MANCHESTER CITY COUNCIL

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

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Bamberger
Urban and Rural Estates
Heaton House
148 Bury Old Road
Manchester
M7 4SE

Agent (if used)

Mr David Bitan
Debtal Architecture Ltd
72 Bury New Road
M25 0JU

Part 1 – Particulars of the application/development

Proposal: Erection of an additional floor to create 8 no. x 2 bedroom flats to form 44 no. flats in total (Class C3) together with elevation alterations involving the recladding of existing building and creation of new parking area

Location: Berkeley Court , 150 Bury Old Road, Manchester, M7 4QZ

Date of application: 21 November 2017

Application number: 117954/FO/2017

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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

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) Notwithstanding details submitted, no above ground development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and

approved in writing by the City Council as local planning authority. The development shall only be implemented in accordance with the approved details.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

3) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawings numbered 001, 002, 005, 006 and 007 stamped as received by the City Council as Local Planning Authority on 23rd October 2017 and revised drawing numbered 008/2 received by the City Council as Local Planning Authority by e-mail dated 9th February 2018.

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.

4) Prior to first occupation of the additional flats hereby approved or within 12 months of work commencing which-ever is the sooner, the work approved to the existing building, which includes new cladding and windows as set out on plans numbered 001, 002, 005, 006 and 007 stamped as received by the City Council as Local Planning Authority on 23rd October 2017 shall be carried out and completed in full and thereafter retained.

Reason - In the interests of visual amenity and in order to protect the character of the conservation area, pursuant to saved policy DC18.1 of the Unitary Development Plan for the City of Manchester and policies EN3, DM1 and SP1 of the Manchester Core Strategy.

5) Notwithstanding details submitted, no development shall take place until there has been submitted to and approved in writing by the local planning authority a detailed plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to first occupation of the additional flats hereby approved. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located in order to comply with saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

6) Notwithstanding details submitted, no development shall commence until a hard and soft landscaping treatment scheme has been submitted to and approved in writing by the City Council as Local Planning Authority. This should include landscaping around the proposed parking area off Melton Road. The approved scheme shall be implemented not later than 12 months from the date the additional flats hereby approved 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.

7) The submitted waste management strategy as shown on drawing numbered 008/02 received by the City Council as Local Planning Authority by e-mail dated 9th February 2018 shall be fully implemented prior to first occupation of the additional flats herby approved and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of public health and residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

8) Before the development hereby approved commences a scheme for acoustically insulating the residential accommodation against noise from Bury Old Road 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 additional flat units are occupied.

Reason - To secure a reduction in noise from Bury Old Road and in order to protect future residents from noise nuisance, pursuant to saved policy DC26 of the Unitary Development Plan for the policies SP1, H1 and DM1 of the Core Strategy.

9) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)
(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

10) The parking areas indicated on drawing numbered 0008/2 received by the City Council as Local Planning Authority via e-mail dated 9th February 2018 shall be fully demarcated and surfaced prior to first occupation of the additional flats hereby approved.

Reason - To ensure sufficient off street parking for the development, pursuant to saved policy DC5 of the Unitary Development Plan for the City of Manchester and policies DM1, T2 and SP1 of the Manchester Core Strategy.

11) The additional flats hereby approved shall be occupied until 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. The approved space and 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 in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

12) Prior to the commencement of the development a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include:

- Display of an emergency contact number;
- Details of Wheel Washing;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Routing strategy and swept path analysis;
- Parking of construction vehicles and staff; and
- Sheeting over of construction vehicles.

The development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy.

13) The additional flats hereby approved shall not be occupied until there has been submitted to and approved in writing by the local planning authority, a plan indicating the design and material of a vehicular access gate to the car park area off Melton Road. The development shall only be carried out in accordance with the approved details and shall thereafter be retained.

Reason - In the interests of visual amenity and security, pursuant to policies DM1, EN3 and SP1 of the Manchester Core Strategy.

14) Prior to first occupation of the additional flats hereby approved, a Management Plan for the operation and management of both car park areas shall be submitted to and approved in writing by the City Council as Local Planning Authority. Details shall include how spaces are to be allocated. The development shall only be occupied in accordance with an agreed Management Plan which shall remain in operation so long as the development is occupied.

Reason - To prevent unauthorised parking and to ensure there is sufficient parking provision for residents of the development, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

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.

The applicant should design and construct drainage to prevent the increased risk of flooding in order to improve and protect water quality and ensure future maintenance of surface water drainage

Construction and demolition works should be confined to the following hours:

Monday to Friday 07.30 to 18.00 hrs.
Saturdays 08.30 to 14.00 hrs.
At no time on Sundays and Bank Holidays

The creation of a vehicle crossover off Melton Road will will need to be progressed via a S.278 agreement. The applicant/owner should contact the Highways section of the City Council on how to proceed prior to the creation of a vehicular access.

If bats are found at any time during the works, then work should cease immediately and advice sought from a suitably qualified bat ecologist.

Date: 12 March 2018

Signed: 

Julie Roscoe
Head 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-inspectorate. The Inspectorate will publish details of your appeal on the internet.

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 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.

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 of 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 2017 until 31st December 2018