

**Town and Country Planning Act 1990**

**PLANNING PERMISSION**

Name and address of applicant/agent:  
Mr T Evitt



Date of Application: 28th November 2020

Date of Decision: 1st February 2021

Application Number: 20/01156/FUL

**Particulars of details submitted for approval:**

Proposed change of use of land to public house use with shelter. (10.00am - 10.30pm)

Jolly Carter Inn, 231 Manchester Road, Droylsden, Manchester Tameside.

The Tameside Metropolitan Borough Council hereby gives notice that permission has been granted for the carrying out of the development referred to above, subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:
 

The Location Plan,

ref. 2076 PL02 P4 - Proposed Site Plan,

ref. 2076 PL03 P2 - Canopy Details and Elevations, and

The Planning Design and Access Statement, dated November 2020,

received on 28.11.2020; and,

The Noise Impact Assessment undertaken by YAcoustics, reference YA231.P1, dated 25th November 2020, received on 28.12.2020.
3. No development shall commence until full design details of the mitigation measures recommended in the Noise Impact Assessment undertaken by YAcoustics, reference YA231.P1, dated 25th November 2020, have been submitted to, and approved in writing by, the local planning authority. The design details shall include plans showing the manufacturers specification, including mass, of the acoustic fencing and Perspex roof to be installed. All of the mitigation measures shall be installed in accordance with the approved details prior to the extended outdoor seating area, or beer garden, hereby approved being first brought in to use and shall be retained as such thereafter.
4. No development shall commence until full details of the proposed planting indicated on the approved plan ref. 2076 PL02 P4, and referred to the Planning Design and Access Statement, has been submitted to, and approved in writing by, the local planning authority. The approved scheme of planting shall then be implemented before the development is brought in to use. Any newly planted trees or plants forming part of the approved scheme which, within a period of 5 years from the completion of the planting, are removed, damaged, destroyed or die shall be replaced in the next appropriate planting season with others of similar size and species by the developer unless the local planning authority gives written consent to any variation

5. During construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 21:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
6. The extended outdoor seating area, or beer garden, hereby permitted shall not be used outside the hours of 10:00 to 22.30 on any day.
7. No public address system, television set, amplified music, or musical instrument shall be relayed to, or played in the, extended outdoor seating area, or beer garden hereby permitted.

The reasons for the conditions are:

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To protect the amenities of occupants of nearby dwelling houses
4. Because these details are not included in the application submission, in the interest of visual amenity and to protect the newly created local environment in order to allow for maturity.
5. To protect the amenities of occupants of nearby dwelling houses
6. To protect the amenities of occupants of nearby dwelling houses
7. To protect the amenities of occupants of nearby dwelling houses

#### NOTES FOR APPLICANT

##### REASON FOR GRANTING PLANNING PERMISSION

Statement under Article 35 (2) of the Town and Country Planning (Development Management Procedure) England Order 2015 (as amended): The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

Dated: 1st February 2021



Jayne Traverse  
Director of Growth

THIS PERMISSION IS ONLY FOR THE PURPOSES OF THE REQUIREMENTS OF THE TOWN AND COUNTRY PLANNING ACTS AND IS NOT AN APPROVAL UNDER THE BUILDING REGULATIONS OR FOR ANY OTHER STATUTORY PROVISION

## NOTES

### a) Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- Generally, if you wish to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. However;

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. 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 can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

### b) Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment 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 can he 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 the Town and Country Planning Act 1990.

**c) Compensation**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 120 of the Town and Country Planning Act 1990.

# IMPORTANT

## COMPLIANCE WITH CONDITIONS

- Enclosed is your planning approval. It may contain conditions that you must comply with.
- Before starting work please read the conditions and understand their requirements and restrictions.
- Some conditions require action **before** the start of the development e.g. agreement of external materials. These conditions **must** be formally discharged before work commences.
- You can apply to discharge conditions via the planning portal website at [www.planningportal.co.uk](http://www.planningportal.co.uk).
- If you fail to discharge and/or comply with the conditions, this may lead to enforcement action being taken against the development.
- It is in your interests to demonstrate that conditions have been discharged and/or complied with. Failure to do so could cause difficulties if the property is sold or transferred.