

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

37 KS GP Limited on behalf of 37 KS LP
C/o Agent

Agent (if used)

Mr Dan Whitney
Sixteen Real Estate
Byron House
10 Kennedy Street
Manchester
M2 4BY

Part 1 – Particulars of the application/development

Proposal: Change of use of basement from retail (Use Class E) to a bar (Sui Generis) together with associated ground floor elevational alterations

Location: 39 - 43 King Street, Manchester, M2 7AT

Date of application: 27 September 2021

Application number: 131749/FO/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 proactive manner based on seeking solutions to issues arising from the consideration of this 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:

o Location Plan (Drawing 1ST02-MHA-FS-XX-DR-A-01001-S2 Revision P1 dated July 2021) - Received 27 September 2021

- o Existing Basement Plan (Drawing 001 dated June 2021) - Received 27 September 2021
- o Existing Ground Floor Unit Plan (Drawing 1ST02-MHA-XX-00-DR-A-02000-S2 Revision P1 dated August 2021) - Received 27 September 2021
- o Existing Basement Elevations (Drawing 1ST02-MHA-XX-ZZ-DR-A-03000-S2 Revision P1 dated August 2021) - Received 27 September 2021
- o Existing Basement Building Section (Drawing 1ST02-MHA-XX-ZZ-DR-A-04000-S2 Revision P1 dated August 2021) - Received 27 September 2021
- o Proposed Ground Floor Basement Plan (1ST02-MHA-XX-00-DR-A-02000-S2 Revision P02 dated September 2021) - Received 17 December 2021
- o Proposed Basement Floor Plan (Drawing 010 Revision B dated June 2021) - Received 27 September 2021
- o Proposed Basement Elevations (Drawing 1ST02-MHA-XX-Z
- o Z-DR-A-03000-S3 Revision P02 dated August 2021) - Received 17 December 2021
- o Proposed Basement Building Section (Drawing 1ST02-MHA-XX-ZZ-DR-A-04000-S2 Revision P02 dated August 2021) - Received 17 December 2021
- o Noise Impact Assessment prepared by Clement Acoustics (Reference 16394-NIA-01 Revision C dated 05 January 2022) - Received 06 January 2022
- o Crime Impact Statement prepared by Greater Manchester Police (2017/1115/CIS/01 Version A dated 04 August 2021) - Received 27 September 2021
- o Operating Schedule ('Sonata Manchester Ltd. Operating Schedule, undated) - Received 27 September 2021
- o Refuse Strategy Plan ('Sonata, King Street Refuse Strategy Plan' dated August 2021) - Received 27 September 2021

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy, Sections 12 and 16 of the National Planning Policy Framework.

3) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, deliveries/waste collections on Sundays/Bank Holidays confined to 10:00 to 18:00

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

4) The premises shall not be open outside the following hours:-

12:00pm to 02:00am Monday to Friday,
12:00pm to 02:00am Saturday, and,
12:00pm to 02:00am on Sundays and Bank Holidays

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

5) a) The development hereby approved shall be carried out in accordance with the approved Clement Acoustics Noise Impact Assessment Report as referred to in Condition 2 and received by the City Council as Local Planning Authority on 05 January 2022

b) Prior to the first use of the development a verification report will be required 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 acceptable criteria have been 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 agreed noise criteria.

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.

6) Before any cooking or food preparation that would require an external flue or extract in compliance with the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust systems commences, a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to any of the cooking not permitted by the above commencing and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with saved policy of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

7) Notwithstanding the details approve within condition 2 before any works in relation to each of the following items commence the following shall be submitted to and approved in writing by the City Council as Local Planning Authority:

- (a) CCTV cameras including fixings and wiring both internally and externally
- (b) Method of attachment and fixings/wiring both internally and externally of approved external lighting (lanterns)

The specific areas of work, as individually identified above, shall only thereafter be implemented in full accordance with the subsequently approved details, as relevant

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.

8) The approved scheme for the storage and disposal of refuse shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of the amenities of the occupiers nearby properties, public health and in order to comply and policies SP1 and DM1 of the Core Strategy.

9) The proposed development should be designed and constructed in accordance with the recommendations contained within section 3.3 of the document referenced: Crime Impact Statement ref. 2017/1115/CIS/01 received by the City Council as Local Planning Authority on 27 September 2021

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.

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.

Greater Manchester Police have reviewed the Crime Impact Statement that was submitted with this application. It is recommended that the applicant addresses the layout issues within Section 3.3 of the Crime Impact Statement.

In line with MCC recommendations, secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/ visitor cycles.

The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Date: 25 January 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 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

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/government/organisations/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

This Standing Advice is valid from 1st January 2021 until 31st December 2022