MANCHESTER CITY COUNCIL

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

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Tassawar Hussain
SSB Global Ltd
63 Beswick Street
Manchester
M4 7HR

Agent (if used)

Miss Saira Hussain
HAD & Co Property Consultants Ltd
Unit 3 Salisbury House
St Stephen Street
Salford
M3 6AX

Part 1 – Particulars of the application/development

Proposal: Change of use from Class E(b) Cafe to Hot Food Takeaway (sui generis use) with installation of new extraction flue

Location: 63 Beswick Street, Manchester, M4 7HR

Date of application: 3 September 2021

Application number: 131360/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

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. In this case, officers have undertaken discussions with the applicant's agent to ensure the submission of additional details relating to fume extraction, noise insulation of external plant and equipment , arrangements for customer deliveries and waste management. The planning application has been comprehensively assessed with regard to the originally submitted and supplementary information.

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 stamped as received by the City Council as local planning authority: 3 September 2021, 10 November 2021 and 13 January 2022:

Planning application forms
Location & site plan Ref: HAD3335-01
Existing plans Ref: HAD3335-03
Extraction Vent Ref: HAD3335-04 Rev A (with details of proposed elevational and layout plans)
Existing & proposed Roof Ref: HAD3335-05
Refuse plans Ref: HAD3335-06
Flue extraction drawing Ref: 21-995(01)001 Rev PL0
Odour Control Assessment 63 Beswick Street, Manchester, M4 7HR dated 28 October 2021 SSB Global Limited
Extraction flue specification letter by Commercial Kitchen Speciality Limited dated 3 November 2021
63 Beswick Street Manchester Plant Sound Assessment Report Ref: 0918/PSA1 dated 11 January 2022 by Lighthouses Acoustics
Noise data sheet attached to HAD email dated 10 February 2022

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 authorised related to the operation of 63 Beswick Street, as specified on drawing ref: Location & site plan Ref: HAD3335-01, as one hot food take away (sui generis use) and shall not be sub-divided or used for any other purposes following the implementation of the planning permission hereby granted.

Reason - For the avoidance of doubt and in order to safeguard the amenities of the local area, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

4) Upon commencement of authorised hot food take away use (sui generis use), the development shall be fully implemented in accordance with the scheme for the extraction of fumes and vapours comprising:

Extraction Vent Ref: HAD3335-04 Rev A (with details of proposed elevational and layout plans)
Existing & proposed Roof Ref: HAD3335-05
Flue extraction drawing Ref: 21-995(01)001 Rev PL0
Odour Control Assessment 63 Beswick Street, Manchester, M4 7HR dated 28 October 2021 SSB Global Limited
Extraction flue specification letter by Commercial Kitchen Speciality Limited dated 3 November 2021.

The approved scheme shall be implemented and in operation upon commencement of the authorised development and maintained in situ at all at all times thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC10 of the Unitary Development Plan for the City of Manchester.

5) Upon commencement of authorised hot food take away use (sui generis use), the development shall be fully implemented in accordance with the scheme for the acoustic insulation and noise attenuation comprising:

i. Details of external equipment as shown on drawings referenced: Extraction Vent Ref: HAD3335-04 Rev A (with details of proposed elevational and layout plans), Existing & proposed Roof Ref: HAD3335-05 and Flue extraction drawing Ref: 21-995(01)001 Rev PL0;
ii. Document referenced: 63 Beswick Street Manchester Plant Sound Assessment Report Ref: 0918/PSA1 dated 11 January 2022 by Lighthouses Acoustics supplemented with Noise data sheet attached to HAD email dated 10 February 2022.

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.

The approved scheme shall be implemented and in operation upon commencement of the authorised development and maintained in situ at all at all times thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC10 and DC26 of the Unitary Development Plan for the City of Manchester.

6) Notwithstanding the details of Refuse plan Ref: HAD3335-06, all segregated waste and recycling bins relating the development shall be stored in the garage / storage area as identified on drawing ref: Extraction Vent Ref: HAD3335-04 Rev A (with details of proposed elevational and layout plans). These storage arrangements shall be implemented upon first occupation of the development and (at all times thereafter) operated in conjunction with the details of document referenced: Waste Management Strategy 63 Beswick Street Manchester M4 7HR Final dated 26 October 2021 by Fellows Environmental relating to the presentation of bins for collection and frequency of such collections.

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.

7) The premises shall not be open outside the following hours:

Monday to Sunday (including Bank Holidays): 12 noon to 11.00 pm.

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 for the City of Manchester.

8) Deliveries, servicing and / or waste collections relating to the operation of the authorised hot food take away (sui generis use) shall be undertaken outside the hours of:

Monday to Saturday - 7.30 am to 8.00 pm;
Sunday and Bank Holidays - No deliveries, servicing and / or waste collections.

Reason - In order to protect the amenity of local residents and 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

9) The undertaking of off-site deliveries shall only by undertaken in conjunction with the authorised hot food take away use and in accordance with the details of document referenced Change of use application 63 Beswick Street Manchester Traffic Management Plan Final Issue - 27 May 2022 by Local Transport Projects, including:

i. Off-site customer deliveries would be undertaken by delivery staff directly employed by the operator of the authorised development;
ii. No more than two staff would undertake off-site customer deliveries at any time during the authorised opening hours;
iii. No deliveries shall be undertaken outside the hours of:
Monday to Sunday (including Bank Holidays): 12 noon to 11.00 pm.

The approved arrangement shall be implemented upon first undertaking of the off-site customer delivery services and maintained at all times whilst such deliveries are undertaken.

Reason - In order to protect the amenity of local residents and in the interests of pedestrian and highway safety pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan.

10) Upon the commencement of the authorised use, the authorised Class A5 unit, any roller shutters on the frontage of the related unit at 63 Beswick Street shall be open / raised on days that the business is trading from 12:00 noon until the unit closes that same trading day.

Reason - In interests of residential amenity pursuant to policies SP1, C2, C10 and DM1 of the Core Strategy for the City of Manchester and saved policy E3.3 of the Unitary Development Plan for the City of Manchester.

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.

Guidance for developers can obtained via the following link:

http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

The following security measures are recommended:

i. Any new external fittings, including shutters, windows or doors should be certified to Secured by Design standards;
ii. Any new glazing in external doors, ground floor or easily accessible windows should include at least one pane of laminated glass rated as P4A under EN 356;
iii. A CCTV system should be included within these premises and should be capable of monitoring the following areas: external doorways, all internal spaces;
iv. Signage should be displayed to indicate the areas of the premises that are restricted to staff only;
v. Any staff areas that are to be included within the proposal should be access controlled and restricted to members of staff only;
v. Dusk till dawn lighting should be installed above all external doors.

The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Date: 9 June 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 of 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