

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

Stevens
House of Fu Manchester
15-19 The Headrow
Leeds
LS1 6PU

Agent (if used)

Up North Architects
Room 111 Holyoake House
Hanover Street
Manchester
M4 4AH

Part 1 – Particulars of the application/development

Proposal: Creation of a bar and restaurant on the upper ground floor with Karaoke rooms at the Lower ground level (Sui Generis) and alterations to external courtyard

Location: 113 - 115 Portland Street, Manchester, M1 6DW

Date of application: 11 January 2023

Application number: 135243/FO/2022

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 based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, some negotiations were necessary and the scheme is considered acceptable and appropriate conditions have been attached to the end of this report. The scheme is considered to be in accordance with the guidance contained within saved policy DC1 of the Manchester Unitary Development Plan, policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework.

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:

- Drawing - proposed 010N PrLGPlan
- Drawing - proposed 011M PrGFPlan
- Drawing - proposed 064A PrGFFlrFin
- Drawing - proposed 068C Proposed section GG
- Drawing - proposed 080C Upper ground proposed reflected ceiling plan
- Drawing - proposed 082C Lower ground proposed reflected ceiling plan
- Drawing - proposed 090C Proposed section AA & BB
- Drawing - proposed 106B PrCYELesA
- Drawing - proposed 108B PrCYELesD

received by the city council as LPA on 06/03/2023

- Drawing - proposed SK03A Proposed upper ground floor finishes diagram
- Drawing - proposed SK04A Proposed lower ground floor finishes diagram

received by the city council as LPA on 07/03/2023

- Drawing - proposed 020F PrCYPlan

received by the city council as LPA on 08/03/2023

- Waste Management - CERTIFICATE OF REGISTRATION UNDER THE WASTE
- Waste Management - RECYCLING OF HAZARDOUS AND NON-HAZARDOUS WASTE
- Waste Management - SITE WASTE MANAGEMENT PLAN
- Design and Access Statement
- Supporting Information - VENTILATION OR EXTRACTION STATEMENT
- Heritage Statement

received by the city council as LPA on 20/10/2022

- Waste Management - Waste Management Proforma
- Waste Management - REFUSE COLLECTION DRAWING
- Supporting Information - HOUSE OF FU - SCHEDULE OF WORK - METHOD STATEMENT
- Supporting Information 01 Dec 2022 HOUSE OF FU MECHANICAL PACK - SWAN PROJECTS

received by the city council, as LPA on 01/12/2022

- Noise assessment or information Rev B

received by the city council as local planning authority on 07/03/2023

- Waste Management - 062 REFUSE SERVICING DIAGRAM

received by the city council, as LPA, on 11/01/ 2023

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, saved policy DC19.1 and Sections 12 of the National Planning Policy Framework.

3) Prior to the commencement of the development a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include:

- The routing of construction traffic;
 - Detail the vehicular activity associated with the construction including appropriate swept-path assessment;
 - Details of the location and arrangements for contractor parking;
 - The identification of the vehicular access points into the site;
 - Identify measures to control dust and mud including on the surrounding public highway including details of how the wheels of contractor's vehicles are to be cleaned during the construction period;
 - The details of an emergency telephone contact number for the site contractor to be displayed in a publicly accessible location;
 - The details of pedestrian management
- Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

The construction and demolition works shall be carried out in accordance with the approved construction management plan.

Reason: To ensure that the development is acceptable in the interests of the highway safety and the amenity of the locality, pursuant to policies SP1, DM1, CC5, CC10, T1, EN15, EN16, EN17 and EN18 of the Core Strategy and Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007).

4) Fume/odours

a) Prior to commencement of the use hereby approved, a scheme for the extraction and discharge of fumes, vapours and odours from the premises in will be submitted to and approved in writing by the City Council, as local planning authority.

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 - In the interests of the amenities of occupiers of nearby properties pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012)

5) Prior to commencement, full and final details of the proposed works to rear windows, including a method statement and a sample of the glazing, shall be submitted for approval in writing by the City Council as Local Planning Authority.

The approved details shall be implemented as part of the development and completed prior to the first occupation of the development.

Reason - To ensure that the development is acceptable in the interests conservation and heritage pursuant to policies SP1, DM1, CC9 and EN3 of the Manchester Core Strategy (2012)

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

The main internal trading area

07:00 - 02:00 Monday-Sunday

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012)

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

- Monday to Saturday 07:30 to 20:00
- Sunday/Bank Holiday 10:00 to 18:00

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012)

8) a) Before the use hereby approved commences external lighting shall be designed and installed in accordance with a scheme submitted for approval in writing by the City Council as local planning authority. The approved scheme shall be implemented prior to first use.

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 pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012)

9) a) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

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 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 Manchester Core Strategy (2012)

10) Shall only allow use of external areas within the application site in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority, and shall not allow for the use of amplified sound or any music in these external areas at any time.

Reason - To safeguard the amenities of the occupiers of nearby properties pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012)

11) External plant/equipment/servicing

a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive

location. Prior to commencement of the use hereby approved the scheme shall 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. The scheme shall

be implemented in full before the use commences or as otherwise agreed in writing by 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 nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site.

12) The details of the waste management scheme submitted and hereby approved shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012)

13) The cycle parking indicated on the approved plan (Drawing - proposed 020F PrCYPlan) shall be made available for use prior to the building hereby approved being occupied.

The cycle parking shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policy DM1 of the Manchester Core Strategy.

14) Prior to commencement, full and final details and samples of new external finishes and features, including louvres and extracts, condenser screening and pergola shall be submitted for approval in writing by the City Council as Local Planning Authority.

The approved details shall be implemented as part of the development and completed prior to the first occupation of the development.

Reason - To ensure that the development is acceptable in the interests of conservation and heritage pursuant to policies SP1, DM1, CC9 and EN3 of the Manchester Core Strategy (2012)

15) 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.

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.

The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email -highwaylicences@manchester.gov.uk.

The fume strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated May 2022. Details should also be provided in relation to replacement air.

Date: 9 March 2023

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written in a cursive style.

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