfall Detail), MF-BHE-XX-XX-DR-X-01-0311-Rev P05 (Southern Outfall Contribution Areas), MF-BHE-XX-XX-DR-X-01-0330-Rev C08 (Manhole Schedule), MF-BHE-XX-XX-DR-C-01-0360-C04 (Replacement Sewer Key Plan and Longitudinal Section), MF-BHE-XX-XX-DR-C-01-0362- C03 (Replacement Sewer Manhole Details Sheet 2), MF-BHE-XX-XX-DR-X-01-0377-Rev C03 (Manhole S3.0 Details), MF-BHE-XX-XX-DR-X-01-0378-Rev C02 (Manhole S4.0 Detail), 034933 Central Outfall Hydraulic Calculations, 034933 Southern Outfall Hydraulic Calculations, 20190620 (Factory River Wall Survey), Peel Correspondence -

Reason

To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to policy DM1 of the Core Strategy, the National Planning Policy Framework and National Planning Practice Guide.

18) Prior to first occupation of the development, a drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The drainage management and maintenance plan shall include as a minimum:

- a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by The St. John's Management Company; and
- b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development, pursuant to policy DM1 of the Core Strategy, the National Planning Policy Framework and National Planning Practice Guide.

19) The consent hereby granted shall be operated at the noise levels specified and sound insulation implemented to perform in accordance with the Event Noise Emission calculation prepared by Level Acoustics and Vibration dated October 2017 found within appendix 9.4 of the EIS as amended by the Level Acoustic report titled Acoustic Study Noise Emission reference LA.190505.R02 (MF-LAV-XX-XX-RP-YA-01-0039, T06, Revision 3 Dated 24th January 2022 and the Level Acoustics "Acoustic Commissioning Test Proposals" dated 9th July 2021 reference MF-LAV-XX-XX-RP-YA-01-0041-T01

The approved noise insulation scheme shall be completed before use of the development commences.

Prior to occupation a post completion report (final noise assessment validation testing requirements as outlined in the above reports) to verify that when operating at the approved noise levels, the approved mitigation measures comply with the approved sound insulation standards above, shall be submitted and agreed in writing by the City Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation.

Reason - To secure a reduction in noise in order to protect occupiers of adjacent buildings from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

20) Before any of the uses within hereby approved commence, details of the proposed operating hours for each use shall be submitted to and approved in writing by the City Council as local planning authority. The uses 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.

21) Prior to first use of the public realm full details of a maintenance strategy including details of who would be responsible for the ongoing maintenance of surfaces, lighting, street furniture, drainage, planting and litter collection and details of where maintenance vehicles would park shall be submitted to and agreed in writing by the City Council as Local Planning Authority. The approved strategy shall remain in operation in perpetuity.

Reason

In the interests of amenity pursuant to Core Strategy policy DM1

22) The site remediation shall be carried out in accordance with the following:

Factory, Water Street, Manchester, Land Contamination Summary and Outline Remediation Strategy 1st October 2018 MF-BHE-XX-XX-RP-CG-0002 and Factory Theatre, Foundation Works Risk Assessment, 034933, 2 October 2018 Revision 00

When the development commences, the development shall be carried out in accordance with the above Remediation Strategy and for final sign off a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

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 policies DM1 and EN18 of the Core Strategy.

23) Prior to commencement of the use of the building full details of the following shall be submitted to and agreed in writing by the City Council as Local Planning Authority:

(a) Details of method to protect from the risk of falling at the interface of the ramp and seating steps;

(b) Details of bin design within the public realm;

(c) Details of the River Wall Balaustrade;

(d) Details of a signage strategy in relation to way finding within the development and associated public realm;

(e) Building and public realm lighting scheme;

(f) Details and location of traffic calming measures and management of crossings within public realm;

(g) Details of illuminated with art work projections;

(h) Seating column rings; and

(i) Implementation programme for items (a) to (h)

and shall then be implemented in accordance with the approved details and implementation programme

In terms of the illuminated with art work projections:

(a) No individual projection shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.

(b) No individual projection shall be displayed for duration of less than 10 seconds.

(c) Controls shall be in place to ensure smooth uninterrupted transition of projections displayed.

(d) There should be a mechanism in place such as a sensor designed to adjust the brightness to changes in ambient light levels.

(e) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies R1.1, I3.1, T3.1, S1.1, E2.5, E3.7 and RC4 of the Unitary Development Plan for the City of Manchester and policies SP1, DM1, EN1, EN9 EN14 and EN15 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

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.

Manchester City Council is a member of the Manchester Water Safety Partnership. It is recommended that before use of the public realm commences that the applicant or their agent contacts The Manchester Water Safety Partnership Board (WSPB) and provide the WSPB with the details around the edge protection, lighting and any safety equipment (such as reach poles and perry lines) as well as a signage strategy in relation to water safety. The WSPB has indicated it is also keen to understand the development's approach to water awareness and rescue training during the construction and operational phase of the public realm.

The WSPB has confirmed it can provide advice on water safety management measures

Regulation 33 of The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 places a duty on each public body, including local authorities, to 'have regard to' RBMPs when exercising their functions. This means they must ensure they neither undertake nor authorise a project which may jeopardise the current status of a WFD element or cause its deterioration.

The applicant must ensure the proposed minor material amendments do not void the approval of Condition 17 previously granted under CDN/19/0351; or prevent Condition 18 from being discharged.

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.

As the proposal involves development over 11m in height (or alterations to increase the height of a building above 11m), developers are required to notify the Greater Manchester Fire & Rescue Service of the commencement of development via email to construction-started@manchesterfire.gov.uk

Date: 23 August 2022

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/planning-inspectorate . 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.

Right of challenge on planning application decision

A third party does not have a right of appeal against a decision on a planning application. Instead there is a right of challenge (a Judicial Review) which is limited to lawfulness of the procedure that we have taken in coming to that decision.

Any challenge must be based on the following and not the merit of the decision:

- Procedural irregularity
- Irrationality
- Illegality

Any application for permission to bring such a challenge (which is through the High Court) must be made within 6 weeks of the date of the decision being issued.