

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

Caprice Holdings Ltd
C/o Agent

Agent (if used)

Mrs Kate Roberts
Pegasus Group
Queens House
Queen Street
Manchester
M2 5HT

Part 1 – Particulars of the application/development

Proposal: Erection of single storey extension and creation of external seating area and external alterations to existing building

Location: 2 Spinningfields Square, Manchester, M3 3AP

Date of application: 15 December 2021

Application number: 132373/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 a planning application officers worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application.

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:

Received by the City Council as Local Planning Authority on 01 December 2021:

- Site Location Plan and Block Plan (ref: 464)
- Existing Basement Plan (ref: 464-101);
- Existing Ground Floor Plan (ref: 464-102);
- Existing Mezzanine Floor Plan (ref: 464-103);
- Existing External Elevation (ref: 464-104);
- Proposed GA Ground Floor Plan (ref: 464-201-S)
- Proposed External Elevations Plan (ref: 464-205-D);
- Proposed External Signage Plan (ref: 464-206);
- Proposed External Structure Plan (ref: 464-901-B);
- Caprice Manchester External Furniture Schedule;
- Sexy Fish Manchester External Furniture Visual;
- Noise Assessment, prepared by ACA Acoustics;
- Heritage Statement, prepared by Pegasus Group;
- Operating Schedule, prepared by Pegasus Group; and
- Crime Impact Assessment, prepared by GMP

Received by the City Council as Local Planning Authority on 15 December 2021:

- Waste Management Proforma

Received by the City Council as Local Planning Authority on 22 February 2022:

Proposed GA Plan - Basement ref 4322 / 464 / 203 / F

Background Sound Level Survey ref. 211004-R002 date: 16th February 2022
Addendum Report ref 211004-R003 date: 16th February 2022

Received by the City Council as Local Planning Authority on 03 February 2022:
Proposed External Structure 4322 / 464 / 902
Proposed External Structure - Side Section ref. 4322 / 464 / 903

Received by the City Council as Local Planning Authority on 04 March 2022
Addendum Report ref. 211004-R004

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.

3) Prior to any above ground works, samples and specifications of all materials to be used on all external elevations of the development shall be submitted to and approved in writing by the City Council as local planning authority.

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 SP1 and DM1 of the Core Strategy.

4) The restaurant and proposed extension hereby approved shall only be open between the following hours:

Sunday - Wednesday - 08:00 to 02:30
Thursday - Saturday - 08:00 to 03:30.

The external seating area to the front of the unit hereby approved shall only be open between the following hours

-Daily between 08:00 and 23:00

There shall no use of amplified sound or any music within the external seating area at any time.

Reason - To safeguard the amenities of the occupiers of nearby properties pursuant to policies DM1 of the Core Strategy and UDP Policy DC26.

5) a) The premises shall be acoustically insulated and treated in accordance with the submitted information: Acoustic Assessment referenced 211004-R001A prepared by ACA Acoustics dated 29 October 2021 and Acoustic Assessment addendum report reference 211004-R005 dated 20th May 2022. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB 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 (Leq,5min), respectively.

b) Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable 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.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties in accordance with Core Strategy Policies DM1 and SP1 and Saved UDP Policy DC26.

6) The approved scheme for the storage and disposal of refuse 'Waste Management Proforma' received by the City Council as Local Planning Authority on 15 December 2021 and 'Proposed GA Plan - Basement ref 4322 / 464 / 203 / F' received by the City Council as Local Planning Authority on 22 February 2022 shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

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) Should the proposed extension no longer be required, it should be removed and the building facade re-instated to its original appearance.

Reason - In the interest of visual amenity pursuant to Core Strategy Policies SP1, DM1 and EN3.

8) The development hereby approved shall comply with the recommendations contained within sections 4 and 5 of the submitted Crime Impact Statement prepared by Greater Manchester Police and referenced 2007/0857/CIS/03 received by the City Council as local planning authority on 01 December 2021. These measures shall be fully implemented prior to occupation and shall be maintained for the duration of the uses hereby approved. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of Secured by Design accreditation.

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

9) Outside of the hours of the external seating area, all external furniture including tables, chairs and barriers shall be moved to the inside of the premises.

Reason - In the interests of amenity in order to reduce noise and general disturbance in accordance with policy DM1 of the Manchester Core Strategy.

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.

The applicant is advised that and any requirements for licensing, hoarding / scaffolding including amendments to the current scaffolding design will need discussion with MCC Highways Network Resilience team via highwaynetworkmanagement@manchester.gov.uk.

Date: 26 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 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