

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

NOMA (GP) LTD
C/o Agent

Agent (if used)

Ms Eithne Fitzgerald
Deloitte LLP
2 Hardman Street
Spinningfields
Manchester
M3 3HF

Part 1 – Particulars of the application/development

Proposal: Continued use of a temporary structure as a public house and associated facilities (Use Class E Drinking Establishment), for a further period of two years; with new adjacent canopy structure and food hut

Location: Sadlers Cat , Hanover Street, Manchester, M60 0AB

Date of application: 15 March 2022

Application number: 133212/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

Officers have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. The applicants were advised at pre-application state about the information that would be required in support of the application. A pre application site meeting took place to discuss the proposals and comments made by officers were taken on board in the final submission.

Condition(s) attached to this decision

1) The permission hereby granted is for a limited period only, expiring on 30th May 2024; and the use comprising the development for which permission is hereby granted is required to be discontinued on that date.

Reason - The use hereby approved is of a temporary nature, in order to allow the preparation of the a more balanced interim use strategy that would support the proper planning and regeneration of the area and to allow the City Council the opportunity to

reconsider the appropriateness of this use and its impact of the use on policies aimed at reducing reliance on travel by private car the consequences of which have not been considered beyond the 30th May 2023 pursuant to Core Strategy Policies SP1, CC1, CC4, EN1 and DM1

2) The premises (including the external areas) shall not be open to the public outside the following hours,:-

Saturday	12:00 to 22:00
Sunday - Monday	12:00 to 01:00
Bank Holidays	12 to 22:00

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Core Strategy Policies DM1 and SP1 and saved UDP policies DC26.1 and 26.5.

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

L(02)022 Rev C1, P(1-)011 Rev B, P(1-)010 Rev C, L(01)004 Rev A and L(01)005 Rev A; as amended by 2696-PLA-XX-XX-DR-L-0005 (Terrace Structure), 2696-PLA-XX-XX-DR-L-0010 (Site Plan and Sadler's Cat Kitchen - Layout Plan Planning)(all stamped as received on 15-03-22);

Kitchen layout plan stamped as received on 15-03-22;

Crime Impact Statement Version A: 23-11-21 (sections 3.3. and 4);

Recommendations within Sandy Brown Associates Acoustic Planning Report 02-02-2022;

Operational Management Strategy (Public House) prepared by Cloudwater;

Operational Management Strategy (Food Hut) prepared by Wallace & Sons;

Email from Deloitte dated 06.05.2022 in relation to external speakers, plant and hours of operation; and

Deloitte covering letter dated 10-03-22 in relation to Overview of Proposals, Appearance, Maintenance, Waste and Refuse and Security.

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.

4) The acoustic insulation within the development hereby approved shall be implemented in accordance with the following:

Operational noise levels and mitigation set out within the Sandy Brown Associates Acoustic Planning Report 02-02-2022

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.

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.

5) Before operation of the food hut commences final details of the method of extraction of any fumes, vapours and odours from any kitchen within the communal facilities shall be submitted to and approved in writing by the City Council as local planning authority prior to commencement of those uses. The details of the approved scheme shall be implemented prior to occupancy and shall remain in situ whilst the use or development is in operation.

Defra have published a document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (withdrawn but still available via an internet search). 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 (particularly Annex B) or other relevant guidance. Details should also be provided in relation to replacement air. The applicant will therefore need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval.

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

6) Refuse storage and disposal shall be carried out in accordance with the Waste Management Strategy attached to Andrew Cowan's e-mail dated 02-11-15 and Dwgs 2318 P (01) 004 and 005 (application ref no 109781)

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.

7) Deliveries, servicing and collections including waste collections shall not take place outside of the following hours:

07.30 to 20.00, Monday to Saturday, and
10.00 to 18.00 Sunday / Bank Holidays

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

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: 30 May 2022

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/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.