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 £97 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 Joel Wilitinson
Zecol Limited
113 Grosvenor Street
Manchester
M1 7HE

Agent (if used)

Mr Richard Williams
LR Law
37 Madison House
Little Peter Street
Manchester
M15 4QJ

Part 1 Particulars of the application/development

Proposal: Use of a section of pavement area on Whitworth Street West for outside tables and chairs in association with and ancillary to the ground floor restaurant/bar.

Location: 54-56 Whitworth Street West, Manchester, M1 5WW

Date of application: 15 October 2012

Application number: 099700/FU/2012/C1

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

The application is approved on the basis that the proposal is in accordance with the Unitary Development Plan for Manchester, in particular policies E3.5 (Environment), RC3 (Mixed Uses), RC4 (Environment), RC18 (Pedestrians and Cyclists), DC9.1 (Access for Disabled People), DC10.1, 10.2, 10.3 and 10.4 (Food and Drink Uses), DC13.1 (vitality and viability) and DC26 (Development and Noise). The proposal is considered acceptable in terms of its impact on visual amenity; crime and disorder and disabled access and there are no material considerations of sufficient weight to indicate otherwise.

Condition(s) attached to this decision

1) The permission hereby granted is for a limited period only, expiring 12 months from the date of this consent. The use comprising the development for which permission is hereby granted is required to be respectively removed and discontinued on or prior to

this date, and the land reinstated to its original condition, unless a further consent is obtained from the Local Planning Authority.

Reason - To allow for potential future works to the pavement and highway in the immediate area, to allow the City Council the opportunity to monitor the impact of the development on highway safety, public safety and crime and disorder in the vicinity of the development, and, to allow the Local Planning Authority to consider the acceptability of the continuance of the use at the site on the expiry of the period of consent, in pursuant to policies DC13.1 (vitality and viability),, (DC26.2 Development and Noise) Policy RC12 (Highways) and Policy E3.5 off the Unitary Development Plan of the City of Manchester.

2) The development hereby approved shall be carried out in accordance with the following drawings numbered 1203.003, stamped as received 18th June 2012, and 1203.006, stamped as received 2nd August 2012, and the location plan, stamped as received 18th June 2012,and the letter from LR Law, stamped as received 18 August 2012, and the Design and Access Statement, dated 18th June 2012, and the Management Strategy, stamped as received 2nd August 2012, and the email from LR Law, dated 13th August 2012, and the Acoustic Information, dated 8thn August 2012, and the email from LR Law, dated 22nd November 2012.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) No part of the site outside of the building shall be used outside the hours of :

Monday to Sunday including Bank Holidays 08:00 to 22:30.

Outside of the hours of operation all tables, chairs and barriers shall be moved to the inside of the premises.

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

4) There shall be no use of amplified sound or any music in these external areas at any time.

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

Informatives

This permission does not grant approval under Building Regulations.

Date: 10 December 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.