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 Patrick Topham
C/o Agent

Agent (if used)

Mr Mark Percival
Architecture:m Chartered Architects
3rd Floor
Hilton House
26-28 Hilton Street
Manchester
M1 2EH

Part 1 – Particulars of the application/development

Proposal: Use of the ground and basement floors of the property as a restaurant - A3 and bar - A4 (Sui Generis) with external alterations including an external smoking area.

Location: Ground And Basement Floors, 45 Dale Street, Manchester, M1 2HF

Date of application: 29 November 2013

Application number: 102908/FO/2013/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).

Article 31 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. This has included ongoing advice about the information required to be submitted to support the application and extensive discussions regarding amendments to the proposals. Additional time has been given to resolve the issues with the application and allow changes to the proposals that could allow approval of this application and the associated application for listed building consent. This has meant that the application could not be determined within the target determination period.

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 drawings referenced:

001, 202 rev A, 203 rev A, 204 rev A, 205 rev A and 206 rev B stamped as received by the City Council as local planning authority on 18th December 2013
282 and 381 stamped as received by the City Council as local planning authority on 14th March 2014
207 rev A and 213 rev B stamped as received by the City Council as local planning authority on 1st April 2014
206 rev B, 211 rev C, 212 rev C, 251 rev A, 260 rev B and 401 rev A stamped as received by the City Council as local planning authority on 14th April 2014
231 rev B, 232 rev B, 233 rev B, 236 rev B and 250 rev B stamped as received by the City Council as local planning authority on 30th April 2014
200 rev C and 201 rev C stamped as received by the City Council as local planning authority on 29th April 2014

The information within the Heritage Proposals section of the Heritage Statement stamped as received by the City Council as local planning authority on 31st March 2014

Appendix 02, paragraphs 5.3.1, 5.3.2, 5.3.3, 5.4.4, 6.1.3, 6.1.4, 6.2.1, 6.3.1, 6.4.1, 6.4.2, 6.5.1, 6.6.1, 6.6.2, 6.7.1, 6.7.2, 6.7.3, 6.7.4, 6.8.1, 6.9.1, 6.9.2 and 6.10.1 of the Crime Impact Statement stamped as received by the City Council as local planning authority on 29th November 2013

The Operational Schedule (excluding reference to the proposed opening hours) and Dispersal Procedure stamped as received by the City Council as local planning authority on 9th September 2013

The Acoustic Report by AB Acoustics stamped as received by the City Council as local planning authority on 18th December 2013

The emails from Mark Percival dated 18th December 2013 (points 3,4 and 5 only), 19th December 2013 and 28th March 2013 (Environmental Health)

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy policies SO1, SO2, SO5, SP 1, CC1, CC4 , CC5 , CC9, CC10, T1, T2 , EN1, EN3, EN 19 and DM 1 and saved Unitary Development Plan polices DC10.1-10.4, DC14.1 and 14.2, DC18.1, DC19.1 and DC26.

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

11:00 to 00:00 (midnight) - Monday to Thursday
11:00 to 01:00 Friday and Saturday

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

4) 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 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.

5) 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 DC26; of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

6) 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 saved policy DC26 of the Unitary Development Plan and policies SP1 and DM1 of the Core Strategy.

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 ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policy DM1 and EN19 of the Core Strategy for the City of Manchester.

8) The windows of the basement and ground floor of the property shall remain closed at all times during the approved opening hours as confirmed in the email from Mark Percival dated 28th March 2014.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to saved policy DC26 of the Unitary Development Plan and policies SP1 and DM1 of the Core Strategy.

9) Full details of the proposed air-conditioning equipment to include: scaled existing and proposed elevations and cross sections showing the equipment in context with the building on which it would be located, a technical specification of the units and photographs of the proposed location; shall be submitted to and approved in writing by the City Council as local planning authority prior to the installation of the air-conditioning equipment. The equipment shall be installed only in accordance with this approved information.

Reason - In the interests of visual amenity, and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and a conservation area so careful attention to building work is required to protect the character and appearance of this building in accordance with policies

SP1, EN3 and DM1 of the Core Strategy and saved policies DC18.1 and DC19.1 of the Unitary Development Plan.

10) No loading or unloading shall be carried out in marked pay and display bays or areas marked as no waiting.

Reason - Due to the presence of a dedicated loading bay and in order to protect the amenity of local residents in accordance with policies SP1 and DM1 of the Core Strategy and saved Unitary Development Plan policies DC10.1-10.4, DC10.4 and DC26 and to prevent a negative impact on the highway network in accordance with policies SP1, T1, T2 and DM1 of the Core Strategy, saved Unitary Development Plan policies DC10.1-10.4.

11) The measures detailed in the Operational Schedule (excluding reference to the proposed opening hours) and Dispersal Procedure stamped as received by the City Council as local planning authority on 9th September 2013 shall be fully implemented on commencement of the use hereby approved and maintained for the duration of the use hereby approved.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy, saved Unitary Development Plan policies DC10.1-10.4, DC26.1 and DC26.5.

12) The details of an emergency telephone contact number for a person responsible for the site; shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with policies SP1 and DM1 of the Core Strategy, saved Unitary Development Plan policy DC26.

13) 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 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 SO6, CC9, EN1, EN3, SP1 and DM1 of the Core Strategy for the City of Manchester and saved polices DC14.1 and 14.3, DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

14) Notwithstanding the information shown on the drawings and detailed in the documents hereby approved full details of the treatment of the painted external brick and stonework of the elevations and full details of how the approved treatment will be implemented are required to be submitted to and approved in writing by the City Council as local planning authority before the development hereby approved commences. The works shall be carried out only in accordance with these approved details.

Reason - In the interests of visual amenity, and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and a conservation area so careful attention to building work is required to protect the character and appearance of this building in accordance with policies

SP1, EN3 and DM1 of the Core Strategy and saved policies DC18.1 and DC19.1 of the Unitary Development Plan.

15) Full details of the design of the proposed windows, including detailed scaled drawings and sections to be fully annotated with paint colours and materials, shall be submitted to and approved in writing by the City Council as local planning authority before the development hereby approved commences. The works shall be carried out only in accordance with these approved details.

Reason - In the interests of visual amenity, and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and a conservation area so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, EN3 and DM1 of the Core Strategy and saved policies DC18.1 and DC19.1 of the Unitary Development Plan.

16) Before the use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with the recommendations of the Acoustic Report by AB Acoustics stamped as received by the City Council as local planning authority on 18th December 2013. These measures shall be maintained for the duration of the use hereby approved.

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

17) The approved scheme to provide disabled access into and throughout the development shall be implemented in advance of the commencement of the use hereby approved. The measures as shown on the drawings referenced 200 rev C, 201 rev C and 204 rev A stamped as received by the City Council as local planning authority on 14th April 2014 shall then be retained and operational for as long as the property is in use.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of Policies SO5, SP1, CC5, CC10, T2 and DM1 of the Core Strategy for the City of Manchester and saved policy DC14.2 of the Unitary Development Plan for the City of Manchester.

18) The measures specified in Appendix 02, paragraphs 5.3.1, 5.3.2, 5.3.3, 5.4.4, 6.1.3, 6.1.4, 6.2.1, 6.3.1, 6.4.1, 6.4.2, 6.5.1, 6.6.1, 6.6.2, 6.7.1, 6.7.2, 6.7.3, 6.7.4, 6.8.1, 6.9.1, 6.9.2 and 6.10.1 of the Crime Impact Statement stamped as received by the City Council as local planning authority on 29th November 2013 shall be implemented prior to commencement of the use hereby approved and maintained for the duration of the use.

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.

19) A crime prevention plan, to include full details of the proposed CCTV system (cameras and recording facility), intruder alarm, cash management procedures and external door locking details shall be submitted to and approved in writing by the City Council as local planning authority before the use hereby approved commences and maintained for the duration of the use hereby approved.

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.

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.

If the development is to involve noisy construction works for a prolonged period the applicant is requested to contact Environmental Health (Public Protection Team) to discuss the nature of the construction phase. The reasoning behind this is to establish a site contact and discuss appropriate working times etc.
Contact: Manchester City Council, Environmental Health, Hammerstone Road, Gorton, Manchester, M18 8EQ Tel: 0161 234 5004, email: contact@ manchester.gov.uk

The applicant should be aware that under the Licensing Act 2003 the carrying on of a licensable activity (this includes the provision of late night refreshment between 23.00 - 05.00, supply of alcohol, music, dancing, plays, films and indoor sporting events) on or from premises requires a premises licence from Manchester City Council as Licensing Authority. Information regarding premises licence can be obtained from:
The Licensing Unit, Manchester City Council, Hammerstone Road, Gorton, Manchester, M18 8EQ. Tel: 0161 234 5004 or e-mail: premises.licensing@manchester.gov.uk

The applicant's attention is drawn to the need to contact Environmental Health (Public Protection Team) where any noise related conditions have been attached to this Planning Approval, in order to discuss specific and technical requirements.
Contact: Manchester City Council, Environmental Health, Hammerstone Road, Gorton, Manchester, M18 8EQ, Tel: 0161 234 5004, E-mail: contact@ manchester.gov.uk

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. A copy of our 'Guidance for Developers' can be downloaded using the following link:
http://www.manchester.gov.uk/download/downloads/id/19841/environmental_and_public_protection_information_for_developers_gd03, or is available upon request.

Date: 2 May 2014

Signed: 

Julie Roscoe
Head 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, 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