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

Roots Restaurant
N/A

Agent (if used)

Juan Murray
NJL Consulting LLP
Adamson House
Towers Business Park
Wilmslow Road
Didsbury
Manchester
M20 2YY

Part 1 – Particulars of the application/development

Proposal: Variation of condition no.5 attached to 097095/FO/2011/N2 to allow extension of the hours of opening to Monday to Sundays (including Bank Holidays) 8.00am to 01.30am

Location: Roots Restaurant , 518 Hyde Road, Manchester, M18 7AA

Date of application: 16 October 2012

Application number: 100239/JO/2012/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).

Reason(s) for decision

It is considered that the proposal will generally accord with the policies contained within the Core Strategy, specifically Policies SP1, DM1, C2 and C4 of the Core Strategy, saved policy DC26 from the Unitary Development Plan and the principles set out in the National Planning Policy Framework in that the additional opening hours would not create any significant impacts on the residential amenities of nearby occupiers, would not create any detrimental impact on the operation of the adjacent district centre and generally the proposal would provide a facility within the area to the benefit of the wider surrounding community allowing the continuing regeneration of the locality.

Condition(s) attached to this decision

1) 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 - 01 received 31st August 2100; 02 received 31st August 2011; 03 received 7th September 2011, previously approved on the 24th November 2011.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, DM1, C2 and C4 of the Core Strategy, saved policy DC26 from the Unitary Development Plan.

2) Notwithstanding the details on the approved drawings before the authorised use commences a scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to security measure to be incorporated within the external elevations to the building including the provision of roller shutters the specification and colour treatment of which shall been approved in writing prior to their installation. The approved scheme shall be implemented in full unless otherwise agreed in writing by the City Council as local planning authority.

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

3) No development shall commence until a hard and soft landscaping treatment scheme has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise agree in writing by the City Council as local planning authority.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policy DM1 of the Core Strategy for the City of Manchester.

4) 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 Sunday (including Bank Holidays) 8.00am to 1.30am

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

5) Before the commencement of the use a servicing strategy shall be submitted to and approved in writing by the City Council as local planning authority relating to the undertaking of deliveries and collections, including waste collections, loading and unloading, which shall be carried out within the site and only between the hours of Monday to Saturday: 7.30 am and 8.00 pm Monday to Saturday, with no deliveries or collections on Sundays and Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with Policy DM1 of the Core Strategy and saved policy DC26.1 of the Unitary Development plan for the City of Manchester.

6) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policy DM1 of the Core Strategy for the City of Manchester.

7) 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 policy DM1 of the Core Strategy for the City of Manchester.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any order revoking and re-enacting that Order with or without modification) no part of the premises shall be used for any other purpose other than as a Class A3 restaurant of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose of Class A3.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local area pursuant to policy DM1 of the Core Strategy for the City of Manchester.

Informatives

This permission does not grant approval under Building Regulations.

Date: 16 November 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.