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 Gerry Hughes
Hughes Fast Food Ltd
6 Dominus Way
Meridian Business Park
Leicester

Agent (if used)

Mr Barrie Hodgson
D& B Licensing Consultants
161 Castle Road
Redcar
TS10 2LY

Part 1 Particulars of the application/development

Proposal: Variation of condition 3 on application reference 100044/FO/2012/C1 under section 73 of the Town and Country Planning Act 1990 in order to extend the approved opening hours of the take away from 10:00 to 23:00 to 10:00 to 03:00.

Location: Papa Johns (GB) Ltd, Unit 5 Peter House, Oxford Street, Manchester, M1 5AN

Date of application: 9 May 2013

Application number: 101460/JO/2013/C1

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

In assessing the merits of a planning application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the planning application. There were no problems with this application.

Reason(s) for decision

The application is approved on the basis that the works are in accordance with Policies CC7 (Mixed Use Development), CC9 (Design and Heritage), SP1 (Spatial Principles), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage) and DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester and saved policies DC10.1-10.4 (Food and Drink), DC14.1-14.3 (Shop Fronts and Related Signs), DC18.1 (Conservation Areas) and DC26 (Development and Noise) of the Unitary Development Plan for the City of Manchester and are acceptable in terms of the impact on highway safety, crime and disorder and amenity and in terms of the availability of disabled access. There are no material considerations of sufficient weight to indicate otherwise.

Condition(s) attached to this decision

1) The development must be begun no later than the expiration of three years beginning with the date of approval of the previous permission (application reference: 101460/JO/2013/C1).

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:

The site location plan stamped as received by the City Council as local planning authority on 21st August 2012

The drawings referenced Zeb673/08 rev F, Zeb673/010, Zeb673/012 revA, Zeb673/014 and Zeb673/015 stamped as received by the City Council as local planning authority on 21st August 2012

The Papa John's Noise Management Plan stamped as received by the City Council as local planning authority on 25th July 2012

Section 5 of the Crime Impact Statement stamped as received by the City Council as local planning authority on 21st August 2012

The emails from Sarah Butterfield dated 29th October 2012 and 1st November 2012 in relation to the proposals to improve access for disabled people only.

The Environmental Noise Assessment prepared by BDP referenced P2005354(REP)U003 stamped as received by the City Council as local planning authority on 9th May 2013

The Environmental Noise Assessment prepared by BDP referenced P2005354(REP)U002 stamped as received by the City Council as local planning authority on 15th January 2013

The document entitled 'Supporting information on the proposed extraction system and plant at Unit 5, Peter House, Oxford Road, Manchester Rev. B' stamped as received by the City Council as local planning authority on 21st May 2013

The letter from James Edwards dated 10th January 2013 (excluding the comments in relation to condition 11)

The email from James Edwards dated 5th February 2013

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies CC7, CC9, SP1, EN1, EN3 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC10.1, 10.2, 10.3 and 10.4, DC14.1, 14.2 and 14.3, DC18.1 and DC19.1; of the Manchester Unitary Development Plan.

3) The business shall not operate and the premises shall not be open outside the following hours:-

Monday to Sunday (7 days a week) - 10:00 am to 03:00 am.

Reason - In interests of the amenity of surrounding occupiers in order to reduce noise and general disturbance in accordance with policy DM1 of the Adopted Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

4) No loading or unloading shall be carried out on the site outside the hours of 10:00 to 16:00 from Monday to Saturday. No loading or unloading is permitted on Sundays and Bank Holidays. In this condition "No loading or unloading" does not include the collection and return of food and refreshments for deliveries carried out by the use hereby approved.

Reason - In order to protect the amenity of the occupiers of surrounding properties and to limit the impact on existing traffic volumes in accordance with Policy DM1 of the Adopted Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development plan for the City of Manchester.

5) The method of extraction and discharge of all fumes, vapours and odours as detailed in the document entitled 'Supporting information on the proposed extraction system and plant at Unit 5, Peter House, Oxford Road, Manchester Rev. B' shall be implemented fully in accordance with this approved document, shall be operational before the use hereby approved commences and shall be maintained for the duration of the use.

Reason - In order to protect the amenity of the occupiers of surrounding properties and in accordance with Policy DM1 of the Adopted Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development plan for the City of Manchester.

6) The premises shall be acoustically insulated and treated to limit the break out of noise fully in accordance with the information within the Environmental Noise Assessments prepared by BDP referenced P2005354(REP)U002 and P2005354(REP)U003. The scheme shall be implemented in full before the use hereby approved commences.

Reason - In order to protect the amenity of the occupiers of surrounding properties and in accordance with Policy DM1 of the Adopted Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development plan for the City of Manchester.

7) The externally mounted equipment as identified in the Environmental Noise Assessments prepared by BDP referenced P2005354(REP)U002 shall be acoustically treated in accordance with the recommendations of this approved report. The externally mounted equipment permitted as part of this application shall be limited to the equipment specified in this report and the recommendations within section 4.1 of the report shall be fully implemented before the specified equipment is first used and maintained for the duration of the use hereby approved.

Reason - In order to protect the amenity of the occupiers of surrounding properties and in accordance with Policy DM1 of the Adopted Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development plan for the City of Manchester.

8) The waste management scheme detailed on page 3 of the letter from James Edwards dated 10th January 2013 shall be fully implemented as part of the development and shall remain in operation for the duration of the use hereby approved.

Reason - In order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policy DM1 of the Adopted Core Strategy for the City of Manchester.

9) The recommendations within the Crime Impact Statement shall be fully implemented on site before the use hereby approved commences and maintained for the duration of the use hereby approved.

Reason - To reduce the risk of crime pursuant to Policy DM1 of the Adopted Core Strategy for the City of Manchester.

10) Before the use hereby approved is commenced all measures to provide access for disabled people into and throughout the ground floor premises as detailed in the emails from Sarah Butterfield dated 29th October 2012 and 1st November 2012 shall be fully implemented on site. These approved measures shall be retained and operational for so long as the ground floor premises is in use.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of the Adopted Core Strategy for the City of Manchester Policies DM1 and SP1 and saved policy DC14.2 of the Unitary Development Plan for the City of Manchester.

11) The strategy for the management and operation of deliveries as detailed in the email from James Edwards dated 5th February 2013 shall be fully implemented before the use commences and shall be maintained for the duration of the use hereby approved.

Reason - In the interests of highway safety and to limit the impact on existing traffic volumes and parking provision in accordance with Policy DM1 of the Adopted Core Strategy for the City of Manchester.

12) The strategy for servicing (including deliveries and waste collections) as detailed in the letter from James Edwards dated 10th January 2013 shall be fully implemented before the use hereby approved commences and shall be maintained for the duration of the use.

Reason - In the interests of highway safety and to limit the impact on existing traffic volumes in accordance with Policy DM1 of the Adopted Core Strategy for the City of Manchester.

Informatives

This permission does not grant approval under Building Regulations.

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: 4 July 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.

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