

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

Ms Natalie Power
12 Dene Hollow
Stockport
SK5 6XX

Agent (if used)

Mrs Suzanne Bratley
Bratley Architectural Ltd
PO Box 3870
Chester
CH1 9DQ

Part 1 – Particulars of the application/development

Proposal: Variation of Conditions 2 (specified plans), 8 (flue, fumes and odours), 9 (flue and acoustics) attached to planning permission 132530/FO/2021

Location: 320 Wilmslow Road, Manchester, M14 6XQ

Date of application: 19 December 2022

Application number: 135786/JO/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

The application has been determined in a positive and proactive manner, objections have been received to this application, however, in this instance appropriately worded conditions are proposed.

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 planning permission 132530/FO/2021 that date being 1st June 2022.

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:

Existing and Proposed Block Plan Ref: 1454/02A received on the 10th of May 2022
Proposed Floor Plans Ref: 1454/04 B received on the 10th of May 2022

Odour Impact Assessment provided by Noise Assessments Ltd dated 25th of September 2021, received on the 17th of December 2021
Supporting Planning Statement provided by Civitas Planning Ltd, received on the 17th of December 2021
Rebuttal Report provided by Bratley Architecture Ltd, received on the 10th of May 2022

Documents and drawings associated with the waste management strategy submitted under condition discharge reference CDN/22/0700 including:
Proposed block plan showing refuse storage and access dated 18th January 2022 reference 1454/06 Rev B received on the 29th September 2022 & Condition 7 - Waste Management Strategy Document received on the 29th September 2022

Existing and Proposed Elevations Ref: 1454/05 C received on the 19th December 2022
Noise Impact Assessment provided by Noise Assessments Ltd dated 18th December 2022 as received on the 19th of December 2022

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.

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

08.00 - 00.00 Monday to Saturday
09.00 - 23.00 Sundays and Bank Holidays

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

4) The hours of use of the external seating area at the front of the property in connection with the use of the site as a café-bar/restaurant, shall not be operational after 9.30pm daily.

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

5) There shall be no playing of live or amplified music within the external areas of the development at any time.

Reason - To protect the amenity of the area from excessive noise pursuant to Manchester Core Strategy policies DM1 and C10 and saved Unitary Development Plan policies DC10 and DC26.

6) The development shall be carried out in accordance with the waste management strategy approved under condition discharge reference CDN/22/0700 as approved on the 30.11.2022. The waste management strategy shall be carried out in accordance with the approved details for as long as the development remains in use.

Reason - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to saved policy DC26 of the Manchester Unitary Development Plan and policies SP1 and DM1 of the Manchester Core Strategy (2012).

7) The development hereby approved shall be implemented in accordance with the details submitted on the Proposed Block Plan and in the Rebuttal Statement, including the measures to improve the security of the site and external areas through CCTV, external lighting, and other security measures, before the first occupation of the development hereby approved, and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of policies SP1 and DM1 of the Manchester Core Strategy (2012).

8) a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences.

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 ensure an adequate fume extraction system is put in place in the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC10 of the Unitary Development Plan for the City of Manchester (1995).

9) a) Extraction 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 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 nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

10) 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 - 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 Manchester Core Strategy (2012).

11) Notwithstanding the cycle storage area shown on the approved plans, the applicant shall explore alternative options for cycle parking which could include a wall-mounted cycle rack for staff within the premises. Any alternative cycle parking provision shall be implemented in full and made available for use prior to first operation of the development hereby approved. The approved scheme shall remain available for use whilst the development is in use.

Reason - To increase the options for sustainable travel to and from the site pursuant to policies DM1, T1 and SP1 of the Manchester Core Strategy (2012).

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

Date: 13 February 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 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.