

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 Yuksel Redzheb Hasan
Flat 8
16 Larch Garden
Manchester
M8 8BJ

Agent (if used)

Dr Amir Nankali
AMA UK Consultancy Ltd
1 Ensign Business Centre
Westwood Way
Westwood Business Park
Coventry
CV4 8JA

Part 1 – Particulars of the application/development

Proposal: Change of use from retail (Use class E) to restaurant and hot food takeaway (Sui Generis) and installation of flue to the rear

Location: Ground Floor, 455 - 459 Wilmslow Road, Manchester, M20 4AN

Date of application: 20 July 2023

Application number: 137509/FO/2023

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 collaborated with the applicant in a positive and proactive manner. The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan, and other material considerations. Issues have arisen during the consideration of this application however the officer and applicant amicably resolved these issue through negotiation.

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:

- a. Drawing - Location Plan 07 Jul 2023 AMA 822-001 SITE LOCATION PLAN
- b. AMA822-001-Site and location plan (Bin location) - 23 Aug 2023
- c. AMA822-003 Rev D - Proposed Plans and elevations 27-11-23 - 27 November 2023
- d. Design & Access Statement 07 Jul 2023 DESIGN AND ACCESS STATEMENT
- e. Environmental application for 455-457 Wilmslow Road Manchester - 23 Aug 2023
- f. Waste Management Strategy statement July 2023 - 23 August 2023

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.

3) The materials to be used on the external surfaces hereby permitted shall match those as specified on the application form in type, size, colour, and texture.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the structure. Pursuant to policies DM 1, SP 1 and EN 1 of the Core Strategy.

4) The authorised development relates the use of the ground floor of 455-459 Wilmslow Road for use as a restaurant and hot food takeaway (Sui Generis) with opening hours:

- a. Sit in Restaurant: 10:00 to 23:00
- b. Takeaway and collection: 12:00 to 22:30

Reason - For the avoidance of doubt and in the interests of local amenity, pursuant to policies DM 1, SP 1, C 6, C10, and EN 1 of the Manchester Core Strategy and DC10 and DC26 of the Extant Unitary Development Plan.

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

- a. 07:30 to 20:00, Monday to Saturday,
- b. no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policies DM 1, SP 1, C 6, C10, and EN 1 of the Manchester Core Strategy and DC10 and DC26 of the Extant Unitary Development Plan.

6) Notwithstanding the approved plans, a scheme for the design and install of internal roller security shutter should be submitted to and approved in writing by the City Council as local planning authority. The shutters shall be open between the hours of 9- 5pm Monday to Friday.

Reason: To ensure the security of the premises and wider district centre pursuant to policies DM 1, SP 1, C 6, C10, EN 3 of the Manchester Core Strategy and DC18 of the Extant Unitary Development Plan.

7) Prior to commencement of the use hereby approved, confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme detailed in the submitted document entitled 'INFORMATION TO SUPPORT A PLANNING APPLICATION FOR A COMMERCIAL KITCHEN AT 455-459 WILMSLOW ROAD MANCHESTER M20 4AN', has been implemented and a risk assessment has been completed to confirm that the proposed system is suitable for the premises in

terms of type of food produced, numbers of covers and location of extract termination point etc.

Reason - In the interests of the amenities of occupiers of nearby properties pursuant to policies DM 1, SP 1, C 10, EN 1 and EN 16 of the Manchester Core Strategy and DC 10 & DC 18 of the Extant UDP.

8) Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

- a. Monday - Friday: 7.30am - 6pm
- b. Saturday: 8.30am - 2pm
- c. Sunday / Bank holidays: No work

Reason - To safeguard the amenities of nearby residents pursuant to policies DM 1, SP 1, C 10, EN 1 and EN 16 of the Manchester Core Strategy and DC10, DC18, and DC26 of the Extant UDP.

9) a. The premises shall be acoustically insulated and treated to limit the breakout 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 or as otherwise agreed in writing by the City Council as local planning authority.

i. Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

b. Prior to occupation of the development a verification report will 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 DM 1, SP 1, C 10, EN 1 and EN 16 of the Manchester Core Strategy and DC10, DC18, and DC26 of the Extant UDP.

10) a. Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be 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. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

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 DM 1, SP 1, C 10, EN 1 and EN 16 of the Manchester Core Strategy and DC10, DC18, and DC26 of the Extant UDP.

11) The details of the approved waste scheme, as outlined in the document entitled 'Waste Management Strategy statement' and 'AMA822-001-Site and location plan (Bin location)' 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 amenity and public health pursuant to policies DM 1, SP 1, C 10, EN 1, EN 16, EN 19 of the Manchester Core Strategy and DC10, DC18, and DC26 of the Extant UDP.

12) Secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of 2 staff/ visitor cycles. Prior to occupation details of said cycle parking shall be submitted to and approved in writing by the local planning authority, the spaces shall then be retained for as long as the use is in place.

Reason - To safeguard the amenities of nearby residents and to encourage the modal shift to sustainable forms of transport pursuant to policies DM 1, SP 1, EN 1 and T 1 of the Manchester Core Strategy and DC10, DC18, and DC26 of the Extant UDP.

13) Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the development here approved shall be used as follows:

Restaurant and Hot Food Takeaway (Sui Generis) in accordance with floor plans reference AMA822-003 Rev D - Proposed Plans and elevations 27-11-23 - 27 November 2023

Reason - To ensure that the development is used solely for the intended purpose to safeguard the character of the area pursuant to policies SP1, EC7 and DM1 of the Manchester Core Strategy (2012).

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

The applicant confirms that the total number of expected take-aways is 30-40 per day (3-4 per hour) and will be operated by Uber Eats. It is recommended delivery vehicles park in the car park at the rear of the site and cyclists are to be asked/reminded not to park on the footway.

The applicant should be advised that any requirements for licensing, hoarding/ scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Contact Manchester (Tel: 0161 234 5004 / Email: highwaylicences@manchester.gov.uk).

Date: 1 December 2023

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.