



IMPORTANT

Planning Permission and 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 required to protect trees.
- Some conditions will require action before you start the development and it is imperative that you seek to have these discharged before any work commences.
- 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.
- For advice on any of these matters, please contact the Planning Service, Manchester City Council, PO Box 463, Manchester M60 3NY or email planning@manchester.gov.uk

Town and Country Planning Act 1990

PLANNING PERMISSION



MANCHESTER
CITY COUNCIL

Name and Address of Applicant

Name and Address of Agent

Artisan Regeneration Ltd
1 George Leigh Street
Manchester
M4 5DL

Arconia
1 George Leigh Street
Manchester
M4 5DL

Part I – Particulars of Application

Date of Application

Application ref. no.

31 July 2007

083957/FO/2007/N1

Particulars and location of development:

Elevational alterations to previously approved building (073431/FO/2004/N1) in conjunction with creation of 56 apartments, 7 offices and ancillary car parking, within a maximum 7 storey building (retrospective application)

Express Networks Phase III
Oldham Road
Ancoats
Manchester
M4 5FE

Part II – Particulars of Decision

The Manchester City Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 of the following decision

Decision Approved

Approve in light of the development plan, including policies EM8 (high density mixed uses having regard to Conservation Area with many important listed buildings) E2.7 (preserve and enhance the setting of listed buildings) E3.8 (the Council wishes to enhance the appearance of conservation areas) DC18 (the Council will give particularly careful consideration to development proposals within Conservation areas) DC19 (preserve and enhance the settings of listed buildings) H2.2 (the Council will assess the impact of proposals on the amenities of occupiers of existing residential accommodation) H2.7 (new housing schemes will be expected to be of a high standard of design and make a positive contribution towards improving the City's environment) I3.1 (new commercial development will

be expected to be of a good standard of design) of the Unitary Development Plan for the City of Manchester (adopted 1995), policy UR4 (land recycling targets) of the Regional Planning Guidance for the North West (RPG13) the Guide to Development in Manchester and Supplementary Planning Guidance for Ancoats, on the basis that the proposal would not have a significant detrimental effect on neighbouring occupiers or visual amenity, and there are no material planning considerations of sufficient weight to indicate otherwise.

Date of Decision 12 September 2007

for the carrying out of development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

Part III – Conditions and Reasons

1) The development hereby approved shall be carried out in accordance with the drawings numbered PL01, PL02, PL03, PL04, PL05, PL06, PL07, PL08, PL09, PL10, PL11q, PL13, PL14, PL15 and PL16 and the Planning Statement and Appendix A each date stamped as received by the local planning authority on 23 July 2007, and drawing no. pl2p date stamped as received by the local planning authority on 23 August 2007, unless otherwise agreed in writing by the City Council as local planning authority.

Reason

To ensure that the development is carried out in accordance with the approved plans, pursuant to policies EM2, EM8, H2.7, I3.1, E3.5, DC7, DC9 and H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

2) The development hereby approved shall include a building lighting scheme and a scheme for the illumination of external areas during the period between dusk and dawn, or as may be otherwise agreed in writing by the City Council as local planning authority. Full details of such a scheme shall be submitted to and approved in writing by the local planning authority before the development's first occupied. The approved scheme shall be implemented in full before the development is first occupied unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of amenity, crime reduction and the personal safety of those using the proposed development, pursuant to policies H2.7 and E3.8 of the Unitary Development Plan for Manchester (adopted 1995).

3) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason

To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to policies H2.7 and T2.6 of the Unitary Development Plan for Manchester (adopted 1995).

4) No part of the development shall be occupied until secure space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. These facilities shall then be retained and permanently reserved for bicycle parking.

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, pursuant to policies T3.1 and T3.7 of the Unitary Development Plan for Manchester (adopted 1995)

5) Before development is first occupied, a scheme for the extraction of any fumes, vapours and odours from within the commercial units hereby approved shall be submitted to, and approved in writing by, the City Council as Local Planning Authority.

Reason - In the interests of the amenities of the occupiers nearby properties, pursuant to policy H2.2 of the Unitary Development Plan for Manchester (adopted 1995)

6) Before the development is first occupied a scheme for acoustically insulating the proposed residential accommodation against noise from Oldham Road and other uses within the building shall be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Reason

To secure a reduction in noise from Oldham Road and other uses within the building in order to protect future residents from noise nuisance, pursuant to policy DC26 of the Unitary Development Plan for Manchester (adopted 1995)

7) Before the development hereby approved is first occupied, the building, together with 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 equipment.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies H2.2 and DC26 of the Unitary Development Plan for Manchester (adopted 1995)

8) No part of the development shall be occupied until a waste management strategy has been 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 place whilst the use or development is in operation, unless otherwise agreed in writing by the City Council as local planning authority.

Reason - In the interests of amenity and public health, pursuant to policies H2.2 and H2.7 of the Unitary Development Plan for Manchester (adopted 1995)

9) Before the development hereby approved is first occupied a report to assess the likely extent of any ground contamination and/or ground gas being present on or affecting the site shall be submitted to and approved in writing by the City Council as local planning authority. Any necessary site investigations shall then be carried out according to a scheme to be agreed with the City Council as local planning authority and implemented in accordance with the approved scheme.

Reason

To ensure that the presence of or the potential for any contaminated land/ground gas is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policy H2.1 of the Unitary Development Plan for Manchester (adopted 1995).

10) The development shall not be occupied unless accreditation, confirming achievement of the Secured by Design standards in respect of the development has been issued by Greater Manchester Police, unless otherwise agreed in writing by City Council as local planning authority.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

11) Before the development is first occupied, studies containing the following with regard to television reception in the area containing the site shall be submitted to and approved in writing by the City Council as local planning authority:

1. Identify such measures necessary to maintain at least the pre-existing level and quality of signal reception in the identified impact area in the previously submitted TV signal impact survey as arising from the development (ref. Taylor Bros, received by the local planning authority 25 October 2005). The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To ensure that the development at least maintains the existing level and quality of television signal reception, as advised in Planning Policy Guidance Note 8: Telecommunications.

12) Before the development is first occupied, full details including scaled elevations, plans and cross section drawings of temporary infill panels to the ground floor fronting Oldham Road and Luna Street shall be submitted to, and approved in writing by, the City Council as local planning authority. The detail submitted shall include an explanation, in drawings or text, of how the proposed works will resist fly-posting and graffiti, and how they will be maintained in good condition. Any works approved in discharge of this condition shall be implemented in full before any part of the development is first brought into use, or by such time as may be agreed with the City Council as local planning authority. The strategy for maintaining the infills in good condition shall be operational at all times until the temporary infills are removed from the site.

Reason

In the interests of visual amenity and to ensure that the frontage treatment of the units before occupation has a good appearance within the street, and that this good appearance is maintained, pursuant to policies EM8, E3.3 and E3.8 of the Unitary Development Plan for Manchester (adopted 1995)

13) The roller shutters or security grilles hereby approved shall be of an open grille construction, with the housing for the mechanism recessed behind the plane of the wall where the mechanism is to be located.

Reason

In the interests of visual amenity, pursuant to policies DC18.1 and E2.7 of the Unitary Development Plan for Manchester (adopted 1995)

14) Prior to first occupation of the development, full details of pedestrian visibility splays, including mechanisms for any "mirror/ CCTV" systems for the monitoring of pedestrian/ traffic movements outside the site shall be submitted to, and approved in writing by the City Council as local planning authority. The development shall be implemented in accordance with the approved details.

Reason

In the interests of pedestrian and vehicular safety, pursuant to policies H2.7 and EM8 of the Unitary Development Plan for Manchester (adopted 1995)

15) The first use of each of the commercial units to be implemented shall thereafter be the permitted use of that unit and any further change of use may be the subject of the requirement of a new application for planning permission subject to the requirements of the Town and Country Planning (General Permitted Development) Order 1995.

Reason

For the avoidance of doubt and in order to secure a satisfactory form of development pursuant to policies EM8 and H2.2 of the Unitary Development Plan for Manchester (adopted 1995)

16) Prior to first occupation of the development, details of measures to ensure satisfactory vehicular access to and from Henry Street shall be submitted to and approved by the City Council as local planning authority. The approved scheme shall be implemented prior to first occupation of the development.

Reason

In the interests of public safety, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

17) The commercial units hereby approved at ground, mezzanine and first floors shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

0830-1800 Monday to Friday.

Deliveries, servicing and collections associated with the commercial units shall not take place outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:

0730-2000 Monday to Saturday
1000-1800 Sundays and bank holidays.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

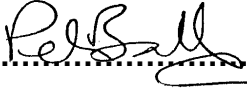
18) The development hereby approved shall seek to achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'very good' or 'excellent' and at least three star sustainability rating under the code for sustainable homes for those elements of the development which are residential in nature. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before any of the buildings hereby approved are first occupied.

Reason - In order to minimise the environmental impact of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, policies ER13 and DP3 of Regional Planning Guidance for the North West (RPG13) and the principles contained within The Guide to Development in Manchester 2 SPD and Planning Policy Statement 1.

19) Details of a Travel Plan, with the objective of promoting sustainable travel, and including particulars of its implementation and monitoring of effectiveness and how measures to improve effectiveness shall be implemented, shall be submitted to and approved in writing by the City Council as local planning authority prior to first occupation of the development. For so long as the use is in operation the local

planning authority shall be provided with such information as specified in the Travel Plan and all measures that are identified that can improve the effectiveness of the Travel Plan shall be adopted and implemented within a timescale agreed in writing by the local planning authority.

Reason - In order to promote sustainable travel to and from the site, pursuant to policy E1.1 of the Unitary Development Plan for the City of Manchester (adopted 1995) and in accordance with central government guidance contained within PPG13.

Signed 

Peter Babb, Head of Planning

on behalf of the Council
Town Hall,
Manchester M60 3NY

NOTES

1. Leaflets attached:

2. 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.

3. 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/pes. 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.

4. 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.

5. If either the local planning authority or 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

6. 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.