

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 Richard Craig
27 Blossom Street
Manchester
M4 6AJ

Agent (if used)

Alec Drake
Indigo Planning
Via Email

Part 1 – Particulars of the application/development

Proposal: Change of use from Office (Use Class B1) to Restaurant (Use Class A3) with ancillary bar area and private function room together with elevational alterations including the installation of a platform lift to Cotton Street

Location: 27 Blossom Street, Manchester, M4 6AJ

Date of application: 17 March 2020

Application number: 125213/FO/2019

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. Pre application advice has been sought in respect of this matter where early discussions took place regarding the nature of the proposal. The proposal is considered to be acceptable and therefore determined within a timely manner.

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:

Drawings

Drawing M4-DR06 A (Bin location (collection days- Cotton Street)) stamped as received by the City Council, as Local Planning Authority, on the 18 February 2020

Drawings M4-DR04 E (Floor Plans) and 2192 M/102 Rev 1 and 2192 M/103 Rev 0 (Fume Extraction) stamped as received by the City Council, as Local Planning Authority, on the 17 March 2020

Drawings 2192 M/101 Rev 1 (Fume Extraction Plan), M4-DR05 K (Elevations) and M4-DR08 Rev B (Visuals) stamped as received by the City Council, as Local Planning Authority, on the 14 July 2020

Supporting Information

Management and operations statement stamped as received by the City Council, as Local Planning Authority, on the 21 October 2019

Operating Statement and lift specification stamped as received by the City Council, as Local Planning Authority, on the 17 March 2020

Vent specification, Planning and Heritage Statement prepared by WSP, heat recovery specification, kitchen ventilation proposal prepared by Jigsaw, vent specification prepared by Helios and commercial kitchen filtration prepared by Purified air stamped as received by the City Council, as Local Planning Authority, on the 17 March 2020

Waste management proforma and response note (waste management and servicing) stamped as received by the City Council, as Local Planning Authority, on the 29 June 2020

Technical response note (Acoustic Insulation and Plant) stamped as received by the City Council, as Local Planning Authority, on the 22 June 2020

Jimmy's response note (waste) stamped as received by the City Council, as Local Planning Authority, on the 27 June 2020

Noise Impact Assessment prepared REC (ref. AC10 8436-1R1) stamped as received by the City Council, as Local Planning Authority, on the 13 August 2020

Emails from Alec Drake dated 28 Augusts 2020

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) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises at 27 Blossom Street hereby approved, as shown on drawing M4-DR04 E (Floorplans) stamped as received by the City Council, as Local Planning Authority, in the 17 March 2020 shall be used as a café/restaurant (Use Class A3 in line with paragraphs 3.5-3.7 of the Planning and Heritage Statement prepared by WSP stamped as received by the City Council, as Local Planning Authority, 17 March 2020 only and for no other purpose including the use of live music or live entertainment events.

Reason - The application site is located within the Ancoats residential neighbourhood. The restriction to the use is required for the avoidance of doubt and in order to secure a satisfactory form of development in order to preserve the residential character of the neighbourhood and minimise the impact on the use on residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for Manchester (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

4) Notwithstanding the annotation on drawing M4-DR-4E (Floorplans) stamped as received by the City Council, as Local Planning Authority, in the 17 March 2020, the basement of 27 Blossom Street shall be used for restaurant/café/private dining (Use Class A3) in association with the ground and first floor restaurant/café (Use Class A3) and for no other purpose in the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. For the avoidance of doubt this shall include no live music or live entertainment events.

Reason - The application site is located within the Ancoats residential neighbourhood. The restriction to the use is required for the avoidance of doubt and in order to secure a satisfactory form of development in order to preserve the residential character of the neighbourhood and minimise the impact on the use on residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for Manchester (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

5) (a) The installation of plant at the premises hereby approved shall be carried out in accordance with the Noise Impact Assessment prepared REC (ref. AC10 8436-1R1) stamped as received by the City Council, as Local Planning Authority, on the 13 August 2020. For the avoidance of doubt, externally mounted plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5 db (L_{aeq}) below the typical background (L_{a90}) level at the nearest noise sensitive location.

(b) The approved scheme shall be implemented and prior to the first use of the development, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason - To minimise the impact of plant on the surrounding residential area in the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

6) (a) The premises hereby approved shall be acoustically insulated in accordance with the Noise Impact Assessment prepared REC (ref. AC10 8436-1R1) stamped as received by the City Council, as Local Planning Authority, on the 13 August 2020.

(b) The approved scheme shall be implemented and prior to the first use of premises, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the

noise criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason - To minimise the impact of the development on the surrounding residential area in the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

7) The waste management arrangements for the premises shall be carried out in accordance with the Waste management proforma, response note (waste management and servicing), drawing M4-DR04E (Floorplans) and M4-DR06 A (Bin location (collection days- Cotton Street)) stamped as received by the City Council, as Local Planning Authority, on the 29 June 2020, 27 June 2020, 17 March 2020 and 18 February 2020 respectively. For the avoidance of doubt the waste receptacle shall be stored internal to the premises at all times in accordance with this information and only moved to Cotton Street on collection days. Once the waste receptacles have been collected they shall be returned internally to premises as soon as is reasonably practical.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

8) The fume extraction system for the premises shall be carried out in accordance with Drawings 2192 M/101 Rev 1 (Fume Extraction Plan), M4-DR05 K (Elevations) and M4-DR08 Rev B (Visuals) stamped as received by the City Council, as Local Planning Authority, on the 14 July 2020 and Vent specification, Planning and Heritage Statement, heat recovery specification, kitchen ventilation proposal prepared by Jigsaw, vent specification prepared by Helios and commercial kitchen filtration prepared by Purified air stamped as received by the City Council, as Local Planning Authority, on the 17 March 2020. The equipment to be installed on the roof shall be powdered coated black.

The approved scheme shall then be implemented prior to the first use of the premises hereby approved and thereafter retained and maintained in situ.

Reason - To ensure appropriate fume extraction is provided for the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC10 of the Unitary Development Plan for the City of Manchester (1995).

9) The roller shutter door to Cotton Street shall be installed in accordance with drawing M4-DR05 K (Elevations) stamped as received by the City Council, as Local Planning Authority, on the 14 July 2020 and emails from Alec Drake dated 28 Augusts 2020. The roller shutter shall be colour coded red to match the exterior brick work and shall not include any external housing unit. The roller shutter shall be installed prior to the first use of the premises and thereafter retained and maintained.

Reason - To ensure that the roller shutters are appropriate in visual amenity terms and provide security to the premises pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

10) Deliveries, servicing and collections including waste collections for commercial unit 1 shall not take place outside the following hours:

Monday to Saturday 07:30 to 20:00

Sundays (and Bank Holidays): No deliveries/waste collections

Reason - In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

11) Premises hereby approved shall not be open outside the following hours (including bank holidays):-

Sunday to Thursday 12:00hrs - 23.30hrs

Friday and Saturdays 12:00hrs -00.30hrs

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.

12) Premises hereby approved, as shown on drawing M4-DR04 E (Floor Plans) stamped as received by the City Council, as Local Planning Authority, on the 17 March 2020 shall remain as one unit and shall not be sub divided without the benefit of planning permission being secured.

Reason- In the interests of residential amenity and to ensure the future viability and vitality of the commercial units pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

13) Prior to the first use of the premises hereby approved a strategy to minimise overlooking from the windows on the Cotton Street elevation of 27 Blossom Street, as indicated on drawing M4-DR05K stamped as received by the City Council, as Local Planning Authority, on the 14 July 2020, to adjacent residential accommodation at Cotton House shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented prior to the first use of the development hereby approved and thereafter retained and maintained in situ for as long as the development is in use.

Reason - To minimise overlooking or perceived overlooking into adjacent residential accommodation pursuant to policy DM1 of the Manchester Core Strategy (2012).

14) The vents, as indicated on drawing M4-DR05K stamped as received by the City Council, as Local Planning Authority, on the 14 July 2020 and within the vent specification stamped as received by the City Council, as Local Planning Authority, on the 17 March 2020, shall be coloured coded red to match the existing brick work. These shall be installed prior to the first use of the premises hereby approved and any existing vents which are no longer in use shall be removed and the elevations made good to match existing.

Reason - In the interest of visual amenity and the appearance of the conservation area pursuant to policies SP1, EN3 and DM1 of the Manchester Core Strategy (2012).

15) There shall be no amplified live sound or any amplified live music at any time within the premises. This does not preclude the use of recorded background sound or music in line with the Noise Impact Assessment prepared REC (ref. AC10 8436-1R1) stamped as received by the City Council, as Local Planning Authority, on the 13 August 2020.

Reason - In the interest of retaining the restaurant/café use at the site and in the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (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.

- Any new external fittings (i.e. shutters, windows or doors) should be certified to Secured by Design standards.
- 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.
- A CCTV system should be included within these licensed premises and should be capable of monitoring the following areas: external doorways, all internal spaces.
- Signage should be displayed to indicate the areas of the premises that are restricted to staff only.
- Any staff areas that are to be included within the proposal should be access controlled and restricted to members of staff only.
- Dusk till dawn lighting should be installed above all external doors.
- Bats are subject to legal protection and that the granting of planning permission does not negate the need to abide by the laws that are in place to protect biodiversity. If at any time any protected species are found or are suspected of being present on the site and adversely affected by the development, work should cease immediately and an ecologist/LPA should be contacted
- Any signage, wayfinding, banners or any other advertisements to be installed in and around the application site for the purpose of the promotion of the developments

and routes to it may require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Date: 28 August 2020

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 2019 until 31st December 2020