MANCHESTER CITY COUNCIL

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

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Swan Street Firehouse Ltd
C/o Agent

Agent (if used)

Mr Matthew Dawber
Savills
12 Booth Street
Manchester
M2 4AW

Part 1 – Particulars of the application/development

Proposal: Creation of a mixed use comprising cafes and restaurants, takeaways and drinking establishments (Sui Generis) with associated elevational alterations to existing building including installation of awning, planters and windows, erection of single storey storage building, installation of a tipi together with the installation of single and double stacked storage containers and other associated works for a temporary period of 14 months

Location: 40 Swan Street, Manchester, M4 5JG

Date of application: 30 September 2020

Application number: 128156/FO/2020

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Temporarily 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 problems arising in relation to dealing with the planning application

Condition(s) attached to this decision

1) The permission hereby granted is for 14 months only, expiring on 01 March 2022, and the use and structures comprising the development for which permission is hereby temporarily granted is required to be discontinued on that date and removed from site within one month of the use ceasing.

Reason - The site and wider area are expected to undergo significant changes as a result of regeneration being promoted by the City Council and it will be necessary to reconsider the suitability and acceptability of the use of this site following this temporary period. This temporary permission will allow the City Council to reconsider the

consequences of development on the site which are not foreseeable beyond the expiry of this temporary permission, pursuant to the Manchester Core Strategy policies SP1, CC1, CC10, CC8 and DM1.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

-Site Location Plan and drawings referenced 320 - 100, 320-401 320 - 101, 320-102, 320-103, 320-402, 320-403, 320-404, 320-L-0130 and JW-SS-MAN stamped and received by the City Council as Local Planning Authority on 01 September 2020.
-Operations and Security Management Plan version 4.0 dated 28 September 2020 stamped and received by the City Council as Local Planning Authority on 01 September 2020.
-Ventilation Statement for 40 Swan Street, Manchester prepared by APL Mechanical Services stamped and received by the City Council as Local Planning Authority on 01 September 2020.
-Servicing and Waste Management drawing ref. 320-405 and Waste Management Proforma stamped as recieved by the City Council as Local Planning Authority on 30 September 2020.

-Crime Impact Statement ref. 2020/0576/CIS/01 Version A dated 14 October 2020 received via email by the City Council as Local Planning Authority on 15 October 2020.

-Proposed Planter details drawing ref. 320 517 A received via email by Manchester the City Council as local planning authority on 30 October 2020 .
-Drawing ref. JW SS MAN 00 REV D received via email by Manchester the City Council as local planning authority on 30 October 2020 .
-Kitchen extract odour control system at 40 Swan Street prepared by APL Mechanical Services received via email by Manchester the City Council as local planning authority on 30 October 2020 .
-EMAQ Risk Assessment for Odour received via email by Manchester the City Council as local planning authority on 30 October 2020.

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 for the City of Manchester.

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

08:00-23.00 Sunday to Thursday
08.00-00.30 Friday to Saturday

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.

4) The use hereby approved shall continue to operate in accordance with the Acoustic Assessment referenced: REP-1012486-5A-LR-20200925-Planning noise assessment-Rev01-F dated 29 September and Entertainment noise control strategy referenced: MEM-1012486-5A-LR-20201030-Entertainment noise control strategy-F + PM dated 30 October 2020.

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

5) Fume, vapours and odours from the premises shall be carried out in accordance with the Kitchen extract odour control system at 40 Swan Street prepared by APL Mechanical Services and the EMAQ Risk Assessment for Odour received via email by Manchester the City Council as local planning authority on 30 October 2020 . The approved details shall be in place prior to first use.

Reason - In the interests of the amenities of the occupiers nearby properties pursuant to policies DM1 and SP1 of the Manchester Core Strategy and saved policy DC26.1 of the Unitary Development Plan for the City of Manchester

6) The development is to be undertaken in accordance with the waste management strategy comprising documents referenced: Servicing and Waste Management drawing ref. 320-405 and Waste Management Proforma stamped as received by the City Council as Local Planning Authority on 30 September 2020.

The approved details shall be in place prior to first use.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage and collection of segregated waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

7) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday and 10.00 to 18.00 on Sundays/Bank Holidays.

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

8) The development hereby permitted shall be carried out in accordance with the security measures as outline in section 4 of the Crime Impact Statement ref. 2020/0576/CIS/01 Version A dated 14 October 2020 received via email by the City Council as Local Planning Authority on 15 October 2020.

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

9) a)Any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority prior to installation in order to secure a reduction in the level of noise emanating from the equipment.

b)Prior to first use of any external plant, 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 the noise criteria has 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 - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

10) The implementation of the development hereby approved shall be undertaken in full accordance with the following submitted reports and documents and stamped as received by the City Council as local planning authority on specified dates:

Swan Street Firehouse - Environmental Risk Assessment and Planter Details drawing ref. 320 517 A received by the City Council as Local Planning Authority on 30 October 2020.

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 for the City of Manchester and the National Planning Policy Framework.

11) When the development commences, the development shall be carried out in accordance with the previously agreed information within condition 10 and a Verification Report shall be submitted for approval in writing by the City Council as Local Planning Authority prior to the first occupation of the development hereby approved.

The report should confirm what membrane has been used for the proposed planters and show imported soils are suitable for use and confirmation sealed entry points.

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 for the City of Manchester and the National Planning Policy Framework.

12) There will be no playing of live or amplified music on the premises after 10pm

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1, C10 and DM1 of the Core Strategy and saved Unitary Development Plan policies DC10 and DC26.

Informatives

This permission does not grant approval under Building Regulations.

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.

Date: 2 December 2020

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

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.