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

Aberdeen UK Property Fund
C/o Agent

Agent (if used)

Katie Parfett
Savills (UK) Ltd
Belvedere
12 Booth Street
Manchester
M2 4AW

Part 1 – Particulars of the application/development

Proposal: Application for full planning permission for the flexible use of the ground floor property at the corner of Little Quay Street and Atkinson Street as restaurant/cafe (Use Class A3) or bar (Use Class A4) or restaurant/bar (Sui Generis) including the installation of louvred extract vents

Location: Sunlight House, Quay Street, Manchester, M3 3LU

Date of application: 28 April 2020

Application number: 126309/FO/2020

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 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:

The site location plan referenced YD/1001 AL(0)010.P1 Rev P1 received by the City Council as local planning authority on 5 April 2018

The drawings referenced:

YD/1001 AL(0)200.P1 Rev P1
YD/1001 AL(0)210.P1 Rev P1
YD/1001 AL(0)220.P1 Rev P1 (proposed only)
YD/1001 AL(0)230.P1 Rev P1

received by the City Council as local planning authority on 21 February 2020

1772 P400 Rev A

received by the City Council as local planning authority on 8 April 2020

001

received by the City Council as local planning authority on 23 April 2020

The Management Strategy prepared by Savills received by the City Council as local planning authority on 23 April 2020

The Planning, Heritage and Access Statement prepared by Savills received by the City Council as local planning authority on 21 February 2020
The Noise Assessment prepared by Cundall referenced 1020394-RPT-AS-002 Rev A received by the City Council as local planning authority on 13 July 2020

The completed Waste Management Strategy Proforma received by the City Council as local planning authority on 21 February 2020

The letter from Samia Syeda of Savills dated 27 March 2020

The email from Matthew Sorbic of Savills dated 17 April 2020 and 23rd April 2020
The emails from Katie Parfett of Savills dated 17 June 2020, 4 August 2020 and 6 August 2020

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies EN1, EN3, CC9, SP1 and DM1 of the Core Strategy and saved policies DC14.1 and 14.2, DC18.1, DC19.1 and DC26.

3) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with the Noise Impact Assessment prepared by Cundall referenced 1020394-RPT-AS-002 Revision E and dated 07 August 2020. The scheme shall be implemented in full before the use commences.

The scheme proposed shall normally include measures such as acoustic lobbies at access and egress points of the premises, acoustic treatment of the building structure, sound limiters linked to sound amplification equipment and specified maximum internal noise levels.

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.

The approved noise insulation scheme shall be completed before each/any of the approved uses commence. Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in adjacent residential accommodation arising directly from the proposed development shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non-compliance shall be suitably mitigated in accordance with an agreed scheme.

Reason - To prevent the breakout of noise in order to protect current and future residents and occupiers from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26.

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

08:30 - 02.30 Monday to Sunday

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy and saved policies DC10.1 and DC26 of the Unitary Development Plan for the City of Manchester.

5) Prior to the cooking of any hot food at the premises, full details of the method of extraction of any fumes, vapours and odours from the premises, including the appearance of the equipment and any noise generated by the equipment, shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented prior to any hot food being cooked at the premises and shall remain in situ whilst the use is in operation.

Defra have published a document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems', which 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 accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building in accordance with policies DM1, SP1, CC9 and EN3 of the Core

6) The approved externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with the Noise Assessment prepared by Cundall referenced 1020394-RPT-AS-002 Rev C. The approved scheme shall be completed before the premises is occupied.

Upon completion 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 consultants report. The report shall also undertake post completion testing to confirm that the noise criteria has 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 minimise the impact of the development and to prevent an increase in the pre-existing background noise levels around the site in order to protect current and future residents and occupiers from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26.

7) The scheme for the storage (including segregated waste recycling) and disposal of refuse as detailed within the completed waste management strategy proforma and within the email from Katie Parfett of Savills dated 17 June 2020 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.

8) The following measures shall be implemented as part of the development:

- 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.

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) The access measures for disabled people to gain access into the premises and to all services as described in the letter from Samia Syeda of Savills dated 27 March 2020 and the emails from Matthew Sorbic of Savills dated 17 April 2020 and 23rd April 2020 and as shown on the drawings referenced AL(0)230.P1 and AL(0)210.P1 shall be fully implemented before the use hereby approved commences and shall be maintained for the duration of the use hereby approved.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of policies CC10, T1, T2, SP1 and DM1 of the Adopted Core Strategy for the City of Manchester and DC14.2 of the Unitary Development Plan for the City of Manchester.

10) No loading or unloading shall be carried out on the site outside the hours of:

07:30 to 20:00 Monday to Saturday
10:00 to 18:00 on Sundays and Bank Holidays

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the 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 required to confirm any proposed construction or fit-out arrangements, where there is an impact on the highway. 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).

For the avoidance of doubt this permission does not grant or imply grant of planning permission for the installation of air-conditioning equipment or any other externally mounted equipment.

Please note that this application does not grant Listed Building Consent for any physical works to the building. Listed Building Consent will be required for any associated works not covered by the Listed Building Consent referenced 119651/LO/2018.

Date: 19 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 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 2019 until 31st December 2020