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

Mr Chris Hopkins
Hydes Brewery Ltd
The Beer Studio
30 Kansas Avenue
Salford
M50 2GL

Agent (if used)

Mr Tom Flanagan
Paul Butler Associates
31 Blackfriars Road
Salford
Manchester
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Change of use of part vacant buildings to a mixed-use hotel/public house/restaurant (use classes C1/A4/A3); rebuilding and alterations to the elevations and provision of an outdoor seating area.

Location: 34 Turner Street, Manchester, M4 1DZ

Date of application: 31 October 2013

Application number: 103993/FO/2013/C2

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 31 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 ongoing discussions about the form and design of the development and pre application advice about the information required to be submitted to support the application.

Condition(s) attached to this decision

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

The site location plan shown on the drawing referenced AP01 stamped as received by the City Council as local planning authority on 21st October 2013

The drawings referenced:

AP04 Rev B, AP05 Rev C, AP06 Rev A, AP07 Rev A, AP09 Rev A, AP10 Rev A, AP11 Rev B and AP17 Rev A stamped as received by the City Council as local planning authority on 10th January 2014
AP14, AP15 and AP16 stamped as received by the City Council as local planning authority on 7th November 2013
AP08 and SSP142 stamped as received by the City Council as local planning authority on 31st October 2013

The information within Appendices 3 and 4 of the Planning and Heritage Statement stamped as received by the City Council as local planning authority on 31st October 2013

The information within paragraphs 4.6 to 4.37, 6.4, 6.6 to 6.9, 6.24, 6.30 to 6.35 to 6.43 of the Planning and Heritage Statement stamped as received by the City Council as local planning authority on 31st October 2013

The information within section 4 of the Design and Access Statement stamped as received by the City Council as local planning authority on 21st October 2013

The information within paragraphs 3.22 to 3.32, 4.8, 4.12 and 4.13 Highways Assessment Technical Note stamped as received by the City Council as local planning authority on 21st October 2013

The letter from Paul Butler Associates dated 11th December 2013

The emails from Tom Flanagan dated 6th January 2014 and 15th January 2014

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy policies SO1, SO2, SO5, SO6, SP 1, EC1, CC1, CC4 , CC5 , CC7, CC9, CC10, T1, T2 , EN1, EN3, EN6, EN 8, EN14, EN 16, EN 19 and DM 1 and saved Unitary Development Plan polices DC10.1-10.4, DC14.1, 14.2 and 14.5, DC18.1 , DC19.1 , DC20 and DC26.1 and 26.5.

3) No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following:
(a) A phased programme and methodology of investigation and recording to include:
- detailed historical research
- an archaeological desk based assessment
- a historic building assessment
- depending on the above, a more detailed historic building survey
- depending on the above, an archaeological watching brief during stripping out/demolition works
(b) A programme for post investigation assessment to include:
- analysis of the site investigation records and finds

- production of a final report on the significance of the archaeological, architectural and historical interest represented.
(c) Provision for dissemination of the investigation results commensurate with their significance
(d) Provision for archive deposition of the report and records of the site investigation.
(e) Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason - To record and advance understanding of heritage assets impacted on by the development and to make information about the archaeological heritage interest publicly accessible, pursuant to saved policy DC20.1 of the Unitary Development Plan for the City of Manchester and guidance in Section 12 of the National Planning Policy Framework.

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

Restaurant (A3) - 08:00 to 01:00 Monday to Sunday (including bank holidays)
Drinking Establishment (A4) - 11:00 to 01:00 Monday to Sunday (including bank holidays)
Hotel (C1) - 24 Hours Monday to Sunday (including bank holidays)

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy, saved Unitary Development Plan policies DC10.1-10.4, DC26.1 and DC26.5 and the Design for Health Principle of the Guide to Development in Manchester SPD.

5) Before development 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 occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with policies SP1 and DM1 of the Core Strategy, saved Unitary Development Plan policies DC10.1-10.4, DC26.1 and DC26.5 and the Design for Health Principle of the Guide to Development in Manchester SPD.

6) Before any uses hereby approved commence, the premises 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 approved scheme of acoustic treatment shall be maintained for the duration of the uses hereby approved.

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, saved Unitary Development Plan policies DC10.1-10.4, DC26.1 and DC26.5 and the Design for Health Principle of the Guide to Development in Manchester SPD.

7) The external seating area shall not be in operation outside the hours of 11:00 to 23:00 on Monday to Sunday (including bank holidays) and shall operate and be managed fully in accordance with the information in paragraphs 4.6 to 4.13 of the Planning and Heritage Statement stamped as received by the City Council as local planning authority on 31st October 2013 for the duration of the use of the external area hereby approved.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SO5, SP1, CC4, CC5, CC10, T1, T2 and DM1 of the Core Strategy, saved Unitary Development Plan policies DC10.1-10.4, DC26.1 and DC26.5.

8) Before the development commences a scheme for acoustically insulating the hotel accommodation against noise from internal and external noise sources; shall be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be maintained for the duration of the use as a hotel and shall be completed before the hotel accommodation hereby approved is first occupied.

Reason - To secure a reduction in noise from internal and external areas; in order to protect future occupiers from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy.

9) Before first occupation of the development the building, together with 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 in order to secure a reduction in the level of noise emanating from the equipment. The approved measures shall remain in place for the duration of the use of the approved equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy, saved Unitary Development Plan policies DC10.1-10.4, DC26.1 and DC26.5.

10) The scheme for the storage and disposal of refuse as detailed in paragraphs 6.33, 6.36, 6.37 of the Planning and Heritage Statement and the attached waste management strategy stamped as received by the City Council as local planning authority on 31st October 2013 and shown on the drawing referenced AP04 rev B stamped as received by the City Council as local planning authority on 10th January 2014 shall be fully implemented as part of the development and shall remain in situ whilst the use is in operation.

Reason - In order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policy DM1 and EN19 of the Core Strategy for the City of Manchester.

11) The operating strategies detailed in paragraphs 4.6 to 4.37 of the Planning and Heritage Statement stamped as received by the City Council as local planning authority on 31st October 2013 shall be fully implemented on commencement of the use hereby approved and maintained for the duration of the use hereby approved.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy, saved Unitary Development Plan policies DC10.1-10.4, DC26.1 and DC26.5.

12) No loading or unloading shall be carried out on the site outside the hours of:

07:30 to 08:00, 10:00 to 16:00, 18:00 to 20:00 Monday to Saturday

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy and saved Unitary Development Plan policies DC10.1-10.4, DC10.4, DC26.1 and DC26.5 and to prevent a negative impact on the highway network in accordance with policies SP1, T1, T2 and DM1 of the Core Strategy, saved Unitary Development Plan policies DC10.1-10.4.

13) The wheels of contractor's vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site.

Reason - In the interest of pedestrian and highway safety, as specified in policies SO5, SP1, CC4, CC5, CC10, T1, T2 and DM1 of the Core Strategy.

14) The details of an emergency telephone contact number for a person responsible for the site shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with policies SP1 and DM1 of the Core Strategy, saved Unitary Development Plan policies DC26.1 and DC26.5.

15) Before the development hereby approved commences a management plan detailing the measures proposed to ensure that construction and demolition waste is minimised shall be submitted to and agreed in writing by the City Council as local planning authority.

Reason - To minimise the impact of waste from the development on the environment pursuant to policies DM1, EN8, EN16 and EN19 of the Core Strategy

16) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

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 SO6, CC9, EN1, EN3, SP1 and DM1 of the Core Strategy for the City of Manchester and saved polices DC14.1 and 14.3, DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

17) Notwithstanding the information shown on the drawings hereby approved the following details shall be submitted to and approved in writing by the City Council as local planning authority before the development hereby approved commences:

1. The method of stone and brick cleaning;
2. The paint colour for all paintwork;
3. The colour of the glazed tiles;
4. Detailed drawings to demonstrate the appearance of all new doors;
5. Detailed drawings and sections to demonstrate the appearance of all new windows and mouldings;
6. The design of terracotta air bricks;
7. Final details and specifications of all plant and equipment;

8. Drawings to demonstrate the final detailed design of awnings and associated fixings to the building fabric;
9. Drawings to demonstrate design of external seating screens;
10. The design and finishes of external metalwork;
11. The design and materials of rainwater pipes;
12. The design, materials and location of external lighting.

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 SO6, CC9, EN1, EN3, SP1 and DM1 of the Core Strategy for the City of Manchester and saved polices DC14.1 and 14.3, DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

18) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. 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.

19) The approved scheme to provide disabled access into and throughout the development shall be implemented in advance of the commencement of the use hereby approved. The measures as shown on the drawings referenced AP4 rev B and AP17 Rev A stamped as received by the City Council as local planning authority on 10th January 2014 and detailed in the Design and Access Statement stamped as received by the City Council as local planning authority on 21st October 2013 and paragraphs 6.40 to 6.43 of the Planning and Heritage Statement stamped as received by the City Council as local planning authority on 31st October 2013 and the email dated 6th January 2014; shall then be retained and operational for as long as the property is in use.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of Policies SO5, SP1, CC5, CC10, T2 and DM1 of the Core Strategy for the City of Manchester and saved policy DC14.2 of the Unitary Development Plan for the City of Manchester.

20) Before the development hereby approved commences a statement confirming the possibility of the development complying with the requirements of the target framework for CO2 reductions from low or zero carbon energy supplies. The development shall comply with the minimum requirements of the target framework where viable and evidence shall be required to support any conclusions of the statement.

Reason - To contribute to a reduction in CO2 emissions in accordance with the target framework pursuant to policies SO6, EN6, EN8, EN14 and EN16 of the Core Strategy.

Informatives

This permission does not grant approval under Building Regulations.

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.

Construction Works
If the development is to involve noisy construction works for a prolonged period the applicant is requested to contact Environmental Health (Public Protection Team) to discuss the nature of the construction phase. The reasoning behind this is to establish a site contact and discuss appropriate working times etc.
Contact: Manchester City Council, Environmental Health, Hammerstone Road, Gorton, Manchester, M18 8EQ Tel: 0161 234 5004, email: contact@ manchester.gov.uk

Licensing
The applicant should be aware that under the Licensing Act 2003 the carrying on of a licensable activity (this includes the provision of late night refreshment between 23.00 - 05.00, supply of alcohol, music, dancing, plays, films and indoor sporting events) on or from premises requires a premises licence from Manchester City Council as Licensing Authority. Information regarding premises licence can be obtained from:
The Licensing Unit, Manchester City Council, Hammerstone Road, Gorton, Manchester, M18 8EQ. Tel: 0161 234 5004 or e-mail: premises.licensing@manchester.gov.uk

Noise
The applicant's attention is drawn to the need to contact Environmental Health (Public Protection Team) where any noise related conditions have been attached to this Planning Approval, in order to discuss specific and technical requirements.
Contact: Manchester City Council, Environmental Health, Hammerstone Road, Gorton, Manchester, M18 8EQ, Tel: 0161 234 5004, E-mail: contact@ manchester.gov.uk

Fumes, Vapours and Odours
Defra have published a document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. It describes a method of risk assessment for odour, guidance on minimum requirements for odour and noise control, and advice on equipment selection. It is recommended that any scheme should make reference to this document.

A copy of our 'Guidance for Developers' can be downloaded using the following link: http://www.manchester.gov.uk/download/downloads/id/19841/environmental_and_public_protection_information_for_developers_gd03, or is available upon request.

A 'tables and chairs' license and a 'projection over' license will be required for the siting of the proposed external seating area and associated canopy and Environment on Call will need to be contacted on 0161 234 5004 to apply for these licenses.

The buildings have a low potential to support roosting bats and therefore conversion can take place without the need for a bat survey. However, bats are mobile in their habits and can be found in the most unlikely places. If bats are found at any time during works, then work must cease immediately and advice must be sought from a suitably qualified bat worker.

Date: 17 January 2014

Signed: 

Julie Roscoe
Head 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, he may appeal to the First 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 Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

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 of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he 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 First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix A – Standing Advice Regarding Coalfield Area

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.
Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com