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 Robert Stirling
Bruntwood
C/o Agent

**Agent (if used)**

Mr Ralph Taylor
Paul Butler Associates
31 Blackfriars Road
Salford
M3 7AQ

## Part 1 – Particulars of the application/development

**Proposal**: Change of use of part of the ground floor to provide a cafe (use class A3) or Drinking Establishment (use class A4) (flexible use), ground floor extension to provide seating for existing and proposed uses and associated external alterations and landscaping

**Location**: York House , 20 York Street, Manchester, M2 3BB

**Date of application**: 3 September 2019

**Application number**: 124528/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 pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. Officers held pre-application discussions with the applicant to establish the in-principle acceptability of the proposed development.

## 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, date stamped 30th August 2019, by City Council, as local planning authority:

Drawings

| | | |
|---|---|---|
| 276_001 | A | Location Plan, showing site edged red |
| 276_002 | C | Existing Site Plan Showing Ground Floor Plan |
| 276_003 | A | Existing York Street Elevation |
| 276_004 | A | Existing West Mosley Street Elevation |
| 276_005 | A | Existing Fountain Street Elevation |
| 276_006 | A | Existing Enlarged York Street Elevation & Section A-A |
| 276_007 | A | Existing Enlarged West Mosley Street & Fountain Street Elevations |
| 276_101 | D | Proposed Site Plan Showing Ground Floor Plan |
| 276_102 | B | Proposed Roof Plan |
| 276_103 | C | Proposed York Street Elevation |
| 276_104 | C | Proposed West Moseley Street Elevation |
| 276_105 | B | Proposed Fountain Street Elevation |
| 276_106 | C | Proposed Enlarged York Street Elevation & Section A-A |
| 276_107 | B | Proposed Enlarged West Mosley Street & Fountain Street Elevations |
| 276_108 | - | Existing & Proposed Basement Floor Plan Showing Bin Store Location |
| 276_109 | - | Proposed Ground Floor Plan Showing Bin Store Location |
| 276_201 | A | Proposed Ventilation Layout Showing Ground Floor Plan Extract and West Mosley Street Elevation |
| 276_202 | - | Detail: Existing & Proposed Window Louvre Type 1 |
| 276_203 | - | Detail: Existing & Proposed Window Louvre Type 2 |
| 276_302 | B | Demolitions Site Plan showing Ground Floor Plan |
| 276_303 | B | Demolitions, York Street Elevation |
| 276_304 | B | Demolitions, West Moseley Street Elevation |
| 276_305 | B | Demolitions, Fountain Street Elevation |
| 276_306 | B | Demolitions, Enlarged York Street Elevation & Section A-A |
| 276_307 | B | Demolitions, Enlarged West Mosley Street & Fountain Street Elevations |
| 106-LST_XX-XX-DR-L-2000 | C | General Arrangements |
| 106-LST-XX-XX-DR-L-2001 | A | Paving Extents |

Documents

Planning and Heritage Statement prepared by Paul Butler Associates.
Design and Access Statement prepared by MgMa Studio Architecture.
Letter dated 07.08.2019 prepared by Greater Manchester Police Design for Security.
Waste Management Strategy Proforma prepared by Paul Butler Associates.
Noise Impact Assessment prepared by dBx Acoustics.
Landscape Design Document prepared by Land Studio.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to Policy DM1 (Development Management) of the Manchester Core Strategy.

3) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development, including all replacement windows and doors, along with jointing and fixing details, have been 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) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences; any works approved shall be implemented before the use commences.

Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Core Strategy policies DM1 and SP1.

5) The development hereby approved shall not commence unless and until hours of opening have been submitted to, and approved in writing by, the City Council, as local planning authority.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Core Strategy policies DM1 and SP1.

6) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. 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 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.

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 consultant's report. The report shall also undertake post completion testing to confirm that acceptable 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 safeguard the amenities of the occupiers of nearby accommodation, pursuant to Core Strategy policies DM1 and SP1.

7) Externally mounted ancillary plant, equipment, louvres and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to

achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.

The scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. 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 consultant's 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 safeguard the amenities of the occupiers of nearby accommodation, pursuant to Core Strategy policies DM1 and SP1.

8) Before the development commences a scheme for the storage and disposal of refuse 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 as part of the development and shall remain in situ whilst the use or development is in operation.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Core Strategy policies DM1 and SP1.

9) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, collections on Sundays/Bank Holidays. Confined to 10:00 to 18:00.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Core Strategy policies DM1 and SP1.

10) Prior to commencement of development, a Construction Management Plan shall be submitted to and approved by the Council. This will contain a Noise & Vibration section (in addition to a dust emission section) that shall base the assessment on British Standard 5228, with reference to other relevant standards. It shall also contain a community consultation strategy which includes how and when local businesses and residents will be consulted on matters such out of hours works. Any proposal for out of hours works shall be submitted at least 4 weeks in advance of such works commencing.

Reason - To safeguard the amenities of the occupiers of nearby properties during the construction/demolition phase, pursuant to 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.

In relation to condition 4, Defra have published a document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. It 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). 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.

Although the above document has been withdrawn by DEFRA, Environmental Health are still accepting assessment based on the above risk assessment although steakhouses and Indian restaurants should be given a higher points rating than those in the above report

In relation to Condition 6, Environmental Health have reviewed the dBx Acoustic report reference 19048 dated 18th July 19 and the assessment demonstrates that the above criteria is met.

The applicant will need to confirm the noise level used for the assessment is suitable and should anything higher be required then additional assessment and insulation recommendations will be required. We will also require details of how the noise levels will be set and subsequently controlled

Upon completion and before use, the above validation requirements will need to be met. This will need to confirm the internal noise level agreed has been set and controlled and shall also include final sound testing to confirm that whilst the noise criteria is not

exceeded at the 3 receptors identified with the recommended entertainment noise level being played in the unit. Any non conformity will require either recommendations regarding noise level reduction or acoustic insulation improvements.

In relation to Condition 7, the submitted acoustic report states that there will not be any externally mounted plant or equipment installed as part of the development. However, kitchen extraction equipment will need to be installed which will need to be assessed under this condition. The drawings show extraction louvres which if approved use under the fume condition will need assessment for noise breakout and against the above criteria

In relation to Condition 8, Environmental Health will require the size and number of containers proposed for each waste stream confirming along with collection frequency

Information for Developers guidance documents can be downloaded using the following link:
http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

Alterations to the highway will be required and are to be undertaken through S278 agreement between the developer and MCC which would include any required technical approval. The following link can be used:

https://www.manchester.gov.uk/directory_record/287709/permission_to_work_on_the_h ig hways_-_section_278_agreements/category/355/highways_and_pavements

Date: 29 October 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.

## 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*