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

TP Portfolio Ltd
Devonshire House
582 Honeypot Lane
Stanmore
Middlesex
HA7 1JS

Agent (if used)

Mr Saghir Hussain
Create It Studio Architects
Universal Square
Devonshire Street North
Manchester
M12 6JH

Part 1 – Particulars of the application/development

Proposal: Change of use of ground floor and basement to retail use (Class E) and external alterations, including installation of new shopfront.

Location: 7 Rainforth Street, Manchester, M13 0RP

Date of application: 2 August 2023

Application number: 137590/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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case officers and the applicants (through their appointed representatives), discussed consultation responses and, following the receipt of additional details, agreed appropriate conditions. The development has been appropriately assessed based on the submitted details.

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 stamped as received by the City Council on 18 July 2023, 2 August 2023 and 6 September 2023:

Planning application forms
Location plan with a red edge Ref: A1265(01) AP001
Existing floor plan (detailing the basement to be used in conjunction with the ground floor Class E use) Ref: A1265(01) AP002)
Proposed floor plans A1265(02) AP002 Rev P4
Proposed elevations Ref: A1265(02) AP004 Rev P3
Proposed elevations Ref: A1265(02) AP005 Rev P2
Proposed bin store Ref: A1265(02) AP006 Rev P3 (amended by bin enclosures detailed on drawing referenced Proposed floor plans A1265(02) AP002 Rev P4).

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 for the City of Manchester.

3) Before the installation of the shopfront as shown on drawings referenced: Proposed floor plans A1265(02) AP002 Rev P4 and Proposed elevations Ref: A1265(02) AP004 Rev P3, details of the materials and specification of the related proposed window frames and doors, including glazing and colour treatment, shall be submitted to and approve in writing by the City Council as local planning authority. The development shall be implemented in accordance with the approved details, before the occupation of the development and retained in situ at all times thereafter.

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 for the City of Manchester.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the premises shall be used for any other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than Class E (a) - a shop excluding the sale of hot food or provision of: Class E(c)(i) Financial services, Class E(c)(ii) Professional services (other than health or medical services), or Class E(c)(iii) Other appropriate services in a commercial, business or service locality.

Reason - To safeguard the amenities of the occupiers of nearby residential properties, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC10 and DC26 of the Unitary Development Plan.

5) The basement area shown on drawing referenced: Existing floor plan Ref: A1265(01) AP002) shall only be used as ancillary storge for use in conjunction with the permitted ground floor Class E (a) or (c) use and for no other purposes, including sub-division to form a separate Class E unit.

Reason - To safeguard the amenities of the occupiers of nearby residential properties, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC10 and DC26 of the Unitary Development Plan.

6) The permitted ground floor Class E (a) or (c) use and ancillary basement shall not be open outside the following hours:

Monday to Saturday: 7.30 am to 10.30 pm and Sunday: 9.00 am to 7.00 pm.

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 for the City of Manchester.

7) Deliveries, servicing and collections, including waste collections shall not take place outside the hours of : 7:30 am to 8:00 pm, Monday to Saturday with no deliveries/waste collections on Sundays/Bank Holidays.

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 for the City of Manchester.

8) a) The development shall be implemented in accordance with document referenced Lighthouse Acoustics letter report Ref: 0586/le/08 dated 12 July 2023 and supplemented by Create It Studio email dated 6 September 2023.

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 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 - 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 for the City of Manchester and saved policy DC10 and DC26 of the Unitary Development Plan.

9) a) Before its installation any externally mounted ancillary plant, equipment and servicing required in support of the development shall be related to a scheme to be 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 site. Approved scheme shall include an acoustic report and be implemented in accordance with the approved details to a timescale agreed with the City Council as local planning authority.

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. Measure required as part of the agreed verification report shall be implemented to a timescale

agreed with the City Council as local planning authority and maintained in situ at all times thereafter.

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 policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC10 and DC26 of the Unitary Development Plan.

10) Upon occupation of the development shall be implement in accordance with the submitted waste and recycle management strategy comprising Proposed bin store Ref: A1265(02) AP006 Rev P3 (amended by bin enclosures detailed on drawing referenced Proposed floor plans A1265(02) AP002 Rev P4) and waste management proforma attached to Create It Studios email dated 6 September 2023. The approved arrangements shall be maintained in situ at all times whilst the development is in operation.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage and collection of segregated waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

11) Notwithstanding the detail of drawings referenced: Proposed bin store Ref: A1265(02) AP006 Rev P3 (amended by bin enclosures detailed on drawing referenced Proposed floor plans A1265(02) AP002 Rev P4) and before the occupation of the development, a scheme shall be submitted to and approve in writing by the City as local planning authority, detailing the appearance of means of external enclosure of the proposed Class E (a) / (c) and Class C3 waste and recycling storage areas with non-external opening doors. The approved details shall be implemented upon occupation of the development and at all times thereafter.

Reason - In the interests of the amenities of the area, avoid undue obstruction of the alleyway and to ensure appropriate arrangements for the storage and collection of waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

12) Waste and recycling bins relating to the authorised Class E (a) and Class E(c) use shall only be move to the collection point identified on drawing referenced: : Proposed bin store Ref: A1265(02) AP006 Rev P3 (amended by bin enclosures detailed on drawing referenced Proposed floor plans A1265(02) AP002 Rev P4) on the day of collection and returned to the dedicated storage enclosure on that same day.

Reason - In the interests of the amenities of the area and to ensure appropriate arrangements for the storage and collection of waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

13) Notwithstanding the detail of drawings referenced Proposed elevations Ref: A1265(02) AP004 Rev P3, the planning permission hereby granted does not confer consent for the display of advertisements.

Reason - In the interests of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

14) The planning permission hereby granted does not confer consent for the installation of roller shutters and related housing boxes.

Reason - In the interests of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

15) Before the occupation of the development, details of security measures to windows to be installed in the ground floor northern and southern elevations shall be submitted to and approved in writing by the City Council as local planning authority. The approved measures shall be implemented upon occupation of the development and maintained in situ at all times thereafter.

Reason - In order to ensure the provision of appropriate security measures to reduce the risk of crime and the interests of the amenities of the area pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

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: 2 October 2023

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

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 of 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