

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

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Bahman Samall Faraj
863-871 Stockport Road
Manchester
M19 3PW

Agent (if used)

Mrs Dawn Winterbottom
Plans Drawn
4 Swallow Close
Stalybridge
SK15 3LU

Part 1 – Particulars of the application/development

Proposal: Partial retention of ground floor restaurant and alteration to existing shopfront and rear elevations in association with ground floor sub-division to form a retail shop (Class E)

Location: 863-871 Stockport Road, Manchester, M19 3PW

Date of application: 19 August 2022

Application number: 134486/FO/2022

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 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, sufficient information has been provided to facilitate the appropriate assessment of the development and further negotiation was therefore not required.

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 received on 25 July 2022, 19 August 2022 and 15 October 2022:

Planning application forms (with description amended by Plans Drawn email of 15 October 2022)

Location plan with red edge

Proposed ground floor layout Ref 23

Proposed side and front view Ref: 24A

Proposed side and rear view Ref: 25A

Proposed site block plan Ref: 26A.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

3) The materials to be used in the reconfiguration of the shopfront as shown on drawings referenced Proposed side and front view Ref: 24A shall match the existing shopfront including details of the specification and colour of the external frame, glazing and doors and fittings. The implemented details shall be maintained in situ thereafter.

Reason - In the interests of visual amenity and character of the area, pursuant to policies SP1, EN1 and DM1 of the Core Strategy for the City of Manchester.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the ground floor of the application premises shall be used for any other purpose (including any other purpose in Class E 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 2015 (as amended), The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than for the operation of the authorised units as retail shops, cafes and restaurants and / or the provision of financial and professional services (Class E (a,b,c) uses).

Reason - To safeguard the amenities of the occupiers of nearby residential properties pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan.

5) The planning permission hereby granted relates to the use of the ground floor of 863-871 Stockport Road as two separate units as shown on drawing referenced: Proposed ground floor layout Ref 23, Proposed side and front view Ref: 24A and Proposed side and rear view Ref: 25A and occupied for purposes within Class E (a,b,c).

Reason - To safeguard the amenities of the occupiers of nearby residential properties pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan

6) The authorised ground floor restaurant or café and retail units (Class E) shall not be open outside the following hours:

Monday to Friday: 9.00 am to 10.30 pm;

Saturday: 9.00 am to 11.00 pm;

Sunday and Bank Holidays: 9.00 am to 10 .30 pm.

Reason - In interests of residential amenity and to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan.

7) Before the commencement of the ground floor restaurant uses, 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, including the external colour treatment of external flues. The approved scheme shall be implemented prior to the first use and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with saved policy of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy for the City of Manchester.

8) a) Before the occupation of the development, a scheme for acoustically insulating first floor residential accommodation against noise transfer and other identified noise sources, shall be submitted to and approved in writing by the City Council as local planning authority.

b) Prior to occupation of the first floor flat, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan.

9) a) Before the occupation of the development, any externally mounted ancillary plant, equipment and servicing required as part of the development shall, prior to its installation, be related to a scheme of acoustic insulation to be submitted to and approved in writing by the City Council as local planning authority. The scheme shall achieve a satisfactory typical background noise level at the nearest noise sensitive location and be implemented prior to the occupation of the development.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan.

10) Before the occupation of the development, 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, including details of

an agreed contract with a licensed waste removal contractor and detailing the siting, appearance, specification and capacity of bin enclosures to be sited within the rear yard. The approved scheme shall be fully implemented before the occupation of the development and maintained in situ thereafter.

Reason - In the interests of residential amenity pursuant to policies SP1, DM1 and EN19 of the Core Strategy for the City of Manchester and the guidance within the National Planning Policy Framework.

11) Before the occupation of the development, a site management scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to the arrangements for presenting waste and recycling containers / bins to a designated collection point and their return to the designated bin storage areas and for the sweeping and removal of litter from the frontage of the application site at the end of night-time trading (Monday to Sunday, including Bank Holidays). The approved scheme shall be fully implemented upon first occupation of any part of the authorised development and remain in place thereafter.

Reason - In the interests of residential amenity pursuant to policies SP1, DM1 and EN19 of the Core Strategy for the City of Manchester and the guidance within the National Planning Policy Framework.

12) Before the occupation of the development, a scheme shall be submitted to and approved in writing by the City Council as local planning authority detailing the siting, appearance and specification of secure cycle enclosures for the occupants of the development to be sited within the rear yard. The approved shall be fully implemented before the occupation of the development and maintained in situ thereafter.

Reason - In the interests of residential amenity and to encourage alternatives to private car usage pursuant to policies SP1, T1, T2 and DM1 of the Core Strategy for the City of Manchester.

13) Upon occupation of the development, any roller shutters on the frontage of the related unit at 863 - 871 Stockport Road shall be open / raised on days that the business is trading before 9.00 am until the unit closes on that same trading day.

Reason - In interests of residential amenity and to safeguard the appearance and character of Levenshulme District Centre, pursuant to policies SP1, C2, C10 and DM1 of the Core Strategy for the City of Manchester and saved policy E3.3 of the Unitary Development Plan for the City of Manchester.

14) The planning permission hereby granted does not confer planning permission for the enclosure of first floor windows within the rear elevation of 863 - 871 Stockport Road.

Reason - For the avoidance of doubt and in the interests of residential amenity, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Informatives

Building Regulations 2010

This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Guidance for developers can be found via the following link:

http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

The following security measures are recommended:

- i. Any new external fittings should meet Secured by Design standards.
- ii. Any new glazing in external doors and ground floor / easily accessible windows should include at least one pane of laminated glass to and appropriate security specification.

Date: 15 March 2024

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

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, they may appeal to the 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 gov.uk website – www.gov.uk/appeal-planning-decision The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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 or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they 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 Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.