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 £85 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 Soran Ali 122 Wilmslow Road
Rusholme
Manchester
M14 5AH

Agent (if used)

Holborow And Ormesher Station House
Adams Hill
Knutsford
Cheshire
WA16 6DN

Part 1 – Particulars of the application/development

Proposal: Change of use from retail (Class A1) to hot food take-away (Class A5)

Location: 122 Wilmslow Road, Rusholme, Manchester, M14 5AH

Date of application: 26 March 2012

Application number: 098935/FU/2012/S1

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).

Reason(s) for decision

Approve on the basis that the proposal is in accord with the City Council's Unitary Development Plan in particular policy H2.2 which seeks to protect the amenity of residents from the adverse impact of development, policy DC10 which sets down the criteria to be considered in determining applications for food and drink uses, policy DC26 which seeks to protect residents from the adverse impact of noise. Policy DM1 of the emerging Core Strategy of the Local Development Framework seeks to address concerns such as the impact on the amenity of an area and refuse storage and guidance contained in the National Planning Policy Framework.

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 unless otherwise agreed in writing by the City Council as Local Planning Authority: drawings 1184/12/01 and 02, Site edged red stamped as received on 23.03.12 and amended by e.mail of 11.05.12.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2, DC10 and DC26 of the Manchester Unitary Development Plan. policy DM1 of the Core Strategy of the Local Development Framework and the guidance contained in the National Planning Policy Framework.

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

11.00am to 00.30am seven days a week

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

4) All refuse, waste and material for recycling shall be stored at all times in accordance with the waste management strategy submitted as part of this application.

Reason - To ensure the satisfactory storage of waste materials prior to its removal from the site pursuant to polices H2.2, DC10 of the Unitary Development Plan, policy DM1 of the Core Strategy of the Local Development Framework and the guidance contained in the National Planning Policy Framework.

5) 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 policy H2.2, DC10 and DC26 of the Manchester Unitary Development Plan. Policy

6) 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 submitted scheme should include the additional information to that submitted with the application.

Information on premises such as number of meals to be served per day; method of food preparation; types of meals to be served, seating capacity etc.

Scaled plan showing the internal arrangement and the dimensions and location of the ventilation system. Location of system in relation to properties on either side of proposed premises (external).

Pre-filters details such as manufacturers name, filters name and product code, manufacturer's recommendation on frequency and type of maintenance.

Cooker hood details such as length that cooker overhangs the appliances, dimensions of opening of cooker hood

Flue design specifying the height as nearby building and may affect odour dispersion and dilution

Noise data on the system as a whole should be provided (including sound power levels and hours of operation of system) as in close proximity to residential properties.
Schedule of maintenance should be provided

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 Policy H2.2, DC10 and DC26 of the Unitary Development Plan for the City of Manchester. Policy DM1 of the Core Strategy of the Local Development Framework.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no part of the premises shall be used otherwise than for a hot food take away within Use Class A5.

Reason - In order that the City Council as Local Planning Authority can assess the impact of other uses on the viability and vitality of the Centre pursuant to policy C2 of the Core Startegy of the Local Development Framework.

Informatives

This permission does not grant approval under Building Regulations.

United Utilities have advised that if the proposal results in trade effluent discharge into a public sewer, the applicant will need Trade Effluent Consent to discharge to the public sewer. The applicant must discuss this with United Utilities Regulatory Controller, e.mail TEQUERY@uuplc.co.uk to determine whether consent is required.

Date: 25 June 2012

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.