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 Rafique
999 Stockport Road
Levenshulme
Manchester
M19 2SY

Agent (if used)

Khawaja Planning Services
264 Apperley Road
Bradford
BD10 QPX

Part 1 Particulars of the application/development

Proposal: Change of use from shop (A1) to Hot Food Takeaway (A5) at ground floor level and associated new shopfront and extraction flue to rear

Location: 999 Stockport Road, Levenshulme, Manchester, M19 2SY

Date of application: 8 May 2013

Application number: 102002/FU/2013/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).

Article 31 Declaration

Officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

Reason(s) for decision

Approve on the basis that the proposal lies within the Levenshulme shopping centre, where the proposed A5 use is acceptable. The development contributes to the vitality of the district centre, secures a continued active use for the site and does not does not create an unacceptable impact upon local residents and therefore in accordance with the saved policies LL14, LL15, DC10 & E3.3 of the Manchester City Councils Unitary Development Plan, policies SP1, DM1, C10 and S04 of Manchester's Local Development Framework: The Manchester Core Strategy.

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: location plan received 22 March 2013; Plan refs: 13/1573/R1, 13/1573 /R2 and 13/1573/R3 received by e-mail dated 18th May 2013.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to saved policies LL14, LL15, DC10 & E3.3 of the Manchester City Councils Unitary Development Plan, policies SP1, DM1, C10 and C1 of Manchester's Local Development Framework: The Manchester Core Strategy.

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

Sundays to Thursdays 08:00 to 23:30, Fridays and Saturdays 08:00 to midnight.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to saved policies LL14, LL15, DC10 & E3.3 of the Manchester City Councils Unitary Development Plan, policies SP1, DM1, C10 and C1 of Manchester's Local Development Framework: The Manchester Core Strategy.

4) Before the use hereby approved commences, the external extraction flue hereby approved shall be painted in a colour which has been agreed in writing by the City Council as Local Planning Authority. The external extraction flue and any replacement shall be maintained in working condition and kept painted in the same colour permanently.

Reason - In the interest of visual amenity, pursuant to saved policies LL14, LL15, DC10 & E3.3 of the Manchester City Councils Unitary Development Plan, policies SP1, DM1, C10 and C1 of Manchester's Local Development Framework: The Manchester Core Strategy.

5) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to saved policies LL14, LL15, DC10 & E3.3 of the Manchester City Councils Unitary Development Plan, policies SP1, DM1, C10 and C1 of Manchester's Local Development Framework: The Manchester Core Strategy.

6) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences; any works approved shall be implemented before the use commences.

Reason - In the interests of the amenities of occupiers of nearby properties, pursuant to saved policies LL14, LL15, DC10 & E3.3 of the Manchester City Councils Unitary Development Plan, policies SP1, DM1, C10 and C1 of Manchester's Local Development Framework: The Manchester Core Strategy.

7) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to saved policies LL14, LL15, DC10 & E3.3 of the Manchester City Councils Unitary Development Plan, policies SP1, DM1, C10 and C1 of Manchester's Local Development Framework: The Manchester Core Strategy.

8) 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 residential accommodation, pursuant to saved policies LL14, LL15, DC10 & E3.3 of the Manchester City Councils Unitary Development Plan, policies SP1, DM1, C10 and C1 of Manchester's Local Development Framework: The Manchester Core Strategy.

9) Before the development commences a scheme for the storage and disposal of refuse shall 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.

New developments should have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

Reason - In the interests of amenity and public health, pursuant to saved policies LL14, LL15, DC10 & E3.3 of the Manchester City Councils Unitary Development Plan, policies SP1, DM1, C10 and C1 of Manchester's Local Development Framework: The Manchester Core Strategy.

10) Notwithstanding the submitted plans, a colour-coating scheme in respect of the roller shutters shall be submitted to and agreed in writing with the City Council as Local Planning Authority before they are installed. The agreed details shall be maintained, painted and retained permanently as such thereafter.

Reason - In the interests of visual amenity, , pursuant to saved policies LL14, LL15 & E3.3 of the Manchester City Councils Unitary Development Plan, policies SP1, DM1, C10 and C1 of Manchester's Local Development Framework: The Manchester Core Strategy.

11) Upon the occupation of the commercial units, any roller shutters on the frontage of the commercial units shall be open/raised on days that the businesses are open from 9.00 a.m. until the unit closes that same day.

Reason - In order to ensure that the appearance of the building is in keeping with the character of the area, pursuant to saved policies DC14 and E3.3 of the Unitary

Development Plan for the City of Manchester, and policies SP1 and DM1 of Manchester's Local Development Framework: The Manchester Core Strategy.

12) A litter bin of a size and type to be approved in writing by the City Council as local planning authority shall be installed on the forecourt of any premises falling within Class A1, and A5 use, before the use commences and shall remain there for so long as the use is in existence.

Reason - To maintain the quality of the street environment in the locality of the development in order to comply with saved Policies DC10.1, DC10.4 and DC10.5 of the Unitary Development Plan for the City of Manchester, and policies SP1 and DM1 of Manchester's Local Development Framework: The Manchester Core Strategy.

Informatives

This permission does not grant approval under Building Regulations.

Date: 3 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.