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

Mr J McGuiness
Kentucky Fried Chicken (Great Britain) Limited
Orion Gate
Guildford Road
Woking
GU22 7NJ

Agent (if used)

Andrew Burns
Atelier MB
Suite 1A Amazon House
Brazil Street
Manchester
M1 3PJ

Part 1 – Particulars of the application/development

Proposal: Variation of conditions 2 (specified plans) and 3 (acoustics) attached to planning permission referenced 104548/FO/2013/C2 to allow modified kitchen & cooking equipment (associated listed building consent application reference: 126481/LO/2020)

Location: 83 Piccadilly, Manchester, M1 2BZ

Date of application: 28 May 2020

Application number: 126480/JO/2020

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 to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application. In this case Officers engaged with the applicant / agent to arrive at an alternative design solution which would be acceptable. Appropriate conditions were attached to ensure an acceptable proposal, with the agreement of the applicant.

Condition(s) attached to this decision

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawings and documents submitted as part of planning application 104548/FO/2013/C2:

Site Location Plan Drawing No E(900), stamped as received by the City Council as local planning authority on 02 January 2014;

Operating Schedule for Wok & Go for Manchester received by the City Council as local planning authority on 7 May 2014; and

Crime Impact Statement Version A stamped and received on 10th March 2014.

Drawings and documents submitted as part of planning application 126480/JO/2020:

Drawing No. D0012/M/110-B (Proposed Ground Floor Plan), stamped as received by the City Council as local planning authority on 16 June 2020;

Drawing No. PVR 1.8 T/O (Fume Extraction), stamped as received by the City Council as local planning authority on 16 June 2020;

Design, Access and Heritage Statement, stamped as received by the City Council as local planning authority on 28 May 2020;

Mechanical Ventilation & Environmental Control Equipment, stamped as received by the City Council as local planning authority on 16 June 2020;

Noise Impact Assessment, stamped as received by the City Council as local planning authority on 28 May 2020;

Recirculation Canopy System (Purified Air), stamped as received by the City Council as local planning authority on 16 June 2020; and

Email correspondence from Nova Acoustics (8th July 2020) regarding noise forwarded by Andrew Burns (Atalier MB), stamped as received by the City Council as local planning authority on 10 July 2020.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies CC1, CC4, CC7, SP1 and DM1 of the Core Strategy, and saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester.

2) a) The premises and any external plant shall be acoustically insulated and treated to limit the break out of noise in accordance with the recommendations within the submitted documents and plans:

Mechanical Ventilation & Environmental Control Equipment, stamped as received by the City Council as local planning authority on 16 June 2020;

Noise Impact Assessment, stamped as received by the City Council as local planning authority on 28 May 2020;

Recirculation Canopy System (Purified Air), stamped as received by the City Council as local planning authority on 16 June 2020; and

Drawing No. PVR 1.8 T/O (Fume Extraction), stamped as received by the City Council as local planning authority on 16 June 2020; and

Email correspondence from Nova Acoustics (8th July 2020) regarding noise forwarded by Andrew Burns (Atalier MB), stamped as received by the City Council as local planning authority on 10 July 2020.

b) Within 6 months of the date of this planning permission, a verification report shall be submitted to and approved in writing by 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 consultant's reports. The report shall also undertake post completion testing to confirm that acceptable criteria has been met for both internal noise and external plant noise.

Any instances of non-conformity with the recommendations in the report shall be detailed along with any further measures required to ensure compliance with the agreed noise criteria. Any further mitigations measures proposed shall be implemented within a timescale to be agreed with the City Council as local planning authority and shall be retained and maintained thereafter.

Reason - In the 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.

3) Notwithstanding the approved plans and documents as specified in condition 2, the premises shall not be open to the public nor shall there be any home deliveries outside the following hours:-

Monday to Saturday 08:00 to 23:00 hours;
Sunday 08:00 to 22:00 hours.

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.

4) The scheme for the storage and disposal of refuse shall be implemented in full as part of the development and shall remain in situ whilst the use or development is in operation in accordance with the submitted waste documents:

Drawing No. D0012/M/110-B (Proposed Ground Floor Plan), stamped as received by the City Council as local planning authority on 16 June 2020;

Waste Proforma, stamped as received by the City Council as local planning authority on 16 June 2020; and

Design, Access and Heritage Statement, stamped as received by the City Council as local planning authority on 28 May 2020.

For the avoidance of doubt waste associated with the operation of the premises shall be stored wholly within the unit at all times apart from when transferred to the public highway for arranged collection.

Reason - In order to ensure that adequate provision is made within the development for the collection of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

5) No loading or unloading including deliveries, servicing and waste collections shall be carried out on the site outside the following hours:

Monday to Saturday 07:30 to 08:00, 10:00 to 16:00 and 18:00 to 20:00;
Sundays and Bank Holidays 10:00 to 18:00.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

6) Disabled access into the premises shall be retained in accordance with the submitted documents:

Drawing No. D0012/M/110-B (Proposed Ground Floor Plan), stamped as received by the City Council as local planning authority on 16 June 2020;

Design, Access and Heritage Statement, stamped as received by the City Council as local planning authority on 28 May 2020.

Reason - To ensure that disabled access is provided by reference to the provisions of policy DM1 of the Manchester 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.

Date: 28 October 2020

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/planning-inspectorate . 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.