

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
136314/JO/2023	20 Mar 2023	19 Oct 2023	Piccadilly Ward

**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

**Applicant** Mr Nathan Appleby, 60 Oldham Street Limited

**Agent** None

### **Description of Site**

60 Oldham Street has been converted into four apartments with the ground floor and basement changed to a restaurant and bar (126960/JO/2020 amended by 120878/FO/2018). The opening hours applied for and approved at the ground floor and basement were Tuesday 17.00-00.00, Wednesday to Saturday 12.00 to 13.30 and 17.00 to 00.00 (application ref no CDN/21/0969). A scheme of acoustic insulation was approved (CDN/21/0947).

The approval included the erection of a 7-storey building on an empty plot to the rear at 53 Spear Street to form five apartments. The consent has been fully implemented.

The site is in the Stevenson Square Conservation Area and on the edge of the Smithfield Conservation Area. It is in as the Northern Quarter which contains homes, hotels, commercial, places of worship, bars and restaurants.

### **Description of Development**

The proposal seeks to vary the approved opening hours to: Sunday to Thursday – 11:00 to 02:30 (the next day); and Friday and Saturday – 11:00 to 03:30 (the next day). These hours reflect those permitted under the Premises Licence and have been reduced since the original submission.

A Noise Management Plan (NMP) and a Sound System Commissioning and Calibration Report have been submitted which verifies that the measures installed to prevent noise break out or noise transfer to the homes above have been effective.

Live music is not proposed.

The ground floor and basement have been completely refurbished with new walls and ceilings. The sound insulation measures have created a 'box within a box' to isolate the ground floor and basement from the homes above. This eliminates unacceptable impacts from structure borne and airborne noise to the homes.

The sound system involves speakers closer to the customers rather than larger speakers to achieve even sound coverage. All speakers are structurally isolated from the walls through anti-vibration mounts. The sound level of individual zones could be set independently. Bar staff cannot adjust the sound management device (other than a master fader with the maximum output fixed to the set limit) and only a sound engineer with access to the software and a password can change the settings.

The effectiveness of these measures including the sound system have been tested, including a cumulative test with all zones operating at the same time with representative music. During the test all amplifiers were set to maximum output.

The approved opening hours at adjacent premises in similar use are:

60A Oldham Street: Blockbusters (Bar) Monday to Wednesday 8.30-23.00 Thursday to Saturday: 8.30 to 2.30,

62 Oldham Street : Fress (Café) Latest 10.00pm Thursday to Saturday

64 Oldham Street : Bunny Jackson's / Juniors (Bars) Ground Sunday to Wednesday 12.00 to 00.00 and Saturday 12.00 to 03.00. Lower Level Monday to Sunday 17.00 to 03.00

93 Oldham Street: Behind Closed Doors (Cocktail Bar) 16.00 to 23.30 Monday to Thursday, 16.00 to 02.00 Friday and Saturday and 16.00 to 23.00 Sundays

101-103 Oldham Street : Kong's NQ (Take Away/ Diner) 07.30 to 20.00 Monday to Saturday, 10.00 to 18.00 Sunday and Bank Holidays

105 Oldham Street: Chakalaka (Bar / Restaurant) 12.00 to 02.00 Monday to Sunday

107 Oldham Street : The Mancunian Bar (Bar and Venue) 10.00 to 23.00 Monday to Sunday

109 Oldham Street : Gullivers (Bar and Venue) 11.00 to 02.00 Monday to Sunday (variation until 3 Bank Holiday weekends)

15 Hilton Street : Wilson's Social / Corner Boy (110953) (both operated in conjunction with Hatters Hostel)

08.00 to 00.30 Sunday to Thursday and 08.00 to 02.00 Friday and Saturday.

46-50 Oldham Street: Turtle Bay (Restaurant / Bar) 08.00 -00.30 Sunday to Thursday and 08.00 -01.30 Friday and Saturday

**Publicity** – The application was advertised as a public interest development and affecting a conservation area and a site notice was displayed. Occupiers of neighbouring properties were notified. 2 objections were received as follows:

- The extended hours would result in potential noise nuisance from music within the premises for residents trying to sleep;

- Experience of nuisance from other premises with late music is that noise testing is meaningless if the operator does not operate within permitted noise limits;
- There is potential for structure borne noise to transfer to adjacent homes;
- Blockbusters usually stops playing music between 2:30am and 3am, but this new bar wants to be even later, which is unacceptable;
- Noise levels are already extremely high during the week, and it would be unfair for those living on this street and there is no need to extend the hours.

**Head of Environmental Health** – No objections and agrees with the conclusions of the above Reports subject to a condition being attached to ensure that the premises operates in accordance with the submitted NMP to ensure that noise is adequately contained on an ongoing basis.

## Issues

**Core Strategy** - The following policies are relevant:

Policy CC1 - Primary Economic Development Focus (City Centre and fringe) - retail, leisure, entertainment, cultural and tourism uses are encouraged in the City Centre, to support the development of a vibrant employment location attractive to businesses, employees and visitors. The extended hours would not be detrimental to residential amenity for the reasons discussed below and would support investment.

Policy SP1 (Spatial Principles) - guides strategic development and requires development and regeneration areas to have regard to the character and issues identified in the City Centre Strategic Plan and outlines the following core development principles: Development should make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character;
- making a positive contribution to the health, safety and wellbeing of residents;
- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income;
- protect and enhance the built and natural environment;
- minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- Improve access to jobs, services, education and open space by being located to reduce the need to travel; and
- Provide good access to sustainable transport provision

On the basis of the installed acoustic insulation and operation of the submitted Noise Management Plan, the extended hours would not adversely impact on the health, safety and wellbeing of residents.

Policy DM1 (Development Management) –requires development to address specific issues, the following of which are relevant to this application:-

- Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.

On the basis of the installed acoustic insulation and operation of the submitted Noise Management Plan, the extended hours would not adversely impact on the amenity of adjacent residents.

**The Unitary Development Plan for Manchester** – Some UDP policies remain saved as there are no replacement policies in the Core Strategy. The relevant policies are detailed below:

DC26.1 Development and Noise - details how the impact of noise on people living and working in the City will be reduced and requires the impact that proposals which could generate noise will have to be considered. The impact from the increased hours is discussed below.

DC26.5 Development and Noise – states that the Council will control noise levels by requiring where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate. The impact of the increase in hours is discussed below.

**Places for Everyone** - The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

Policy JP-Strat1: Core Growth Area and Policy JP-J1: Supporting Long-Term Economic Growth -The extended hours would support the operation of this new business and support jobs within the Core Growth Area (City Centre) supporting long term economic growth within the Regional Centre.

### **Residential Amenity / Hours of Operation**

The information submitted in support of the application has demonstrated that the extended opening hours would not result in noise break out subject to the recommendations and noise management measures set out in the NMP being adhered to. This can be controlled through a condition. Environmental Health are satisfied that subject to adherence with these measures, the premises could operate over extended hours in a manner that would not cause disamenity to adjacent residents.

Whilst the principle of the proposed hours is considered to be acceptable, there are homes adjacent to the site. The impact on residents of people leaving the premises at 2.30 /3.30 am needs to be considered. This needs to recognise the mixed use nature of the City Centre, which can generally absorb a greater level of activity during the daytime and evening than other locations.

The mixed use nature of the Northern Quarter is an important part of Manchester's offer and evolved since the early 1990's. The residential community has increased with growth in creative industries such as fashion designers, art galleries and media related businesses and independent retailers, restaurants and bars. This has helped to regenerate the area and buildings have been refurbished and reused. The creation of this diverse mix of uses has resulted in people living next door to and above restaurants, bars, clubs and similar venues.

The original hours applied for were for a restaurant / cocktail bar, and a closing time of 00.00 is not typical and were specific to a previous operator. The previous approval of these hours does not mean that later opening hours cannot be supported.

The opening hours would be similar to those at some other nearby premises, and there would be an increase in comings and goings into the early morning which could disturb residents. This cannot be controlled through conditions but would be managed through obligations on the premises licence. This would include door staff reminding people leaving the premises to be considerate of noise affecting neighbours when they are leaving, the display of prominent and clear notices requesting customers to respect local residents and use local areas quietly and monitoring customers outside the premises on a regular basis to ensure that they do not cause a public noise nuisance.

Given the above the application is considered on balance to be consistent with policies SP1 and DM1 of the Adopted Core Strategy for the City of Manchester, saved UDP policy DC26 (Development and Noise) of the Unitary Development Plan for the City of Manchester and Policies JP- Strat 1 and JP-J1 of Places for Everyone.

**Crime and Security** The extended hours would increase footfall in the area later into the night which would improve levels of natural surveillance on Oldham Street. The proposal is consistent with policies SP1 and DM1 of the Core Strategy.

### **Conditions**

Condition 5 which approved the scheme of acoustic insulation under the previous hours (application ref no CDN/21/0947) would also be updated as part of any consent granted to reflect the submitted NMP and submitted verification as approved documents to be complied with as a condition of the extended hours being permitted.

### **Other Legislative Requirements**

#### **Equality Act 2010**

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

**Human Rights Act 1998 considerations** – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the of the application is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation : Approve**

## **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) to be attached to decision for approval**

- 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 polices 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 L<sub>Amax,F</sub> 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 email 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<sub>Amax,F</sub> 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 Polices 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

**Environmental Health**

**A map showing the neighbours notified of the application is attached at the end of the report.**

**Representations were received from the following third parties:**

<b>Relevant Contact Officer</b>	:	Angela Leckie
<b>Telephone number</b>	:	0161 234 4651
<b>Email</b>	:	angela.leckie@manchester.gov.uk

