

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

Mr Michael Mcloughlin
Fresh Fuel (Ancoats) Limited
C/o Agent

Agent (if used)

Mr Philip Grant
Euan Kellie Property Solutions
Neo
9 Charlotte Street
Manchester
M1 4ET

Part 1 – Particulars of the application/development

Proposal: Use of ground and first floor as a restaurant (Use Class E) together with elevational alterations and other associated external works.

Location: 46 Henry Street, Manchester, M4 5DD

Date of application: 17 May 2023

Application number: 136558/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

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 that has resolved the issues associated with the proposal.

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 037/01(02)001: Location Plan (Received 12/05/2023)

- o 037/01(02)003 D: Existing and Proposed Floor Plans (Received 25/10/2023)
- o 037/01(02)004 D: Existing and Proposed Elevations (Received 25/10/2023)
- o 037/01(02)010 B: Waste Management Plan (Received 25/10/2023)
- o 037/01(02)030 A: Section A-A (Received 14/11/2023)
- o 037/01(02)040 B: Bay and Material Study (Received 25/10/2023)
- o 037/01(02)050: Lighting Strategy Plan (Received 25/10/2023)
- o 037/01(21)001: Zinc Cladding Details and Setting Out (Received 25/10/2023)
- o Shell Works Specification (Received 20/11/2023)
- o Material Schedule (Received 15/11/2023)

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.

3) Prior to commencement of the works not included within the approved "Shell Works" noted in the submitted Shell Works Specification (Dated and Received 20/11/2023), the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

- i. baseline samples and specifications of all materials to be used on the property's external windows and shopfront;
- ii. a sample panel of the approved zinc cladding and heritage brick detail.

The panel to be produced shall include jointing and fixing details between all component materials and any component panels, details of any external ventilation requirements, details of the drips to be used to prevent staining and details of the glazing and frames.

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.

4) The premises shall be used for Class E (Commercial, Business and Services) within the following criteria: b (Sale of Food and Drink) only and for no other purpose (including any other purpose within Class E of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - The use of the premises other than in accordance with the approved use would require further consideration by the Local Planning Authority and may not be appropriate in this locality, for reasons of impact upon the vitality and viability of town and local centres, residential amenity and highway safety, in accordance with etc.

5) a) Prior to the commencement of the use hereby approved a scheme detailing the extraction and discharge of fumes, vapours and odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties. The development shall then proceed in accordance with the approved details which shall then be retained for the lifetime of the development.

b) Prior to commencement of the use hereby approved a verification report confirming the installation of the measures approved under part a of this condition will be submitted to and approved in writing by the Local Planning Authority

Reason - In order to safeguard the amenities of occupiers of neighbouring properties in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

6) 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 - 11:00 to 00:30
- o Sunday and Bank Holidays - 11:00 to 23:30

Reason - In order to safeguard the amenities of occupiers of neighbouring properties in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

7) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

- o 07:30 to 20:00, Monday to Saturday

Reason - In order to safeguard the amenities of occupiers of neighbouring properties in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework

8) a) The development shall be carried out in accordance with the submitted acoustic report (Prepared by Jameson Acoustics; Dated 27/04/2023; Received 03/05/2023). Notwithstanding this, prior to the commencement of the use hereby approved an addendum report shall be submitted to and approved in writing by the Local Planning Authority. The addendum shall confirm detailed specifications of the development's final internal design including how the premises will be acoustically insulated. The development shall then proceed in accordance with the approved details.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

b) Prior to occupation of the development a verification report, that shall validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report and subsequent addendum, shall be submitted to and approved in writing by the Local Planning Authority. 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 order to safeguard the amenities of occupiers of neighbouring properties in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

9) a) The development's plant shall be completed in accordance with the measures put forward under the submitted Noise Impact Assessment (Prepared by Jameson Acoustics; Dated 27/04/2023; Received 03/05/2023). Should any of the plant change prior to installation an addendum acoustic report will be required to be submitted to and approved in writing by the Local Planning Authority to reflect the changes.

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 - In order to safeguard the amenities of occupiers of neighbouring properties in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

10) a) Notwithstanding the details depicted on drawing no.037/01(02)050, before the use hereby approved commences, external lighting shall be designed and installed in accordance with a scheme that shall be submitted to and approved in writing by the City Council as local planning authority so as to control glare and overspill onto nearby residential properties. The development shall then proceed in accordance with the approved details.

b) Prior to occupation of the development a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved light 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 criteria.

Reason - To safeguard the amenities of the occupiers of nearby properties in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

11) The development shall proceed in accordance with the Construction Management Plan prepared by Mere Development Group (Received 24/11/2023). For the entirety of the construction period of the development hereby approved.

Reason - In the interest of highway safety and neighbouring amenity in accordance with Core Strategy Policies CC5 and DM1, and the National Planning Policy Framework.

12) The refuse storage facilities as shown on drawing no.037/01(02)010 B shall be made available for use prior to the occupation of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity, public health and good waste storage, in accordance with Core Strategy Policy DM1 and the National Planning Policy for Waste.

13) All external doors of the development hereby approved shall open away from the public highway.

Reason - In the interest of highway safety in accordance with Core Strategy Policies CC5 and DM1, and the National Planning Policy Framework.

14) The development hereby approved shall proceed in accordance with the recommendations made within the submitted Bat Emergence Survey (Prepared by JCA; Dated 06/06/2023).

Reason - In the interest of protecting the ecology of the application site and neighbouring area.

15) Prior to the occupation of the development hereby approved, evidence demonstrating that the approved shopfront has secured a Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority.

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.

16) Prior to the occupation of the development hereby approved, a verification report confirming the installation of a bat box and bird box in an appropriate location on site, shall be submitted to and approved in writing by the Local Planning Authority. The approved boxes shall then be retained thereafter for the lifetime of the development.

Reason - In order to secure a biodiversity net gain on site in accordance with Manchester Core Strategy Policy EN15, Places for Everyone Plan Policy JP-G9 and the National Planning Policy Framework.

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.

It is recommended that the premises is covered by a comprehensive CCTV system to deter offenders and to capture any incidents.

The applicant is advised that bats are a protected species under the Wildlife and Countryside Act 1981 as amended and should the presence of bats be found during the development, work must cease immediately and advice sought from a suitably qualified person prior to work re-commencing.

Date: 15 December 2023

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