

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

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

ARC Inspirations Ltd
C/o Agent

Agent (if used)

George Creamer
Firstplan
Broadwall House
21 Broadwall
London
SE1 9PL

Part 1 – Particulars of the application/development

Proposal: Variation of Planning Permission 118381/FO/2017 to amend Condition 3 (No External Seating) and Condition 6 (Hours).

Location: 188 - 192 Deansgate, Manchester, M3 3ND

Date of application: 22 July 2024

Application number: 139886/JO/2024

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

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included ongoing advice about the information required to be submitted to support the application

Condition(s) attached to this decision

- 1) The development must be begun not later than the 23 April 2021.

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:

Document Title and Submission Date:

Planning application forms and certificates - 1 December 2017

Written Schedule of Works/ Materials Schedule V2 - 9 February 2018

Landlord Repair Works Photographic Schedule - 1 December 2017

Acoustic Report - 25 April 2024

Plans prepared by KPP Architects and GA Studio:

Location Plan (Dwg ref: L000) 1 December 2017

Ground Floor as Existing Plan (Dwg ref: L001) - 1 December 2017

Basement Floor as Existing Plan (Dwg ref: L002) - 1 December 2017

Ground Floor Landlord Repair Works Plan (Dwg ref: L003) - 1 December 2017

Basement Floor Landlord Repair Works Plan (Dwg ref: L004) - 1 December 2017

Ground Floor Landlord Repair Works Plan (Dwg ref: L003) - 1 December 2017

Ex Section AA Works Plan (Dwg ref: L(10)001) - 1 December 2017

Ex Section BB Works Plan (Dwg ref: L(10)002) - 1 December 2017

Bin Store Sections as Existing Plan (Dwg ref: L(10)003) - 1 December 2017

Section EE Ventilation Extract Plan (Dwg ref: L(10)004) - 1 December 2017

Bin Store Sections as Proposed (Dwg ref: L(10)013) - 1 December 2017

South Elevation as Existing Plan (Dwg ref: L(20)001) - 1 December 2017

West Elevation as Proposed Plan (Dwg ref: L(20)012) - 1 December 2017

Drainage Layout (Dwg ref: 11002/1) - 9 February 2018

Drainage Details (Dwg ref: 11/002/4) - 9 February 2018

Existing Roof Plan (Dwg ref: 2102) - 1 December 2017

Existing Basement Ceiling Plan (Dwg ref: 2103) - 1 December 2017

Existing Ground Floor Ceiling Plan (Dwg ref: 2104) - 1 December 2017

Existing Elevations Plan (Dwg ref: 2105) - 1 December 2017

Existing Ventilation Lightwell Plan (Dwg ref: 2106) - 1 December 2017

Proposed Structural Works Basement Plan (Dwg ref: 2200 P3) - 9 February 2018

Proposed Ground Floor Structural Plan (Dwg ref: 2201 P3) - 9 February 2018

Proposed External Elevations Plan (Dwg ref: 2210 P2) - 9 February 2018

Structural Work Internal Elevations Plan (Dwg ref: 2220 P3) - 9 February 2018

Proposed Basement Plan (Dwg ref: 2300 P3) - 9 February 2018

Proposed Ground Floor Plan (Dwg ref: 2301 P4) - 16 March 2018

Fit Out Roof Plan (Dwg ref: 2302 Rev C) - 16 March 2018

Basement Ventilation Plan (Dwg ref: 2303 P3) - 9 February 2018

Ground Floor Ventilation Plan (Dwg ref: 2304 P3) - 9 February 2018

Proposed Internal Elevations (Dwg ref: 2305-01 P3) - 9 February 2018

Proposed Internal Elevations (Dwg ref: 2305-02 P3) - 9 February 2018

Ventilation Lightwell Plan (Dwg ref: 2306 Rev A) - 16 March 2018

Sloped Soffit Details Plan (Dwg ref: 2400 P2) - 9 February 2018

External Shopfront Details Plan (Dwg ref: 2401 P2) - 9 February 2018

Basement Lighting Ceiling Plan (Dwg ref: 2500 P3) - 9 February 2018

Ground Floor Lighting Ceiling Plan (Dwg ref: 2501 P3) - 9 February 2018

Proposed Ground Floor Finishes Plan (Dwg ref: 2600 P3) - 9 February 2018

Proposed Basement Floor Finishes Plan (Dwg ref: 2601 P3) - 9 February 2018

Proposed Ground Floor Wall Finishes Plan (Dwg ref: 2602 P3) - 9 February 2018

Proposed Basement Wall Finishes Plan (Dwg ref: 2603 P3) - 9 February 2018

Kitchen Plan (Dwg ref: 2307) - 12 March 2018

Bin Store Layout (Dwg ref: 2350) - 12 March 2018

Planning Statement - 1 December 2017

Heritage Statement - 1 December 2017

Heritage Statement for acoustics - 12 March 2018

Design and Access Statement - 1 December 2017

Operating Statement inc. disposal policy and smoking strategy - 1 December 2017

Cooking Strategy - 12 March 2018

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policy RC4 (Environment), and DC19.1 (Listed Buildings)

contained with the Unitary Development Plan for the City of Manchester, Policy DM1 (Development Management) of the Manchester Core Strategy and section 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework.

3) The external seating area hereby approved shall not be operated outside the following hours:-

08:00 - 23.00 Monday to Sunday

Amplified sounds or any music shall not be played within this area at any time.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy and saved policies DC10.1 and DC26 of the Unitary Development Plan for the City of Manchester.

4) The external materials as viewed on site and as submitted and approved under application ref: CDN/18/0366, including brick and stonework, doors and frontage details, shall be used in the construction of the development.

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.

5) a) The measures to be incorporated into the development to demonstrate how secure by design accreditation will be carried out in accordance the recommendations found within the Crime Prevention Measures, received 04/06/2018 as approved under application ref: CDN/18/0366.

b) Within 3 months of the date of this permission, the City Council, as local planning authority must receive written confirmation of a Secure by Design accreditation, as required by this condition.

Reason - To reduce the risk of crime pursuant to policies DM1 and SP1 of the Core Strategy.

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

Sunday-Thursday 10:00-02:30

Friday-Saturday 10:00-04:30

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policy DM1 (Development Management) of the Core Strategy.

7) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy DM1 (Development Management) of the Core Strategy.

8) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with the following details approved within application ref: CDN/18/0366:

- Existing Ventilation Lightwell Plan, Ref: 2106
- Ventilation Lightwell Plan, Ref: 2306 REV A
- Existing Roof Plan, Ref: 2102
- Fit Out Roof Plan, Ref: 2302 REV C
- Kitchen Plan, Ref: 2307
- Cooking Strategy

As received on the 24/05/2018.

And with the inclusion of 10 linear filters located within the extraction canopy in the kitchen, as specified in e-mail to the City Council, dated 30th July 2018 for the lifetime of the development.

Reason - In the interests of the amenities of occupiers of nearby properties, pursuant to policy DM1 (Development Management) of the Core Strategy.

9) a) The premise shall be acoustically insulated and treated to limit the break out of noise in accordance with the following documents as approved under application ref: CDN/18/0366:

- Noise Impact Assessment;
- ESP System Specification;
- Jupiter DS V1 Specification.

As received on the 24/05/2018.

b) Within 3 months of the date of this permission, 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 have 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 - In interests of the amenities of the occupiers of the building and occupiers of nearby properties, in order to reduce noise and general disturbance, in accordance with policy DM1 of Manchester's Core Strategy, and policies DC26 and DC10 of the saved Unitary Development Plan for the City of Manchester.

10) The externally mounted ancillary plant, equipment and servicing as shown on the approved drawings will operate in accordance with the following documents as approved under application ref: CDN/18/0366:

- Noise Impact Assessment;
- LDK 70 Silencer specification;
- UVO Range Specification

As received on the 24/05/2018

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policy DM1 (Development Management) of the Core Strategy.

11) The post completion noise report as set out within the Noise Level Commissioning Report, received 15/10/2018 and approved under application ref: CDN/18/0768 shall be adhered to for the lifetime of the development.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policy DM1 (Development Management) of the Core Strategy.

12) The approved details for the storage and disposal of refuse will be carried out in accordance with the following documents as approved under application ref: CDN/18/0366:

- Waste Pro Forma;
- Bin Store Plan;
- Waste Management Strategy

As received on the 24/05/2018.

Reason - In the interests of amenity and public health, pursuant to policy DM1 (Development Management) 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:

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.

Date: 13 September 2024

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/appeal-planning-decision . 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 or 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 their 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.