MANCHESTER CITY COUNCIL

IMPORTANT

Planning Permission and 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 required to protect trees.
- Some conditions will require action before you start the development and it is imperative that you seek to have these discharged before any work commences.
- 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.
- For advice on any of these matters, please contact the Planning Service, Manchester City Council, PO Box 463, Manchester M60 3NY or email planning@manchester.gov.uk

Town and Country Planning Act 1990

PLANNING PERMISSION

MANCHESTER CITY COUNCIL

Name and Address of Applicant	Name and Address of Agent
Green Restaurant 43 Lapwing Lane West Didsbury Manchester M20 2NT	J T Hart 29 Pine Road Didsbury Manchester M20 6UZ

Part I – Particulars of Application

Date of Application	Application ref. no.
1 April 2008	086331/FO/2008/S2

Particulars and location of development:

Change of use of No. 41 Lapwing Lane from retail (A1) to restaurant (A3), involving internal reconfiguration of Nos. 41 and 43 Lapwing Lane, creation of external seating area to frontage and installation of air conditioning unit to rear of 43 Lapwing Lane

41/43 Lapwing Lane
West Didsbury
Manchester
M20 2NT

Part II – Particulars of Decision

The Manchester City Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 of the following decision

Decision Approved
APPROVE ON THE BASIS THAT THE PROPOSAL IS IN ACCORD WITH THE CITY COUNCIL'S UNITARY DEVELOPMENT PLAN POLICIES H2.1, H2.2, E3.5, DC101, DC10.2, DC10.4, DC26.1 and DC26.3 AND THE GUIDE TO DEVELOPMENT IN MANCHESTER SPD AND THERE ARE NO MATERIAL CONSIDERATIONS OF SUFFICIENT WEIGHT TO INDICATE OTHERWISE.
Date of Decision 19 May 2008

for the carrying out of development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

Part III – Conditions and Reasons

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: 440/4, 440/5 and 440/6.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2; of the Manchester Unitary Development Plan.

3) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

Monday to Saturday 07:30 to 20:00

Sundays and Bank Holidays No deliveries/waste collection

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (1995).

4) 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 Policy H2.2; of the Unitary Development Plan for the City of Manchester.

5) The premises and the outside seating area hereby approved shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

Monday 17:00 to 22:30
Tuesday to Friday: 12:00 to 14:00 and 17:00 to 22:30
Saturday: 17:00 to 22:30
Sunday: 12:00 to 14:00 and 17:00 to 22:30

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.

6) No amplified Sound or any music shall be installed in the external areas of the application site, particularly the outside seating area.

Reason - To protect the amenities of the occupiers of nearby residential properties pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (Adopted 1995).

7) Before the development hereby approved commences, 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 site/property.

Externally mounted ancillary plant, equipment and servicing shall be acoustically treated in accordance with a scheme designed so as to achieve a noise level of 5dB below the existing background (LA90) in each octave band at the nearest noise sensitive location.

Reason - To safeguard the amenities of the occupiers of nearby accommodation pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (Adopted 1995).

8) Prior to the commencement of the development details of a suitable barrier between the outside seating area and the pavement.

Reason - To ensure that pedestrians do nopt jostle with patrons siting in the outside seating area, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (Adopted 1995).

9) 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 interest of residential amenity and public health, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (1995).

10) A notice shall be placed at all exits to the premises reminding patrons to leave quietly and in an orderly fashion.

Reason

To protect the current levels of residential amenity enjoyed by local residents, particularly pursuant to policies H2.2, DC10.1, DC10.2, DC26.1 and DC26.3 in the Unitary Development Plan for the City of Manchester (Adopted 1995).

11) The kitchen door in the side elevation of number 41 Lapwing Lane shall remain closed after 7 pm Monday to Sunday.

Reason - To protect the current levels of residential amenity enjoyed by local residents, pursuant to policies H2.2, DC10.1, DC10.2, DC26.1 and DC26.3 in the Unitary Development Plan for the City of Manchester (Adopted 1995).

Part IV – Informatives

Prior to the use of the outside seating area hereby approved, consent must be obtained from the City Council's Operational Services Team in order that the public footpath/highway can be used.

The applicant should be aware that under the Licensing Act 2003 the carrying on of a licensable activity (this includes the provision of late night refreshment between 23:00 - 05:00 supply of alcohol, music, dancing, plays, films and indoor sporting events) on or from the premises requires licence from Manchester City Council as Licensing Authority. Information regarding premises licence can be obtained from:

The Licensing Unit
Manchester City Council
Hammerstone Road
Gorton
Manchester
M18 8EQ

Tel: 0161 234 4512

Signed**……**

Peter Babb, Head of Planning

on behalf of the Council
Town Hall,
Manchester M60 3NY

NOTES

1. Leaflets attached:

2. 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**.**

3. 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.

4. 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.

5. 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

6. 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.