

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

CST Limited Partnership
Victoria Road
Douglas
IM2 4DF

Agent (if used)

Mr Don Murphy
Paul Butler Associates
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Creation of restaurant use at lower ground floor (Class E(b)) and external alterations comprising of removal of glazed entrance, installation of timber door replacement, replacement of external feature lamps, addition of menu boards, and new plant equipment to roof.

Location: Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB

Date of application: 25 August 2023

Application number: 137820/FO/2023

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

Officers have worked with the applicant/agent in a positive and proactive manner in determining this application by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant/agent. In this instance negotiation has been able to successfully resolve the identified concerns and issues.

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:

- o AXI L00 Stage 3 Rev 00: Location and site plans
- o AXI L01 Stage 3 Rev 00: Location and site plans
- o AXI - 010 Stage 3 Rev 00: Ground & Basement Floor Demolition Plans
- o AXI - 110 Stage 3 Rev 00: Proposed Partition Details
- o AXI - 111 Stage 3 Rev 00: Typical Shadoe Gap Detail As Proposed (Received 20/12/2023)
- o AXI - 500 Stage 3 Rev 00: Proposed Ceiling Details
- o AXI - 501 Stage 3 Rev 01: Proposed external wall details (Received 12/04/2024)
- o AXI - 504 Stage 3 Rev 00: Proposed Floor Details
- o 23-161 JD-01 Rev I: Planning: Proposed Ground Floor Entrance (Received 15/03/2024)
- o 23-161 JD-02 Rev D: Planning: Entrance Door Details 1/2 (Received 15/03/2024)
- o 23-161 JD-03 Rec D: Planning: Entrance Door Details 2/2 (Received 15/03/2024)
- o 23-161 EL-01 Rev D: Planning: Proposed External Elevations (Received 12/04/2024)
- o 23-161 EL-02 Rev B: Planning: Proposed Internal Sections (Received 12/04/2024)
- o 23-161 EL-03 Rev B: Planning: Proposed Internal Sections (Received 12/04/2024)
- o 23-161 EL-04 Rev D: Planning: Proposed External Elevations (Received 15/03/2024)
- o 23-161 EL-05 Rev C: Planning: Proposed External Elevations (Received 15/03/2024)
- o 23-161 GA-01 Rev B: Planning: Proposed Ground Floor and Basement GA Plan (Received 20/12/2023)
- o 23-161 GA-02 Rev A: Planning: Proposed Ground and Basement RCP (Received 20/12/2023)
- o 23-161 GA-03 Rev A: Planning: Proposed Ground and Basement Ceiling Finishes (Received 20/12/2023)
- o 23-161 GA-04 Rev A: Planning: Proposed Basement Partition Layout (Received 20/12/2023)
- o 23-161 GA-05 Rev C: Wall Finishes Plan (Received 12/04/2024)
- o 23-161 GA-06 Rev A: Floor Finishes Plan (Received 20/12/2023)
- o 001-1056-11: Proposed Lower Ground Floor Extract Plan (Dated 28/11/2023; Received 18/12/2023)
- o 001-1056-12: Proposed Roof Extract Plan (Dated 28/11/2023; Received 18/12/2023)
- o 001-1056-SC: Proposed Site Extract Schematic (Dated 29/11/2023; Received 18/12/2023)
- o Covering Letter (Prepared by Paul Butler Associates; Dated 08/08/2023; Received 08/08/2023)
- o Planning Statement (Prepared by Paul Butler Associates; Dated 04/08/2023; Received 09/08/2023)
- o Heritage Statement (Prepared by Stephen Levrant Heritage Architects; Dated 21/07/2023; Received 08/08/2023)
- o External Shopfront Study (Prepared by Other Side; Dated 15/12/2023; Received 20/12/2023)
- o Access Appraisal Statement (Prepared by AXI; Dated 17/11/2023; Received 21/11/2023)
- o Pre-Acquisition Survey Report (Prepared by Paragon Dated 12/07/2021; Received 09/08/2023)
- o Refuse Store Plan (Received 14/11/2023)
- o Waste Management Strategy (Received 14/11/2023)

- o Construction Environmental Management Plan & Construction Method Statement Issue 2 (Dated September 2023; Received 06/10/2023)
- o Environmental Noise Survey and Plant Noise Assessment Report Rev 5 (Prepared by Hann Tucker Associates; Received 18/12/2023)
- o Email correspondence RE acoustics (Prepared by Paul Butler Associates; Dated & Received 18/12/2023)
- o Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Prepared by Chapman Ventilation; Dated 20/04/2023; Received 18/12/2023)
- o Blacklock Manchester - Extraction Cleaning Schedule (Received 22/01/2024)
- o Crime Impact Statement Version A (Prepared by Greater Manchester Police Design for Security; Dated 12/01/2022; Received 09/08/2023)

Stamped as received by the City Council as Local Planning Authority on 09/08/2023 unless specified otherwise.

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 and the National Planning Policy Framework

3) a) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with the Environmental Noise Survey and Plant Noise Assessment Report Rev 5 (Prepared by Hann Tucker Associates; Received 18/12/2023) and email correspondence (Prepared by Paul Butler Associates; Dated & Received 18/12/2023). The approved scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority, and shall then remain in situ for the lifetime of the development.

b) Prior to occupation of the development 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, including cavity insulation recommendations. 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 - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to policies SP1, DM1 and C10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

4) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with the Environmental Noise Survey and Plant Noise Assessment Report Rev 5 (Prepared by Hann Tucker Associates; Received 18/12/2023). The approved scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority, and shall then remain in situ for the lifetime of the development.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise 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 - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to policies SP1, DM1 and C10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

5) a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with the following documentation:

- o Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Prepared by Chapman Ventilation; Dated 20/04/2023; Received 18/12/2023)
- o Drawing no. 001-1056-11: Proposed Lower Ground Floor Extract Plan (Dated 28/11/2023; Received 18/12/2023)
- o Drawing no. 001-1056-12: Proposed Roof Extract Plan (Dated 28/11/2023; Received 18/12/2023)
- o Drawing no. 001-1056-SC: Proposed Site Extract Schematic (Dated 29/11/2023; Received 18/12/2023)
- o Blacklock Manchester - Extraction Cleaning Schedule (Received 22/01/2024)

The approved scheme and measures shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority and shall then operate in perpetuity for the lifetime of the development.

b) Prior to commencement of the use hereby approved confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to policies SP1, DM1 and C10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

6) a) The development shall be carried out in accordance with the Crime Impact Statement Version A (Prepared by Greater Manchester Police Design for Security; Dated 12/01/2022; Received 09/08/2023). The development shall only be carried out in accordance with these approved details.

b) The restaurant hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation.

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.

7) The development hereby approved shall be lit in accordance with the following drawings unless otherwise agreed in writing by the Local Planning Authority:

- o 23-161 JD-02 Rev D: Planning: Entrance Door Details 1/2 (Received 15/03/2024)
- o 23-161 JD-03 Rec D: Planning: Entrance Door Details 2/2 (Received 15/03/2024)
- o 23-161 EL-01 Rev D: Planning: Proposed External Elevations (Received 12/04/2024)

- o 23-161 EL-04 Rev D: Planning: Proposed External Elevations (Received 15/03/2024)
- o 23-161 EL-05 Rev C: Planning: Proposed External Elevations (Received 15/03/2024)

Reason - To ensure that the development makes a positive contribution to the setting of the Deansgate Conservation Area and so that it does not present an unacceptable hazard to road users in accordance with Core Strategy Policies CC9, EN1, EN3 and DM1, and the National Planning Policy Framework.

8) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

9) All external illumination hereby approved shall be no brighter than 250cd/m² at any time and shall be illuminated to 2700K (Warm light) for the lifetime of the development.

Reason - To ensure that the appearance of the development and listed building 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 and the historical significance of the listed building, as specified in policies SP1, CC9, EN3 and DM1 of the Core Strategy, saved policies DC19.1 of the Unitary Development Plan and National Planning Policy Framework.

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

- o Monday to Saturday 11:30 to 00:00
- o Sunday and Bank Holidays 11:30 to 22:00

Reason - To safeguard the amenities of nearby residential occupiers, pursuant to policies SP1, DM1 and C10 of the Manchester Core Strategy and to saved policy DC26 of the Unitary Development Plan for Manchester.

11) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, Sunday/Bank Holiday deliveries etc. shall be confined to 10:00 to 18:00

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.

12) The development shall proceed in accordance with the submitted Construction Environmental Management Plan & Construction Method Statement Issue 2 (Dated September 2023; Received 06/10/2023) and shall be adhered to for the duration of the construction phase of the development.

Reason - In the interest of highway and pedestrian safety in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

13) The restaurant hereby approved shall store, dispose and present its waste and recycling in accordance with the following submitted documentation:

- o Refuse Store Plan (Received 14/11/2023)
- o Waste Management Strategy (Received 14/11/2023)
- o Drawing No.AXI L01 Stage 3 Rev 00: Location and Site Plans (Received 09/08/2023)

The approved documents shall be adhered to for the lifetime of the development.

Reason - In the interest of public health and amenity, in accordance with Core Strategy Policy DM1, the National Planning Policy for Waste and the National Planning Policy Framework.

14) The disabled access hereby approved shall be made available prior to first use and shall remain operational for the lifetime of the development.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions Core Strategy policy DM1.

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:

http://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: 17 April 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 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 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.

Appendix A



The Coal Authority

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024