

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 Ayokunle Alade
Merry Kidz Childcare Ltd
The Pineapple
Garratt Way
Manchester
M18 8HE

Agent (if used)

Simon Plowman
Plan:8 Town Planning Ltd
G7 44 Europa Business Park
Stockport
SK3 0XA

Part 1 – Particulars of the application/development

Proposal: Change of use from car hire place (sui generis) to day nursery with associated siting of single storey portable building

Location: 131 Ashton Old Road, Manchester, M12 6LE

Date of application: 20 May 2022

Application number: 132579/FO/2021

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, further details have been sought to ensure that air quality issues have been appropriately addressed and the layout of the external areas have the capacity to be satisfactorily managed and landscaped. On this basis, it is considered that the application has been supported with sufficient detail to facilitate its appropriate assessment.

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 stamped as received by the City Council as local planning authority on: 10 January 2022, 4 March 2022, 25 April 2022 and 20 May 2022:

Location plan with a red edge

Existing site plan Ref: 9472/01

Proposed site plan Ref: 9472/02 Rev C

Plans and elevations of existing and proposed Ref: 9472/03 Rev A

Proposed playground layout and bin enclosure and cycle shelter details Ref: 9472/04

Planning Statement 131 Ashton Old Road dated 23 December 2021 by Plan8:Town Planning Ltd.

Proposed nursery development of Ashton Old Road: Transport Statement Report No J1368/TS dated December 2021 by DTPC.

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) 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 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 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 as a day nursery for the care of no more than 65 children between the ages of 0 and 4 years (inclusive) at any one time.

Reason - In the interests of residential amenity, to safeguard the character of the area pursuant to policies SP1, DM1 and T1 of the Core Strategy for Manchester, saved policy DC26 of the Unitary Development Plan and the guidance contained within the National Planning Policy Framework.

4) The portable single storey building as indicated on approved drawing referenced shall only be sited for a temporary period of five years from the date of the planning permission hereby granted. Prior to the expiry of the temporary approval, the portable building shall be removed and the site reinstated in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority.

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

5) The premises shall not be open for the purposes of childcare or otherwise open to the public outside the following hours:

Monday to Sunday (including bank holidays): 6.00 am to 9.00 pm.

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

6) Deliveries, servicing and collections, including waste collections, shall not take place outside the following hours: 7.30 am to 8.00 pm, Monday to Saturday with no deliveries / waste collections on Sunday or Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy for the City of Manchester.

7) The development shall be implemented in accordance with the detail of document referenced: Proposed nursery development of Ashton Old Road: Transport Statement Report No J1368/TS dated December 2021 by DTPC.

Reason - In the interests of pedestrian and highway safety and residential amenity, pursuant to policies SP1, DM1 and T1 of the Core Strategy for the City of Manchester.

8) The car parking area as shown on approved drawing Proposed site plan Ref: 9472/02 Rev C shall be surfaced, demarcated (including the provision of an identified pedestrian route through car park) and available of use upon commencement of the authorised development. The demarcated car parking area shall be subsequently available whilst the development is in operation.

Reason - In the interests of pedestrian and highway safety and residential amenity, pursuant to policies SP1, DM1 and T1 of the Core Strategy for the City of Manchester.

9) The car parking areas shall only be used in conjunction with the authorised day nursery (Class E) and for no other purpose, including event and match day car parking.

Reason - In the interests of pedestrian and highway safety and residential amenity, pursuant to policies SP1, DM1 and T1 of the Core Strategy for the City of Manchester.

10) Before the occupation of the development finalised detailed drawings of the highways works, as shown on drawing: Proposed site plan Ref: 9472/02 Rev C relating to Viaduct Street, shall be submitted to and approved in writing by the City Council as local planning authority. The development shall not be occupied until the works have been constructed in accordance with the approved details, which shall be maintained in situ at all times thereafter.

Reason - In the interests of pedestrian and highway safety and residential amenity, pursuant to policies SP1, DM1 and T1 of the Core Strategy for the City of Manchester.

11) Before the occupation of the development elevational details of the cycle storage enclosure as detailed on drawings referenced: Proposed site plan Ref: 9472/02 Rev C and Ref: 9472/03 Rev A and Proposed playground layout and bin enclosure and cycle shelter details Ref: 9472/04 shall be submitted to and approved in writing by the City Council as local planning authority. Upon occupation of the development the authorised enclosure and the specified five Sheffield type cycle storage racks, shall be erected and installed and be available for use at all times thereafter.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy for the City of Manchester.

12) The development shall be undertaken in accordance with the details of document referenced: Full travel plan: Proposed nursery development of Ashton Old Road dated

December 2021 Ref: J1368/FTP Rev A, including the undertaking of a travel survey 3 months after occupation and an 18 month monitoring report that shall also review the suitability and effectiveness of drop of and collection arrangements, which will be submitted to and approved by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times whilst the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel, pursuant to policies SP1, T2 and DM1 of the Core Strategy for the City of Manchester and the Guide to Development in Manchester SPD (2007).

13) The development hereby approved shall be undertaken in accordance with the recommendations of document ref: Air Quality Assessment for 131 Ashton Old Road Report date 25 April 2022 Report No 102710v3 by Miller Goodall, including the measures specified in Section 10 Mitigation. Before the occupation of the development a verification report shall be submitted to and approved in writing by the City Council as local planning authority confirming the implementation agreed measures, including the provisions of electrical vehicle charging points achieving a capacity of no less than 7kw/H. The specified measures shall be implemented upon occupation of the development and maintained in situ at all times thereafter.

Reason - In the interests of residential amenity and the contribute to the reduction of carbon emissions and improve air quality, pursuant to policies SP1, EN16 and DM1 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.

14) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied during the watching brief, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy for the City of Manchester and guidance contained within the National Planning Policy Framework.

15) Before the occupation of the development, a hard and soft landscaping treatment scheme shall be submitted to and approved in writing by the City Council as local planning authority. The scheme shall include detailed specifications of tree and shrub planting and measures screen fencing to authorised play areas. 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.

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 policies SP1, EN9 and DM1 of the Core Strategy for the City of Manchester

16) Before the occupation of the development, details shall be submitted to the City Council as local planning authority relating to any soils imported for use in the landscaped area / planters shall be validated as suitable for such use. A post completion report shall be submitted to and approved in writing by the City Council as local planning authority verifying that specified soils have been implemented as part of the development and maintained to the agreed standard at all times thereafter.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety. Pursuant to SP1, EN18 and DM1 of the Unitary Development Plan for the City of Manchester.

17) Before the occupation of the development, fencing to indicated on approved drawing ref: Plans and elevations of existing and proposed Ref: 9472/03 Rev A shall be fully implemented and maintained in situ at all times thereafter.

Reason - In order to ensure appropriate site security and in the interests of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

18) Notwithstanding the detail of drawings referenced: Proposed playground layout and bin enclosure and cycle shelter details Ref: 9472/04 and before the occupation of the development, detailed arrangements for the provision of segregated waste and recycling bins with confirmation of storage enclosure capacities (to accommodate all required bins), shall be submitted to and approved in writing by the City Council. The approved details shall be implemented upon occupation of the development and maintained in situ at all times thereafter.

Reason - In the interests of amenity and to secure appropriate arrangements for the storage and collection of segregated waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

19) Waste and recycling bins relating to the development shall only be positioned on the highway on the day of collection, returned to the bin storage area on the same day and not stored outside the site at any other time.

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.

20) If any lighting installed as part of the development, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as local planning authority.

Reason - To minimise the impact of the illumination of lighting on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

21) Before occupation of the development, details of the proposed surfacing materials, including permeability specifications, to all external play areas, as shown on drawings referenced: Proposed site plan Ref: 9472/02 Rev C and Proposed playground layout and bin enclosure and cycle shelter details Ref: 9472/04, shall be submitted to and approved in writing by the City Council as local planning authority. The surface treatments shall be implemented prior to the play areas being brought into use and maintained in situ at all times thereafter.

Reason - In the interests of residential amenity, public safety and to ensure appropriate land mitigation measures pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

22) Development shall not begin until a surface water drainage layout for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details and details provided of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy for the City of Manchester.

23) a) Before its installation, any equipment relating to the extraction of fumes, vapours and odours, required in support of the authorised development, shall be related to a scheme to be submitted to and approved in writing by the City Council as local planning authority.

b) Following its installation confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented in full. The installed equipment shall be maintained in situ in accordance with approved scheme at all times thereafter.

24) a) Before its installation, any externally mounted ancillary plant, equipment and servicing required in support of the development shall be selected and/or acoustically treated in accordance with a scheme, to be submitted to and approved in writing by the City Council as local planning authority, that demonstrates a satisfactory noise rating below the typical background (LA90) level at the nearest noise sensitive location.

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 nonconformity 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.

25) Before the occupation of the development, the measures specified in document referenced 'Statement to reduce the risk of crime and measures to improve security'

stamped as received by the City Council as local planning authority on 23 December 2021 shall be fully implemented and maintained in situ at all times thereafter.

Reason - To reduce the risk of crime pursuant to policies SP1, EN1 and DM1 of the Core Strategy for Manchester and to reflect the guidance contained in the National Planning Policy Framework.

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

Mining Information

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Information for Developers guidance documents can be downloaded using the following link:

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

Before the installation of any required fume extraction equipment, the developer is advised that a consultation with a suitably qualified ventilation engineer be undertaken and a kitchen fume extract strategy report submitted for approval as required by condition 22. The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated September 2018. Details should also be provided in relation to replacement air.

Vehicular access to the site is gained from the existing access to the car park from Viaduct Street. It is noted that an existing vehicular crossover is present in this location in order to facilitate this access. If the existing access is to be upgraded, a Section 184

vehicle crossing licence/agreement will be required which will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

A new 2 metre wide path will be installed along Viaduct Street, which will link Ashton Old Road to Viaduct Street. It is understood that this 2 metre path will be located on the unadopted highway. If adoption is required the highway will need to be carried out under a S38 Agreement (Highways Act 1980) to ensure that all elements of new highway infrastructure are constructed to acceptable and adoptable standards.

The applicant will be required to enter into a Section 278/184 agreements for the alterations to the existing highways, and for construction of the proposed vehicular access and dropped kerbs on Viaduct Street and will require a crossing licence/agreement. This will require the agreement with MCC's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004). This will need to be funded at the applicant's expense.

Date: 14 July 2022

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written over a horizontal line.

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/planning-inspectorate. 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.

Appendix A



The Coal
Authority

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/government/organisations/the-coal-authority

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

This Standing Advice is valid from 1st January 2021 until 31st December 2022