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 of £85 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 Bosun Ajilowura
Evuna
Evuna Restaurant
277 - 279 Deansgate
M3 4EW

Agent (if used)

Mr Miles Pearson
Pearson
Flat 1A
2 Livingston Drive South
Aigburth
Liverpool
L17 4JJ

Part 1 – Particulars of the application/development

Proposal: Use of the ground floor and basement of the property as a restaurant, deli and specialist wine shop with private dining facilities and wine tasting events (Use Class Sui Generis - A1/A3) and alterations to existing windows.

Location: 79 Thomas Street, Manchester, M4 1LQ

Date of application: 12 September 2012

Application number: 099672/FO/2012/C2

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).

Reason(s) for decision

on the basis that the use subject to compliance with the conditions below, generally accords with the policies contained within the National Planning Policy Framework, in particular Sections 1 (Building a strong and competitive economy), 4 (Promoting Sustainable Transport) and 12 (Conserving and Enhancing the Historic Environment), policies CC7 (Mixed Use Development), CC9 (Design and Heritage), SP1 (Spatial Principles), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage) and DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester and policies DC10.1, 10.2, 10.3 and 10.4 (Food and Drink Uses), DC14.1, 14.2 and 14.3 (Shop Fronts and Related Signs), DC18.1 (Conservation Areas) and DC26 (Development and Noise) 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 character and setting of the Smithfield Conservation Area, crime and disorder and highway safety and the

availability of disabled access, would not subject to compliance with conditions cause disamenity to nearby 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:

The site location plan stamped as received by the City Council as local planning authority on 18th June 2012

The drawings referenced:

037_01_P021 stamped as received by the City Council as local planning authority on 2nd October 2012
037_01_P012 stamped as received by the City Council as local planning authority on 3rd October 2012
037_01_P002, P011, P013, P014, P015, P016, P017, P018, P020 and P022 stamped as received by the City Council as local planning authority on 18th June 2012

Sections 3,4, 5, 6, 8 and 9 of the planning statements stamped as received by the City Council as local planning authority on 13th July 2012

Sections 4 and 5 of the Crime Impact Statement Lite stamped as received by the City Council as local planning authority on 2nd August 2012

The waste management strategy stamped as received by the City Council as local planning authority on 13th July 2012

The report by AEC Acoustic and Engineering Consultants Ltd. referenced P2595/L01/PJK and stamped as received by the City Council as local planning authority on 12th September 2012

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies CC7, CC9, SP1, EN1, EN3 and DM1 of the Adopted Core Strategy for the City of Manchester and policies DC10.1, 10.2, 10.3 and 10.4, DC14.1, 14.2 and 14.3, DC18.1 and DC19.1; of the Manchester Unitary Development Plan.

3) The premises shall be used only as a restaurant, deli and specialist wine shop with wine tasting events and private dining (Sui Generis) as described in the planning statements and as stated in the description above and for no other purpose.

Reason

For the avoidance of doubt and to ensure that the premises are not used as a nightclub, bar or other mixed use or for bar or nightclub style events so as to protect the amenity

of the occupiers of nearby buildings pursuant to policy DM1 of Adopted Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

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

Monday to Saturday - 07:00 to 00:00 (midnight)
Sundays and Bank Holidays - 08:00 to 22:00

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policy DM1 of the Adopted Core Strategy for the City of Manchester and saved policy DC26 of 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

No loading or unloading is permitted to be carried out on Sundays or Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with Policy DM1 of the Adopted Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development plan for the City of Manchester.

6) The use hereby approved shall not commence unless and until all measures recommended in the report by AEC Acoustic and Engineering Consultants Ltd. referenced P2595/L01/PJK and stamped as received by the City Council as local planning authority on 12th September 2012 have been fully implemented on site. These measures shall be maintained for the duration of the use hereby approved.

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

7) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme 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 equipment.

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

8) The arrangements for the storage, segregation and collection of waste shall be implemented in accordance with the information within Section 9 of the Planning Statements, the information shown on the drawing referenced 037_01_P021 and the information within the Waste Management Strategy. The approved waste storage, segregation and collection arrangements shall be implemented as part of the development and shall be maintained in operation for the duration of the use.

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 Adopted Core Strategy for the City of Manchester.

9) 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 saved policy of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

10) The recommendations within the Crime Impact Statement with the exception of the removal and replacement of windows and doors and the installation of externally mounted shutters shall be fully implemented on site and maintained for the duration of the use hereby approved.

Reason - To reduce the risk of crime pursuant to Policy DM1 of the Adopted Core Strategy for the City of Manchester.

11) Before the use hereby approved is commenced all measures to improve access for disabled people into and throughout the premises as detailed in Section 8 of the Planning Statements shall be fully implemented on site. These approved measures shall be retained and operational for so long as the ground floor premises is in use.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of the Adopted Core Strategy for the City of Manchester Policies DM1 and SP1 and saved policy DC14.2 of the Unitary Development Plan for the City of Manchester.

Informatives

This permission does not grant approval under Building Regulations.

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.

Date: 7 November 2012

Signed: 

Julie Roscoe
Head of Planning
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, 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.

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 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

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 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