

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

Land and Securities Limited
27 Gun Street
Manchester
M4 5DN

Agent (if used)

Mr James Hindley
theCAVE Architecture + Design
The Colony
Altrincham Road
Wilmslow
SK9 4LY

Part 1 – Particulars of the application/development

Proposal: Creation of cafe (Use Class E(b)) with associated external alterations and outdoor seating area.

Location: 27 Gun Street, Manchester, M4 5DN

Date of application: 7 December 2023

Application number: 136986/FO/2023

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 problems arising in relation to dealing with the planning 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:

-Drawing - Proposed 103.47-101 REV G GROUND FLOOR PLAN received by the City Council, as Local Planning Authority, on 26/01/2024

-Drawing - Proposed 103.47-102 REV B GEORGE LEIGH STREET ELEVATION

-Drawing - Proposed 103.47-103 REV A GUN STREET ELEVATION
-Drawing - Proposed 103.47-106 REV C DISABLED ACCESS ARRANGEMENT
All received by the City Council, as Local Planning Authority, on 12/01/2024

-Noise assessment or information NOISE ASSESSMENT received by the City Council, as Local Planning Authority, on 16/05/2023

-Heritage Statement HS AND DAS received by the City Council, as Local Planning Authority, on 20/10/2023

-Transport or Travel information TRANSPORT STRATEGY DRAWING received by the City Council, as Local Planning Authority, on 20/11/2023

-Supporting Information CHIMNEY HOOD STAINLESS STEEL 600MM - SCREWFIX
-Supporting Information
MIDEA_DATA_SHEETS_BREEZELESS_ROUNDFLOW_CASSETTE
-Supporting Information VX100SP BROCHURE 2021
All received by the City Council, as Local Planning Authority, on 23/06/2023

-Waste Management REV A WASTE MANAGEMENT STRATEGY received by the City Council, as Local Planning Authority, on 23/01/2024

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.

3) Prior to the commencement of development, a demolition/construction management plan outlining working practices shall be submitted to and approved in writing by the City Council as Local Planning authority, which for the avoidance of doubt shall include as a minimum:

- Measures to control noise and vibration;
- Dust suppression measures;
- Compound locations where relevant;
- Details of an emergency contact telephone number;
- A community consultation plan; and
- Sheeting of construction vehicles.

The development shall only be carried out in accordance with the approved management plan.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

4) Prior to commencement, samples and specifications of the materials to be used on the external elevations of the building shall be submitted for approval in writing by the City Council as Local Planning Authority. This includes any brickwork, fixing and joining and new doorways and windows including specifications of frame widths. The approved materials shall be implemented as part of the development.

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.

5) a) 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 scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63HZ and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

b) Prior to occupation of the development a verification report shall 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 - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties.

6) The premises shall not be open outside the following hours unless otherwise agreed in writing by the City Council as local planning authority:-

-Monday to Saturday	07:30 to 22:00
-Sunday/Bank Holiday	10:00 to 22:00

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation.

7) The external areas within the application site shall only be used in accordance with a Management Plan that shall be submitted to and approved in writing by the City Council, as local planning authority, before the first use of the development hereby approved and shall include:

- a schedule of days and hours of operation;
- number of occupiers (capacity); and
- statement of intended use.

No amplified sound or any music shall be produced or played in any part of the site outside the building.

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

8) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be 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 site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme 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 report. The report shall also undertake post completion testing to confirm that the noise 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 - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site.

9) The waste management arrangements shall be carried out in accordance with the approved documents (Waste Management REV A WASTE MANAGEMENT STRATEGY received by the City Council, as Local Planning Authority, on 23/01/2024 and Drawing - Proposed 103.47-101 REV G GROUND FLOOR PLAN received by the City Council, as Local Planning Authority, on 26/01/2024). The waste management arrangements shall be implemented prior to the first occupation of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012)

10) Prior to the first occupation of the development a signage strategy for the unit building shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt, the signage shall comprise:

- 1no. individual letter, non-illuminated fascia-level sign
- 1no. hanging, bracketed, non-illuminated projecting sign no more than 30mm in depth

The signage strategy will include timescales for implementation. The approved strategy shall then be implemented and used to inform any future advertisement applications for the building.

Reason - In the interest of visual amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the residential use shall be used for any other purpose (including any other purpose in Class E(b) (Sale of food and drink for consumption (mostly) on the premises) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of E(b) Sale of food and drink for consumption (mostly) on the premises.

Reason - In the interests of amenity and to safeguard the character of the area pursuant to policies DM1 and SP1 of the Core Strategy for Manchester, saved policies DC10 and DC26 and the guidance contained within the National Planning Policy Framework.

12) The cycle parking indicated on the approved plan (Drawing - Proposed 103.47-101 REV E GROUND FLOOR PLAN) shall be made available for use prior to the building hereby approved being occupied.

The cycle parking shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policy DM1 of the Manchester Core Strategy.

13) Outside of the opening hours of the cafe approved under Condition 6 (Hours), any external furniture shall be moved to the inside of the premises.

Reason - In the interests of amenity in order to reduce noise and general disturbance in accordance with policy DM1 of the Manchester Core Strategy.

14) Notwithstanding any manifestations required by Approved Document K of the Building Regulations, the window(s) at ground level, fronting onto Gun Street and George Leigh Street shall be retained as a clear glazed window opening at all times and views into the premises shall not be screened or obscured in any way.

Reason - The clear glazed window(s) is an integral and important element in design of the ground level elevations and are important in maintaining a visually interesting street-scene consistent with the use of such areas by members of the public, and so as to be consistent with saved policy DC14 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

15) a) Prior to installation, details of any roller shutter or security grilles shall be submitted to and approved in writing by the City Council, as Local Planning Authority. For the avoidance of doubt any shutters or security grilles shall be fitted internally to the premises. The approved details shall be implemented prior to the first occupation of the unit and thereafter retained and maintained in situ.

b) Prior to first occupation, the external roller shutter to the Gun Street elevation shall be removed.

Reason - To ensure that the roller shutters are appropriate in visual amenity terms pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

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.

Date: 1 February 2024

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/appeal-planning-decision 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

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

Standing Advice valid from 1st January 2023 until 31st December 2024