

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

Mr Jason Bailey
50 Red Bank
Manchester
M4 4HF

Agent (if used)

Paul Shuker
Lambert Smith Hampton
6th Floor
3 Hardman Street
Spinningfields
M3 3HF

Part 1 – Particulars of the application/development

Proposal: Continuation of the Temporary Use for a two-storey building (Use Class E(a), E(c), E(d)E(g), B2, F2(c) and Sui Generis at ground floor and first floor and related access, street art/ free wall for a further period of 3 years until July 2026.

Location: 50 Red Bank, Manchester, M4 4HF

Date of application: 24 January 2023

Application number: 136056/FO/2023

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 3 years only, expiring on 24 July 2026, and the use comprising the development for which permission is hereby temporarily granted is required to be discontinued on that date.

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:

- Noise assessment or information - NOISE IMPACT ASSESSMENT
- Waste Management - SITE WASTE MANAGEMENT PLAN
- Transport or Travel information - TRANSPORT ASSESSMENT
- Transport or Travel information - TRAVEL PLAN
- Environmental Statement - ENVIRONMENTAL STATEMENT
- Environmental Statement - ENVIRONMENTAL STATEMENT
- Supporting Information - REVISED OPERATION & EVENTS STRATEGY

received by the city council, as LPA, on 24/01/2023

-Supporting Information - PHASE 1 SURVEY LETTER ISSUE
received by the city council, as LPA, on 08/02/2023

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 use hereby permitted shall be discontinued no later than the 24 July 2026 and the buildings and works comprising the development are required to be removed no later than one month from the use ceasing.

Reason - The use and buildings are required to cease and be removed from site within a specified timescale in order to allow reinstatement of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

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

16:00-22:00 Monday to Friday
12:00-22:00 Saturday
12:00-18:00 Sunday/Bank Holiday

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.

5) Three months prior to the expiration of the temporary period, a scheme to restore the land shall be submitted for approved in writing by the City Council, as Local Planning Authority. The scheme shall be implemented within one month of the use ceasing and thereafter retained and maintained in accordance with this scheme.

Reason - To ensure that the land is reinstated to an appropriate standard in the interest of visual amenity and to restore the recreational value of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

6) The outside area of the development hereby approved shall not operate outside the following hours:

12:00pm to 21:00pm Sunday to Thursday
12:00pm to 22:00pm Friday and Saturday

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policies SP1 and DM1 of the Core Strategy and saved Policy DC26 of the City of Manchester Unitary Development Plan.

7) The development is to be undertaken in accordance with the waste management strategy comprising documents referenced:

-Waste Management - SITE WASTE MANAGEMENT PLAN received by the city council, as local planning authority, on 24/01/2023

The agreed arrangement including the associated bin storage structures shall be prior to the first use of the premises and thereafter retained for as long as the development remains in 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.

8) The outside area of the development hereby approved shall not exceed a capacity 150 persons at any one time

Reason - To secure a reduction in noise from noise generating uses in order to protect surrounding residents from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy

9) The development hereby approved shall operate according to the management strategy comprising documents referenced:

-Supporting Information - REVISED OPERATION & EVENTS STRATEGY, prepared by Lambert Smith Hampton, received by the city council, as LPA, on 24/01/2023

The approved details shall be fully implemented upon approval and remain in place whilst it remains in operation.

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 for the City of Manchester and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

10) Prior to the installation of any externally mounted ancillary equipment, a scheme to secure a reduction in the level of noise emanating for the equipment shall be submitted for approval in writing by the City Council, as Local Planning Authority.

Externally mounted 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 5 db (L_{aeq}) below the typical background (L_{a90}) level at the nearest noise sensitive location.

(b) Prior to the first use of the equipment, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition.

Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority. Any measures shall thereafter retained and maintained in situ.

Reason - To minimise the impact of plant on the occupants of the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

11) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections 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.

12) There will be no playing of background, live or amplified music in the external area of the development at any time.

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.

13) The development hereby approved shall operate according to the travel plan (Supporting Information - TRAVEL PLAN (ref.J324663) received by the city council, as LPA, on 24/08/2020) approved under app. ref CDN/20/0548, as per the document referenced:

-Transport or Travel information - TRANSPORT ASSESSMENT, prepared by mode transport planning, received by the city council, as LPA, on 24/01/2023

The approved details shall be fully implemented upon approval and remain in place whilst it remains in operation.

Reason - To minimise the level of vehicular traffic generated by the development, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester and the provisions contained within Planning Policy Guidance 13.

14) The development hereby approved shall provide cycle parking according to the document (Supporting Information - TECHNICAL NOTE received by the city council, as LPA, on 24/08/2020) approved under app. ref. CDN/20/0548. The approved cycle storage shall continue to 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.

15) Notwithstanding the details submitted and before any free wall or street art is installed, final details of the following shall be submitted to and approved in writing by the City Council as Local Planning Authority:

-The design of any street art/free wall including the extent of the area.

The works shall then be carried out in accordance with the approved details.

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 EN1, EN3, CC9, SP1 and DM1 of the Core Strategy and saved policies DC14.1, DC18.1 and DC19.1 of the Unitary Development Plan.

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.

The site benefits from approval for site works to allow delivery of future residential development (Application Ref. 133143/VO/2022) which may impact on the continued on-site operations associated with the proposals.

Date: 20 March 2023

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 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.