MANCHESTER
CITY COUNCIL

PLANNING AND
BUILDING CONTROL
14 FEB 2013

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.
- A fee of £85 is payable for each request to discharge conditions.
- 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

Planning
234 4516

Town and Country Planning Act 1990

PLANNING PERMISSION

MANCHESTER CITY COUNCIL

Name and Address of Applicant	Name and Address of Agent
Mr G Foster Foster Fish and Chips Bedells Lane Wilmslow Cheshire SK9 5HY	Mr A Lodge 306 Milnrow Road Rochdale Lancashire OL16 5BQ

Part I – Particulars of Application

Date of Application	Application ref. no.
11 March 2010	092573/FO/2010/S2

Particulars and location of development:

Change of use from single Class A1 (retail) unit to one Class A1 (retail) unit and one sui generis (restaurant and take-away) with associated extraction ducts and air conditioning units to rear elevation

812 Wilmslow Road
Didsbury
Manchester
M20 6UH

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 subject to conditions Reasons for recommendation The application falls within the Didsbury District Centre as defined within the Proposals Maps contained within the UDP for the City of Manchester. As such, the principle of such uses are acceptable and it is not considered that there is an over concentration of such uses within the centre. The premises will operate sensible opening hours and appropriate conditions will control the noise and disturbance, smells and odours and refuse arrangements at the application site. The proposal accords with the Council's UDP in particular policies H2.1, H2.2, E3.5, DC101, DC10.2, DC10.4, DC26.1 and DC26.3, North West of England Plan Regional Spatial Strategy policy DP1 and policy W5, The Guide to Development in Manchester SPD, PPS1 and PPS6 and there are no material considerations of sufficient weight to indicate otherwise.

Date of Decision 27 April 2010

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: drawing number 0916.005 rev A, 0916.008 revA, 0916.006 revA, 0916.07 revA, and information, all stamped 04/03/2010.

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

Monday to Friday 11:00 to 22:00

Saturday 12:00 (noon) to 22:0

Sunday and Bank Holidays 12:30 (noon) to 20:30

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.

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

Monday to Saturday: 07:30 to 20:00

Sunday and Bank Holidays: no deliveries/waste collections on Sundays/Bank Holidays

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).

5) Before the use 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 equipment.

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

6) Before the use hereby approved commences a scheme for the storage (including segregated waste recycling) and disposal of refuse needs to be 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).

7) All windows and doors, at the rear of the premises, are to remain closed after 7pm, this includes the removal of refuse at the rear, unless otherwise agreed in writing with the City Council as Local Planning Authority.

Reason

To protect the current levels of residential amenity enjoyed by local residents of Lansdowne house, 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).

8) The development hereby approved shall be implemented in accordance with the scheme for the extraction of any fumes, vapours and odours as detailed on the approved drawings, stamped as received on 4th March 2010 and technical details, stamped as received on 4th March 2010. 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.

9) The flue shall be maintained at all times in accordance with the manufacturers specifications.

Reason

To protect the amenity of nearby residents from the adverse affects of fumes and odours pursuant to policies H2.2 and DC10 of the Unitary Development Plan for the City of Manchester

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.