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 David Holland
Arcon Housing Association
12 Lloyd Street
Manchester
M2 5ND

Agent (if used)

Mr Mark Taylor
Watts Group PLC
St James House
7 Charlotte Street
Manchester
M4 4DZ

Part 1 Particulars of the application/development

Proposal: Variation of conditions 3 and 30 of planning permission 098086/FO/2011/N2, for the erection of 10 dwellings, to allow for render to be omitted and a replacement window in the side elavation of unit 6

Location: Former St Georges Church Site, Abbey Hey Lane, Gorton, Manchester, M18 8RB

Date of application: 29 May 2013

Application number: 102585/JO/2013/N2

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 31 Declaration

Officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

Reason(s) for decision

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 undertaken in accordance with the following materials and specifications:
Main Wall Areas (including chamber level soldier courses): Ibstock Priory Red facing brick;
Below DPC Brickwork; Blockley Charcoal Smooth and Pitched Roofs; Sandtoft Antiques slate grey roofing tile.

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: 115184/03 Rev B; 13-121-W03 A; 13-121-W04 A; 13-121-W05-A; 13-121-W06-A; 115184/03 Rev B.

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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (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 C3 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 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages, extensions or porches shall be erected other than those related to each phase of the residential elements of the development hereby authorised.

Reason - In the interests of residential amenity pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows, other than those shown on the approved drawings shall be inserted into the elevations of the extension.

Reason - In the interests of residential amenity pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

7) The development hereby approved relates to the formation of a total of 10 residential units (Class C3), as shown on the approved drawings.

Reason - In the interests of residential amenity pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

8) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of 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..

Reason - In order to minimise the environmental impact of the development pursuant to Policies EN8 and DM1 of the Core Strategy for Manchester, the principles contained within the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance and the guidance contained within the National Planning Policy Framework.

9) Before the completion of the development each phase of its implementation shall be related to a scheme detailing the measures incorporated into the development (or phase thereof) to demonstrate how 'secured by design' accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a 'secured by design' accreditation.

Reason - To reduce the risk of crime pursuant to Policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

10) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref: 115184/03 Rev B shall be implemented not later than 12 months from the date of commencement of works. 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 pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

11) Tree Protection and retention 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 5837 (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 and policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

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

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policies DM1 and T1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

13) Before the first occupation of the residential units hereby approved the external works to facilitate access for people with disabilities as shown on the approved drawings shall be implemented in full including the specified footpath routes, widths, levels, gradients and dropped kerbs.

Reason - To ensure that satisfactory disabled access is provided pursuant to Policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

13) The development hereby approved shall be undertaken in accordance with the waste management schedule referenced MLT/DJR/115184/NJG002600 and drawing numbered 115184/03 as approved by local planning authority letter dated 8 January 2013.

Reason - In the interests of residential amenity pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

14) Upon the commencement of the development as scheme shall be submitted to and approved in writing by the City Council as local planning authority detailing:

i. Provision of a complete site investigation report to include additional investigation post church demolition, asbestos survey, full text and appendices;

ii. Provision of a detailed ground gas risk assessment;
iii. Confirmation of Environment Agency approval for the controlled waters risk assessment and conclusions to be submitted;
iv. Provision of an updated risk assessment;
v. Provision of a detailed remediation strategy.

The development shall then be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised 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 Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

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 EN8 and DM1 of the Core Strategy for Manchester, policies EM16 and DP9 and the guidance contained within the National Planning Policy Framework.

15) The development hereby approved shall be undertaken in accordance with the schedule ref: MLT/DJR/1145184/HJG002600 indicates the works undertaken and on the basis that the site will be monitored over the course of the next 12 months to ensure that there is no reoccurrence of knotweed shoots in accordance with a mitigation scheme submitted to and approved in writing by the City Council as local planning authority.

Reason - To prevent the spread of Japanese Knotweed and in order to safeguard important wildlife habitats in the area, pursuant to policy E2.3 of the Unitary Development Plan for the City of Manchester.

16) The details of an emergency telephone contact number for the site manager shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are completed.

Reason - To prevent detrimental impact on the amenity of nearby residents, in the interests of local amenity and in order to comply with Policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

17) The wheels of contractors vehicles leaving the site and the access roads leading to the site shall be cleaned in with accordance Eden Building Design schedule referenced 'Site Setup' throughout the duration of the construction period.

Reason - In the interest of pedestrian and highway safety, as specified in Policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

18) The development hereby approved shall be undertaken in accordance with the noise attenuation measures, as specified in the submitted schedule referenced MLT/DJR/115184/NJG002600 as approved by letter dated 24th April 2013.

Reason - To secure a reduction in noise from Abbey Hey Lane, in order to protect future residents from noise nuisance, pursuant to Policy DM1 of the Core Strategy for Manchester, saved Policies DC26.1 and DC26.5 of the Unitary Development Plan for the City of Manchester and the guidance contained within the National Planning Policy Framework.

19) No construction work or other activity associated with the implementation of the development hereby approved shall take shall place within the site outside the following hours:

7.30 am to 6.00 pm Monday to Friday;
8.00 am to 2.00 pm Saturday
No work on Sunday and Bank Holidays.

Reason - In the interests of residential amenity pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

20) Before the first occupation of the residential development hereby approved all highways works within the application site shall be fully implemented in accordance with drawing referenced 115184/03 Rev. B and supplemented by letter dated 22 February 2012, including the provision of surfacing of pedestrian and vehicular access routes, dropped kerbs and traffic calming measures.

Reason - In the interests of pedestrian and highway safety pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

21) Before the first occupation of the residential development hereby approved all public realm works within the application site shall be fully implemented in accordance with drawing referenced 115184/03 Rev. B and supplemented by letter dated 22 February 2012, including the construction of boundary walls, gates and fences, provision of surfacing of pedestrian and vehicular access routes, dropped kerbs and traffic calming measures.

Reason - In the interests of pedestrian and highway safety pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

22) Before the completion of the construction of the authorised residential units scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to the siting and specification of any external street lighting that may be required in association with the development hereby approved. The approved scheme shall be fully implemented before the first occupation of the authorised residential units.

Reason - In the interests of residential amenity and pedestrian and highway safety pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

23) The development hereby approved shall be fully undertaken with the submitted bat survey, by Martin Prescott Environmental Services dated 22 December 2011, including the requirements for an emergence survey to be undertaken immediately before the commencement of the development and the undertaking of construction works to a specified timetable and the undertaking of all necessary measures to safeguard bat habitats, including the provision of bat boxes.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

24) Before the completion of the construction of the authorised residential units details shall be submitted to and approved in writing by the City Council as local planning authority relating to the means of securing in-curtilage car parking areas. The approved scheme shall be fully implemented before the first occupation.

Reason - In the interests of residential amenity and pedestrian and highway safety pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

25) The windows in the ground floor WC and first floor bathroom to the southern elevation of the authorised Unit 5 and Unit 6 elevation and the first floor bedroom window to the eastern elevation of Unit 6 shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

26) Before the first occupation of the development hereby approved a scheme for the future maintenance of all boundary treatments, including walls and fencing, as indicated on the approved drawings, shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be fully undertaken in accordance with the approved scheme.

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 policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

Informatives

This permission does not grant approval under Building Regulations.

Date: 24 July 2013

Signed: 

Julie Roscoe
Head of Planning
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, 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/pcs. 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.

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 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

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 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.