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

Costello Coffee Limited
105 Beech Road
Manchester
M21 9EQ

Agent (if used)

Kuit Steinart Levy LLP
3 St Marys Parsonage
Manchester
M3 2RD

Part 1 – Particulars of the application/development

Proposal: Erection of a raised terraced area and canopy to the front, elevational alterations to shop front and amendments to the hours of opening to allow the premises to open between 8.00am to 11.30pm seven days a week

Location: 105 Beech Road, Manchester, M21 9EQ

Date of application: 25 April 2019

Application number: 123389/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

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the Planning Officer's delegated report. The local planning authority received objections to the application on the basis of noise and disturbance whilst the original consented hours granted in 2015 were in breach, and requested further supporting information to understand the acoustic outputs of the proposal and an updated waste management strategy taking account of any additional waste demand. The local planning authority has applied the conditions set out in the Decision Notice to support the business needs of the development whilst safeguarding the amenities of local residents.

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:

Application form stamped as received by the City Council as Local Planning Authority on the 23rd April 2019.
Location plan stamped as received by the City Council as Local Planning Authority on the 23rd April 2019.
Existing plans and elevations stamped as received by the City Council as Local Planning Authority on the 23rd April 2019.
Proposed plans and elevations stamped as received by the City Council as Local Planning Authority on the 23rd April 2019.
3D visualisation of front elevation stamped as received by the City Council as Local Planning Authority on the 23rd April 2019.
Letter dated 18 April 2019 provided by Kuits Steinart Levy stamped as received by the City Council as Local Planning Authority on the 23rd April 2019.
Acoustic Report reference: 10775 Rev A dated 4th September 2019 prepared by Braiden Acoustics Ltd received by email on the 9th September 2019.
Waste Management Strategy and Site Layout Plan showing waste storage arrangements received by email on the 7th October 2019.

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to saved policy DC1 of the Unitary Development Plan for Manchester and policy DM1 of the adopted Core Strategy Development Plan Document for the City of Manchester.

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

Monday to Sunday 08.00 to 23.30.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policies SP1 and DM1 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

4) The front external seating area shall only be in use by patrons and staff of the premises between the hours of:

08.00 hours to 22.00 every day and the bi-fold front doors closed from 22.00 hours every day.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policies SP1 and DM1 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

5) The rear external seating area shall only be in use by patrons and staff of the premises between the hours of 09.00 to 21.00 hours every day.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policies SP1 and DM1 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

6) The premises shall be acoustically insulated and treated in accordance with the details set out in the Acoustic Survey provided by Braiden Acoustics Ltd received by email on the 9th September 2019.

Reason - To ensure an acceptable development in the interests of residential amenity, pursuant to policy DM1 of the Core Strategy

7) The development shall be carried out in accordance with the waste management strategy submitted to the City Council as Local Planning Authority on the 9th September 2019. The waste management strategy shall be carried out in accordance with the approved details for as long as the premises remain in use.

Reason - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to saved policy DC26 of the Manchester Unitary Development Plan and policies SP1 and DM1 of the Manchester Core Strategy.

8) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

This includes the disposal of refuse, glasses, or glass bottles being disposed of in outside receptacles.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to saved UDP policy DC10 and policies SP1 and DM1 of the Manchester Core Strategy.

9) There shall be no playing of live or amplified music in the external areas of the building.

Reason - To protect the amenity of the area from excessive noise pursuant to Core Strategy policies DM1 and C10 and saved Unitary Development Plan policies DC10 and DC26.

10) Externally mounted ancillary plant, equipment and servicing shall be operated in accordance with the Acoustic Survey provided by John Braiden Acoustics Ltd received by email on the 9th September 2019.

Reason - Reason - To ensure an acceptable development in the interests of residential amenity, pursuant to policy 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

https://secure.manchester.gov.uk/downloads/download/5199/environmental_and_public_protection_information_for_developers

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.

Date: 8 November 2019

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.