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 of £97 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 Nadeem Riaz
2 Dobcross Close
Longsight
Manchester
Lancashire
M13 0GQ

Agent (if used)

Mohammed Khan
Ash 4 Homes
22 Buttermere Road
Gatley
Cheadle
Cheshire
SK8 4RH

Part 1 – Particulars of the application/development

Proposal: Siting of hot food kiosk (Class A5)

Location: 691 Stockport Road, Longsight, Manchester, M12 4QN

Date of application: 6 February 2013

Application number: 101445/FO/2013/N2

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 31 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. The previous application for the siting of a hot food kiosk at this address was withdrawn and the applicant then entered into pre-application discussions with the City Council prior to the submission of this planning application. There were initial concerns about the internal layout and vehicle movements within the site and the nature of the business, deliveries and servicing. Officers worked in a positive and proactive manner with the applicant to negotiate a revised scheme to create an acceptable site layout and appropriate operational controls for this business. Therefore, the scheme is now acceptable and in accordance with the Development Plan.

Reason(s) for decision

Approval on the basis the proposal is acceptable in terms of the adopted Core Strategy for the City of Manchester, specifically in relation to policies SP1 and DM1 as the scheme is acceptable in terms of location for this use, and the design and appearance

of the catering van in this location to the rear of the site, and there are no material considerations of sufficient weight to indicate otherwise.

Condition(s) attached to this decision

1) The permission hereby granted is for a limited period only, expiring on 3rd April 2016 and the catering unit, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued. The land shall be reinstated within one calendar month in accordance with a scheme previously approved, which shall include tree planting, and timetable of implementation to be submitted to and approved in writing by the City Council local planning authority before this permission expires.

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

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

The site location plan showing the site edge red, the block plan, the existing plan numbered 01, the existing elevations numbered 03, the existing site plan numbered 05, the proposed site plan numbered 06/Rev02, the proposed plan numbered 02/Rev02, the proposed elevations numbered 04/Rev01, the bollard specifications sheet, and the City Council's Waste Management proforma, stamped as received by the Local planning Authority on the 23rd January 2013, and the amended 'Operating Schedule' completed by Ash4Homes and the Proposed Waste Management Plan numbered 07/Rev 01 submitted to the Local Planning Authority by email on the 4th March 2013.

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 development hereby approved shall be operated in strict accordance with the 'Operating Schedule' completed by Ash4Homes and submitted to the Local Planning Authority by email on the 4th March 2013, in relation to the operating activities, operating considerations, the vehicle traffic management and servicing. The business shall then be operated in accordance with this schedule whilst the use or development is in operation.

Reason - In the interests of amenity and highway safety, pursuant to Policies DM1 and SP1 of the Core Strategy.

4) The development hereby approved shall be completed and operated in accordance with the scheme for the storage (including segregated waste recycling) and disposal of refuse detailed within the Operating Schedule, the City Council's Waste Management Strategy proforma and Proposed Waste Management Plan numbered 07/Rev01 submitted to the local planning authority by email on the 4th March 2013. The details of the waste management strategy shall remain in situ whilst the use or development is in operation.

Reason - To safeguard amenity, pursuant to policies SP1 and DM1 of the Core Strategy.

5) The car parking indicated on the approved plans shall be available for use prior to the building hereby approved being occupied and at all times whilst the site is occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to policies DM1 and SP1 of the Core Strategy for the City of Manchester.

6) Deliveries, servicing and collections, including waste collections, shall not be carried out on the site outside the following hours:

7:30 to 20:00 Monday to Saturday
No deliveries or collections on a Sunday or Bank Holiday

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

7) The hot food kiosk shall not be open to the public outside the following hours:-

Monday to Saturday 08:00 to 20:00
Sundays and Bank Holidays 10:00 to 18:00

Reason - In interests of amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy.

8) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with policies SP1 and DM1 of the Core Strategy.

9) The hot food kiosk hereby approved shall be to cater for the customers and staff using the existing businesses at this site only and shall not be marketed or advertised for the sale of food to passing by trade in accordance with the operating activities outlined within the 'Operating Schedule' submitted to the Local Planning Authority by email on the 4th March 2013. The business shall then be operated in accordance with this schedule whilst the use or development is in operation.

Reason - In the interests of amenity and highway safety, pursuant to Policies DM1 and SP1 of the Core Strategy.

Informatives

This permission does not grant approval under Building Regulations.

Date: 3 April 2013

Signed: 

Julie Roscoe
Head of Planning
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, he may appeal to the First 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 Appeals area of the Planning Portal www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

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 First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he 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 of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he 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 First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.