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 Mohammed Munir Akhtar 30 Arden Road
Crumpsall
Manchester
M8 4NW

Agent (if used)

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Gonshaw Associates
The Studio
3 Kendal Drive
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Cheshire
SK8 4QJ

Part 1 Particulars of the application/development

Proposal: Change of use of Unit 2 ground floor to A5 Hot Food Take-away

Location: 575-577 Ashton New Road, Clayton, Manchester, M11 4EA

Date of application: 26 February 2013

Application number: 101670/FU/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 to base on seeking solutions to problems arising in relation to dealing with the planning application. During the life of the application the impact of the development has been considered in terms of the intensity of the proposed use and associated activity, noise and traffic generation. It is considered that these issues can be addressed through the recommended conditions. This approach has secured the appropriate compliance with Core Strategy policies EN8, EN19, T1 and T 2 and saved UDP policies E3.3, DC26.1, DC26 and DC26 and the policies contained within the NPPF.

Reason(s) for decision

On the basis that the proposal is in accord with Core Strategy for Manchester policies SP1, DM1 and EN19 including Unitary Development Plan saved policy E3.3 and DC26, the guidance contained in Guide to Development in Manchester Supplementary

Planning Document and Planning Guidance, the principles of National Planning Policy Framework and the Regional Spatial Strategy (RSS) policies DP1, DP2 and DP4 and in that the development would provide an economically sustainable use that would safeguard the future occupancy of a building, which is consistent with current guidance. The impact of the development has been mitigated against through the details of the scheme and the related conditions to ensure an appropriate relationship to the neighbouring area. The proposed refurbishment would be undertaken without any intervention to the exterior of the building, which reflects the character of the streetscene and the district centre. It is thereby considered that the development will positively contribute to the character and amenities of the area and its continued regeneration.

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: 401118/03 and 40118/04/04 and Design and Access Statement received 15 February 2013.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies DM1 and SP1 of the Core Strategy for Manchester.

3) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been 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 residential amenity pursuant to pursuant to policies DM1, SP1 and EN18 of the Core Strategy for Manchester.

4) Notwithstanding the details of approved drawings 401118/03 and 40118/04/04 and Design and Access Statement before the commencement of the development, details relating to the design and specification of proposed roller shutters, including their perforation, housing and incorporation into the fascia shall be submitted to and approve in writing by the City Council as local planning authority . The development shall then be fully undertaken in accordance with the approved details.

Reason - In the interests of the amenities of the area and the character of the exiting building and the streetscene pursuant to policies DM1 and SP1 of the Core Strategy for Manchester and Saved Unitary Development Plan policy DC14.2.

5) The Class A5 use hereby authorised shall only be undertaken in the areas of the approved drawing referenced 401118/03 and 40118/04/04 and Design and Access Statement and stamped received on 15 February 2013 with the sale and preparation of food only be undertaken on the ground floor.

Reason - For the avoidance of doubt and in the interest of residential and visual amenity pursuant to policies DM1 and SP1 of the Core Strategy for Manchester and Saved Unitary Development Plan policy DC10.

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

Class A5 (Hot food take-away): Monday to Sunday (including Bank Holidays): 10.00 am to 11.00 pm.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies DM1 and SP1 of the Core Strategy for Manchester and Saved Unitary Development Plan policies DC10 and DC26.

7) No loading, unloading or servicing or waste collection shall be carried out on the site outside the hours of:

7.30 am to 8.00 pm, Monday to Saturday, with no deliveries or waste collections on Sunday and Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with policies DM1 and SP1 of the Core Strategy for Manchester and Saved Unitary Development Plan policies DC10 and DC26.

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 DM1 and SP1 of the Core Strategy for Manchester and Saved Unitary Development Plan policies DC10 and DC26.

9) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme 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 equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies DM1 and SP1 of the Core Strategy for Manchester and Saved Unitary Development Plan policies DC10 and DC26.

10) The planning permission hereby granted does not confer consent for the display of advertisements at ground or first floor level.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies DM1 and SP1 of the Core Strategy for Manchester.

Informatives

This permission does not grant approval under Building Regulations.

The applicant's attention is drawn to the need to contact Environmental Health (Public Protection Team) where any noise related conditions have been attached to this Planning Approval, in order to discuss specific and technical requirements.
Contact: Manchester City Council, Environmental Health, Hammerstone Road, Gorton, Manchester, M18 8EQ, Tel: 0161 234 5004, E-mail: contact@ manchester.gov.uk

Defra have published a document entitled `Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. It describes a method of risk assessment for odour, guidance on minimum requirements for odour and noise control, and advice on equipment selection. It is recommended that any scheme should make reference to this document.

A copy of our `Guidance for Developers¿ can be downloaded using the following link: http://www.manchester.gov.uk/download/19841/environmental_and_public_protection_information_for_developers_gd03, or is available upon request.

Date: 23 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 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.

Appendix A – Standing Advice Regarding Coalfield Area

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.
Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com