

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

Mayfield Development Partnership LP
11 Baring Street
The Gatehouse
Manchester
M1 2PY

Agent (if used)

Mr Michael Percival
Deloitte LLP
Hanover Building
Floor 2
Corporation Street
Manchester
M4 3AN

Part 1 – Particulars of the application/development

Proposal: Part retention and part temporary change of use for a three-year period of rooftop area of Mayfield Depot to allow for use as a cinema (retention), event space and ancillary leisure uses, with supporting food and beverage offer (retention) (Sui Generis use) and installation of temporary structures, including for access and associated works.

Location: 11 Baring Street, Manchester, M1 2PY

Date of application: 27 September 2022

Application number: 134588/FO/2022

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

Condition(s) attached to this decision

0) 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 on going discussions about the form and design of the development and post and pre application advice about the information required to be submitted to support the application.

1) The permission hereby granted is for a limited period only, expiring on 27-01-26 and the use comprising the development for which permission is hereby temporarily granted is required to be discontinued on that date.

All temporary external structures associated with this permission shall be removed within 28 days following the expiry of this temporary permission.

Reason -The consent is for a temporary period only and 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, CC2, CC4, CC9 and EN3 and DM1 and saved UDP policies DC26.

2) The development hereby approved shall be operated in accordance with the following plans and documents:

(a) Depot Site Plan Version 8 stamped as received on 03-08-22 and Back Yard Cinema Plan dated stamped as received on 27-09-22 ;

(b) Dwg MAY-K002 RO stamped as received on 17-01-23;

(c) PLATFORM PLAN V8 stamped as received on 27-09-22;

(d) Dwgs BWD042-200, BWD042-410 , TRAVIS ST ELEVATION and TRAVIS ST ELEVATION all stamped as received on 27-09-22;

(e) Dwgs PLATFORM ACCESS PLAN V2 stamped as received on 27-09-22;

(f) Deloitte e-mail in relation to cycle parking dated 08-11-22;

(g) Deloitte e-mail 12-12-22 : BuroHappold setting out bat roost avoidance measures;

(h) Mayfield Depot Waste Management Plan and Platform Waste Storage Plan Version 2 both stamped as received on 27-09-22;

(i) dB Acoustics Report Mayfield Depot Cinema R01C Client: Broadwick Live Date: 5/12/2022; and

(j) Deloitte e-mail dated 27-01 23 in relation to fume extraction / ventilation.

Reason - Pursuant to Core Strategy Policies SP1, CC1, CC2, CC4, CC9 and EN3 and DM1 and saved UDP policies DC18.1, DC19.1, DC26.1 and DC26.5

3) Area A (Cinema and Bar) as shown in Dwg MAY-K002 RO stamped as received on 17-01-23 shall only operate between the following hours:

Monday -Thursday: 14:00-00:30

Friday - Saturday: 10:00-02.30

Sunday 10:00-22:30

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) Before any use of Area B as shown in Dwg MAY-K002 RO stamped as received on 17-01-23 hereby approved commences details of the proposed operating hours shall be

submitted to and approved in writing by the City Council as local planning authority. The approved hours shall then be implemented.

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) Area A as shown in Dwg MAY-K002 RO stamped as received on 17-01-23 shall operate in accordance with the noise limits set out in section 6 of the Noise Survey and Noise Impact Assessment Mayfield Depot Cinema R01C Client: Broadwick Live Dated: 5/12/2022 by DbX Acoustics.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26.

6) Notwithstanding the recommendation within the Mayfield Depot Cinema, Manchester Noise Survey and Noise Impact Assessment Mayfield Depot Cinema R01C Client: Broadwick Live Dated: 5/12/2022 by DbX Acoustics before the operation of Area B as shown in Dwg MAY-K002 RO stamped as received on 17-01-23 commences, details of how the spaces will be acoustically insulated and treated to limit the break out of noise shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include a noise study of the premises and a scheme of acoustic treatment.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB 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, respectively. The scheme proposed may need to include different measures such as acoustic lobbies at access and egress points of the premises, acoustic treatment of the building structure, sound limiters linked to sound amplification equipment and specified maximum internal noise levels.

The approved noise insulation scheme shall be completed before any of the approved uses commence.

Prior to the use of this area commencing a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in adjacent residential accommodation arising directly from the proposed development shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non compliance shall be suitably mitigated in accordance with an agreed scheme.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26.

7) Prior to use of Area B as shown in Dwg MAY-K002 RO stamped as received on 17-01-23 commencing a scheme for the acoustic insulation of any plant including externally mounted ancillary equipment associated with the development to ensure that it achieves a background noise level of 5dB below the existing background (La90) at the nearest noise sensitive location 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 equipment. The approved scheme shall be completed before the premises is occupied and a verification report submitted for approval by the City Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation. The approved scheme shall remain operational thereafter.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

8) Accessibility arrangements and communication shall be implemented and continue to operate in accordance with the e-mail from Deloitte dated 08 11 22 and Access Management Note from Deloitte dated 13 10 22

Reason

For the avoidance of doubt and to promote inclusive access as part of the proposals pursuant to policies SP1 and DM1 of the Manchester Core Strategy and to reflect the guidance contained in the revised National Planning Policy Framework (2019).

9) The development hereby approved shall be carried out in accordance with the Mayfield Depot Waste Management Plan and Platform Waste Storage Plan Version 2 both stamped as received on 27-09-22 subject to emptying of bins being restricted to 09.00 to 23.00 hours

The details shall be implemented prior to the first use of the development and thereafter retained and maintained in situ.

The approved details shall be implemented and remain in place for as long as the cinema, event space and ancillary leisure uses, with supporting food and beverage offer (Sui Generis use) are in use.

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

10) The use shall be operated in accordance with the following:

EVENT MANAGEMENT STRATEGY Depot Mayfield Rooftop Version 4 August 2022 as amended by the OPENING HOURS DEPOT ROOFTOP Note stamped as received on 07-12-22 (Area A) and subject to the hours and acoustic management measures to be subsequently agreed in relation to conditions 4 and 6 (Area B).

The approved details shall be implemented and remain in place for as long as the cinema, event space and ancillary leisure uses, with supporting food and beverage offer (Sui Generis use) are in use.

Reason - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to policies SP1, DM1 and C10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

11) The use shall be implemented and operated as set out in the e-mail dated 08 -11 22 and shall be retained thereafter while the use is operational.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Manchester Core Strategy and to reflect the guidance contained in the revised National Planning Policy Framework (2019).

12) The food and drink operations withing Area A shall operate in accordance with the following:

VENTILATION AND EXTRACTION STATEMENT, DEPOT MAYFIELD, 11 BARING STREET, MANCHESTER,M1 2PY and the approved details shall be implemented and remain in place for as long as the cinema, event space and ancillary leisure uses, with supporting food and beverage offer (Sui Generis use) are in use.

Should the nature of those operation change in the future then an application to vary this condition to allow for any changes to the ventilation system will be required

Reason - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to policies SP1 and DM1 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

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 consent hereby granted does not grant or imply the granting of consent for any structures within Area B which are not shown on the plans approved under condition 2 which would require planning permission.

Date: 27 January 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.