MANCHESTER CITY COUNCIL

IMPORTANT

Planning Permission and 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 required to protect trees.
- Some conditions will require action before you start the development and it is imperative that you seek to have these discharged before any work commences.
- 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 of £85 is payable for each request to discharge conditions.
- For advice on any of these matters, please contact the Planning Service, Manchester City Council, PO Box 463, Manchester M60 3NY or email planning@manchester.gov.uk

Town and Country Planning Act 1990

PLANNING PERMISSION

MANCHESTER CITY COUNCIL

Name and Address of Applicant	Name and Address of Agent
Mr Garry Finch Brook Finch Developments Ltd C/o Agent	Miss Joanne Griffiths T and G Associates Ltd 1st Floor Westwood House Greenwood Office Park Manchester M5 4QH

Part I – Particulars of Application

Date of Application	Application ref. no.
7 June 2010	091976/FO/2009/C2

Particulars and location of development:

Change of use from retail (Use Class A1) to restaurant (Use Class A3) including the installation of a folding window system on the Back Turner Street elevation

Unit 2 Margolis Building
Back Turner Street
Manchester
M4 1FQ

Part II – Particulars of Decision

The Manchester City Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 of the following decision

Decision Approved
on the basis that the proposals subject to compliance with the conditions below, generally accord with the policies contained within the Development Plan specifically the Unitary Development Plan Policies R1.1 (Regeneration), E3.5 (Environmental Improvement and Protection), H2.2 (Housing), RC3 (Mixed Uses), DC10.1, DC10.2, DC10.3 and DC10.4 (Food and Drink Uses), DC14.2 (Shop Fronts and Related Signs), DC18.1 (Conservation Areas), DC19.1 (Listed Buildings), DC26 (Development and Noise) and DC9.1 (New Commercial and Industrial Development - Access for Disabled People) in that the use would contribute to the regeneration of the Northern Quarter, would be compatible with the mix of uses in the area, would be acceptable in relation to visual amenity and the impact on the Smithfield Conservation Area and crime and disorder, would not subject to compliance with conditions cause disamenity

to nearby residents and would be acceptable in relation to highway safety and the availability of disabled access.
Date of Decision 29 July 2010

for the carrying out of development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

Part III – Conditions and Reasons

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 unless otherwise agreed in writing by the City Council as Local Planning Authority:

The Site Location Plan stamped as received by the City Council as local planning authority on 23rd February 2010.

The drawings by T&G Architects referenced:

8272/110 B, 111 B, 120 A and 151 all stamped as received by the City Council as local planning authority on 11th June 2010

8272/121 stamped as received by the City Council as local planning authority on 23rd February 2010

The operating strategy stamped as received by the City Council as local planning authority on 9th July 2010

The Servicing and Parking Strategy stamped as received by the City Council as local planning authority on 30th December 2009.

Sections 3.0, 4.0 and 5.0 of the Access Statement stamped as received by the City Council as local planning authority on 2nd March 2010.

The Report by Environmental Noise Solutions Ltd. referenced NIA/2950/10/2370/Addendum1stamped as received by the City Council as local planning authority on 2nd June 2010.

The Solarlux Specification Sheets stamped as received by the City Council as local planning authority on 5th July 2010.

Both emails from T&G Associates dated 5th July 2010

Point 8 of the letter from T&G Associates dated 29th December 2010

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies R1.1, E3.5, H2.2, RC3, DC10.1, DC10.2,

DC10.3, DC10.4, DC14.2, DC18.1, DC19.1, DC26 and DC9.1; of the Manchester Unitary Development Plan.

3) All areas of the premises including the basement shall operate only in accordance with the specifications within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 with the primary purpose of the use being the consumption of food and light refreshment on the premises. For the avoidance of doubt no part of the premises shall be used for bar or nightclub style events.

Reason

In the interests of the amenity of the occupiers of nearby buildings pursuant to policies H2.2 and DC26 of the Unitary Development Plan for the City of Manchester.

4) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

Sunday to Thursday - 07:30 to 00:00 (midnight)
Fridays and Saturdays - 07:00 to 01:00

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

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

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

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development plan for the City of Manchester.

6) Before the building hereby approved is first occupied it shall be insulated in accordance with the proposals within the report by Environmental Noise Solutions Limited referenced NIA/2950/10/2370/Addendum1 stamped as received by the City Council as local planning authority on 2nd June 2010; in order to secure a reduction in the level of noise emanating from the property.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

7) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been 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.

Reason - In order to protect the amenity of local residents and to ensure that adequate provision is made for the storage and segregation of waste for

recycling in accordance with Policy H2.2 of Unitary Development plan for the City of Manchester and the Guide to Development 2 SPD.

8) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with Policy H2.2; of the Unitary Development Plan for the City of Manchester.

9) The operating strategy stamped as received by the City Council as local planning authority on 9th July 2010 shall be implemented on site prior to the commencement of the use hereby approved and shall be maintained on site whilst the use is in operation.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies H2.2 and DC26 of the Unitary Development Plan for the City of Manchester.

10) The following measures shall be implemented prior to the commencement of the use of the ground floor unit and shall be maintained on site throughout the use of the unit, unless otherwise agreed in writing by the City Council as local planning authority:

- The folding doors hereby approved shall be as specified within the Solarlux Specification Sheets stamped as received by the City Council as local planning authority on 6th June 2010
- All new glazing accessible externally shall contain one pane of 7.5mm/9.5mm laminated glass
- The emergency escape door within the basement of the premises shall be a certified BS PAS 24 doorset with safety feature for fire/emergency access.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

11) Before the development hereby permitted is commenced the measures proposed to improve disabled access into and throughout the premises as detailed in the Access Statement stamped as received by the City Council as local planning authority on 30th December 2010 shall be implemented on site. These measures shall then be maintained and operational throughout the use of the premises.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of the Unitary Development Plan for the City of Manchester in particular policy DC9.1.

12) Vehicles shall not use or wait on any part of Back Turner Street or Kelvin Street for the purpose of loading or unloading, unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To safeguard the unobstructed passage of pedestrians and vehicles along Back Turner Street and Kelvin Street, in accordance with policies E3.6, E3.7, S2.5 and DC14 of the Unitary Development Plan for the City of Manchester and the Guide to Development in Manchester Supplementary Planning Document and planning guidance (adopted April 2007).

Signed……

Peter Babb, Head of Planning

on behalf of the Council
Town Hall,
Manchester M60 3NY

NOTES

1. Leaflets attached:

2. 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**.**

3. 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, he may appeal to the First 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 Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

4. 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.

5. If either the local planning authority of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he 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

6. 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 First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix A – Standing Advice Regarding Coalfield Area

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com