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 Abraham Halpern
Retail Property Investments Ltd
4 The Cottages
Deva Centre
Trinity Way
Salford
M3 7BE

Agent (if used)

Mr Ralph Taylor
Paul Butler Associates
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Variation of condition 16 attached to planning permission reference number: 115325/FO/2017 to allow the use of unit 2 as a cafe/restaurant within class A3 with ancillary hot food take away.

Location: 102 Manchester Road, Chorlton, Manchester, M21 9SZ

Date of application: 21 July 2017

Application number: 117041/JO/2017

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 based on seeking solutions to overcome identified issues.

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 reference 115325/FO/2017 that date being 28th April 2017.

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:

Proposed Ground Floor Plan PL0100 Rev 5; Proposed Elevations PL0200 Rev 3; Bin Store Layouts PL0120; Design and Access Statement all prepared by DV Architects; Planning Statement dated 14 February 2017 prepared by Paul Butler Associates; Proposed Ventilation Plan prepared by Swan Projects; Noise Assessment prepared by Azymuth Acoustics (dated 7th November 2016);Crime Impact Statement prepared by GMP Design for Security 2016/0931/CIS/01;
Ventilation/Extract information prepared and assembled by Swan Projects comprising: Proposed Ventilation Plan; Completed Appendix A 'Information Required to Support Planning Application for Commercial Kitchen Exhaust Systems' Checklist; Purified Air ESP Brochure (ESP 3000E unit proposed); Purified Air ESP Dimension Data Sheet; Drawing C364/1 'Schematic of Ventilation & Odour Control System'; Purified Air Carbon Filter Data Sheet; Purified Air Enclosure dimensions drawing;

Purified Air Pressure Drop Sheet; Northern Fan Supplies Extract Fan Data Sheet; Standard Circular Silencer Insertion Loss Data.

All date stamped as received by the local planning authority on the 14th February 2017

170330/SK21679/TN03(-00) 102 MANCHESTER ROAD, CHORLTON TECHNICAL NOTE prepared by SK Transport Planning received via email by the local planning authority on the 30th March 2017.

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 materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture and those set out within the application forms and approved drawings.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

4) The premises excluding the external areas shall not be open outside the following hours:-
09:00 - 23:00hrs Monday to Sunday and including Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to saved policy DC26 of the UDP and policies DM1 and SP1 of the Core Strategy.

5) Notwithstanding the approved plans prior to the commencement of development a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme 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

6) The hereby approved development 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.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties.

7) 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.

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 prior to the installation of the plant, equipment or servicing.

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

8) Notwithstanding the approved plans and documents, 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; any works approved shall be implemented before the use commences.

Reason - In the interests of the amenities of occupiers of nearby properties pursuant to policy DM1 of the Core Strategy.

9) 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 - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policy DM1 of the Core Strategy.

10) The external areas of the premises shall not be used for the consumption of food or drink outside the following hours and shall not allow for the use of amplified sound or any music in these external areas at any time:-
09:00 - 22:00hrs Monday to Sunday including 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.

11) No disposal of refuse, glasses, or glass bottles in externally sited receptacles shall take place outside the following hours:
07:30 to 20:00 hrs Monday to Sunday including 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.

12) Prior to first use of the development hereby approved a car parking management strategy for the site including 5 spaces for the hereby approved development shall be

submitted to and approved in writing by the local planning authority. The strategy shall include how car parking spaces at the site are to be managed, allocated to occupiers at 102 Manchester Road and how appropriate use of the spaces is to be enforced. The approved strategy shall be implemented in full whilst the uses are in operation.

Reason - To ensure that adequate car parking is available to the development in the interests of highway and pedestrian safety pursuant to policy DM1 of the Core Strategy.

13) Prior to the first use of the development hereby approved a Servicing Management Plan detailing vehicular activity associated with waste management and delivery arrangements to the development. The submitted plan shall include details of the anticipated frequency of refuse collection and deliveries to the site, the types of delivery vehicle anticipated and proposed locations for unloading. The approved plan shall be implemented in full whilst the uses are in operation.

Reason - In the interests of highway and pedestrian safety pursuant to policy DM1 of the Core Strategy.

14) Prior to the commencement of development a construction management plan shall be submitted to and approved in writing, the plan shall include:

- Contractor parking arrangements;
- Delivery, storage, disposal and collection of materials arrangements.

The development shall be subsequently undertaken in accordance with the approved plan.

Reason - In the interests of highway and pedestrian safety pursuant to policy DM1 of the Core Strategy.

15) The development hereby approved shall incorporate the physical security measures set out within section 4 of the approved Crime Impact Statement. Within three months of first occupation a verification report outlining the measures incorporated into the development with supporting evidence shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - In the interests of crime prevention pursuant to policy DM1 of the Core Strategy.

16) Unit 1 as identified on the approved drawing 'Proposed Ground Floor Plan PL0100 Rev 5' hereby approved shall be used as a Class A3 restaurant and cafe use (for the sale of food and drink for consumption on the premises) only and there will be no ancillary sale of food or drink for consumption off the premises.

Reason - For the avoidance of doubt and in the interests of highway and pedestrian safety as additional associated vehicular movements to the premises would exacerbate on street parking in the vicinity of the site.

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

Date: 19 October 2017

Signed: 

Julie Roscoe
Head 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-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

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.

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.