

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 Jon Charles
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Agent (if used)

Justine Entezari
Iceni Projects
This Is The Space
68 Quay Street
Manchester
M3 3EJ

Part 1 – Particulars of the application/development

Proposal: Part retrospective change of use of the ground floor of no. 19 from a cafe/restaurant/fast-food takeaway (Use Class Sui Generis) to a Bar (Sui Generis) and expansion of premises through a change of use of the first and second floor of no.19 and the first floor of no 21-23 Shudehill from an office (Use Class E) to a Bar (Sui Generis) and external works comprising lowering of step to create level access.

Location: 19 Shudehill, Manchester, M4 2AF

Date of application: 23 April 2021

Application number: 129840/FO/2021

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

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included ongoing advice about the information required to be submitted to support the application.

Condition(s) attached to this decision

1) The use of the part of the development which are not sought retrospectively (1st and 2nd floor of 19 Shudehill and 1st floor of 21-23 Shudehill) 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:

(a) Site plan LXA-WHM-002 stamped as received on 25-03-21;

(b) Dwg LXA-WHM-102 Rev A;

(c) Recommendations within sections 4 and 5 of the Crime Impact Assessment Version B dated 21-04-21;

(d) The Washhouse Manchester Operational Management Plan Operational Management Strategy stamped as received on 25-03-21;

(e) Accessibility feasibility options in Dwgs LXA-WHM-103 Rev A stamped as received on 20-04-21; and

(f) Points 5 and 6 (servicing (deliveries, collection) and plant and equipment as details on Icen Projects e-mail 20-04-21.

Reason - To ensure that the development is carried out in accordance with the approved plans and pursuant to Core Strategy SP 1 and DM 1 and saved Unitary Development Plan policy DC26.1.

3) The approved use shall be implemented (fit out) and operated in accordance with the noise levels and management measures which form the basis for the assessment as specified within the ADC Acoustics Noise Impact Assessment dated 25th March 2021

The noise levels used for the assessment shall be set and subsequently controlled to ensure noise levels do not exceed those used under the assessment.

The above noise management scheme shall be completed prior to occupation. A post completion report to verify that all of the specified noise levels within the above ADC Report are being met shall be submitted and agreed in writing by the City Council as local planning authority within the following timescales:

(a) Ground floor of 19 Shudehill: within 3 months of the lockdown measures associated with the Covid19 pandemic having been eased

(b) 1st and 2nd floors of 19 Shudehill and 2nd floor of 21-21 Shudehill: prior to the extended use commencing or within 3 months of the lockdown measures associated with the Covid19 pandemic having been eased (whichever is the later).

and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation.

Thereafter the premises shall operate in accordance with the approved noise levels and management measures

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.

For the avoidance of doubt should if higher music levels are required in the future than as specified in the above report then an updated assessment and recommendations will be required.

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

3) Within 6 months of the granting of this consent level access shall be provided to the entrance to the ground floor of 19 Shudehill.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions Core Strategy policy DM1

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

07:30 to 20:00 Monday to Saturday

10:00 to 18:00 Sundays and Bank Holidays

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) The premises shall not be open to the public outside the following hours,:-

12:00 to 03:00 Monday to Sunday

Reason - For the avoidance of doubt as applied for and 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.

6) The scheme for the storage (including segregated waste recycling) and disposal of refuse as detailed within the Waste Management Strategy Pro-forma stamped as received on 20-04-21 shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation. This shall include 5 collections per week as per Iceni Projects e-mail 24-05-21

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) Construction Management shall take place in accordance with Iceni Projects e-mail 24-05-21

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 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.

Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Workforce may arrive on site 30 minutes prior but no working outside these times, unless changed by prior agreement. Noise to be kept to a minimum in the first hour. Reason - To safeguard the amenities of the occupiers of nearby residential accommodation during the construction phase.

For the avoidance of doubt this consent does not grant or imply the granting of consent for any advertisement on the external elevations of the premise which may require a separate advertisement consent application

Date: 18 June 2021

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 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

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/government/organisations/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

This Standing Advice is valid from 1st January 2021 until 31st December 2022