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 of £85 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 Kenneth Harding
CPD (Highways) Manchester City Council
4th Floor
Heron House
47 Lloyd Street
Manchester
M2 5LE

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Variation of condition no. 2 of planning approval reference 092657/VO/2010/N1 to allow for an interim parking arrangement with associated changes to lighting, landscaping and boundary treatments.

Location: Oldham Road/Varley Street/Sawley Road, Miles Platting, Manchester

Date of application: 20 April 2012

Application number: 099142/JO/2012/N1

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).

Reason(s) for decision

On the basis that the proposal is in accordance with the policies

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 199

2) The overall development of the Community Hub previously approved under ref 092657/VO/2010/N1 shall be carried out in accordance with the following drawings and documents approved under that planning consent as the programme of development cells are brought forward 3912280 Rev 01, 203700-000-0001 A, 203700-1300-0001P,

2037000-0000-S0002, NOMP-MAN-TRP-001, NOMP-MAN-TCP-001. In the interim period drawing ref Rev A of drawing A0_203700_0000_S006 shall be implemented to enable development of the car park to serve the Adactus Housing office 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 E1.1, E3.5, H2.2, T3.1, T3.7 of the Manchester Unitary Development Plan, and DM1 of the Emerging Core Strategy.

3) The interim measures for car parking indicated on the approved plans Rev A of drawing A0_203700_0000_S006 shall be surfaced, demarcated and made available for use prior to the first phase of the Community hub being occupied.. The car park shall then be available at all times whilst the site is occupied. Details of the car park to serve the whole of the community hub shall be submitted to and approved in writing by the City Council as local planning authority as the development cells of the community hub are brought forward.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policies H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester.

4) Notwithstanding the details on plan number Rev A of drawing A0_203700_0000_S006 full details of the proposed interim lighting and CCTV provision shall be submitted to and approved in writing by the City Council as local planning authority, and shall then remain in operation until the full approved lighting and CCTV scheme serving the whole community hub becomes operational. Unless otherwise agreed.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of government guidance in Planning Policy Statement 1 and Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Emerging Core Strategy.

5) Not withstanding the detail on drawing number Rev A of drawing A0_203700_0000_S006, an interim hard and soft landscaping treatment scheme shall be submitted to and approved in writing by the City Council as local planning authority. 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, unless otherwise agree in writing by the City Council as local planning authority. This interim proposal shall be superseded by the originally approved scheme once the development cells of the Community Hub are brought forward.

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 H2.2 of the Unitary Development Plan for the City of Manchester, and DM1 of the Emerging Core Strategy.

6) No development shall take place until details of any off site highway works have been 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.

Reason - In the interest of pedestrian and highway safety in the vicinity of the site pursuant to policy H2.2 of the Unitary development Plan for the City of Manchester.

7) Details of the materials, including natural stone or other high quality materials to be used for the footpaths and for the areas between the pavement and the line of the proposed car parking area shall be submitted to and approved in writing by the City Council as the local planning authority. Any works approved shall be implemented in full within six months, or as otherwise agreed in writing by the local planning authority, of any part of the development first being occupied.

Reason - In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes and in accordance with policy H2.2 of the Unitary Development Plan for the City of Manchester.

8) Full details of the proposed CCTV columns and cameras shall be submitted to and approved in writing by the City Council as local planning authority before the development commences. The approved scheme shall be implemented in full before the development is first occupied unless otherwise agreed in writing by the local planning authority and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of government guidance in Planning Policy Statement 1 and Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Emerging Core Strategy.

9) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall 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 H2.2 of the Unitary Development Plan for the City of Manchester.

10) Prior to the commencement of development, details of appropriate mitigation measures to prevent pollution of the watertable whilst the proposed development takes place, and once constructed, being operational, shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing, and shall be retained as such at all times thereafter.

Reason
To prevent the potential for pollution of the watertable, accordance with Policy E1.3 `Environmental Improvement and Protection' of the Manchester Unitary Development Plan.

11) Details of the interim target hardening and management measures to minimise the risk of crime in relation to the development shall be submitted to and agreed in writing by the local planning authority, prior to first operation of the car park hereby approved. The agreed details shall be implemented as part of the development and retained for its duration, and shall revert back to the agreed measures attached to planning permission 092657/VO/2010/N1upon development of the cells for the Community Hub unless otherwise agreed in writing by the 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 National Planning Policy Framework "Achieving Sustainable Development".

12) Prior to the development hereby approved becoming operational, full details of the interim measures for the covered cycle storage shall be submitted to and agreed in writing by the City Council as Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason
To ensure that adequate provision is made for the safe and secure storage of bicycles for persons occupying or visiting the site, pursuant to policy T3.7 of the Unitary Development Plan for the City of Manchester.

13) No trees shall be felled, or have any work undertaken on them, nor scrubland cleared during the bird nesting season (March to July inclusive), unless otherwise agreed in writing by the City Council as local planning authority.

Reason

To ensure the protection of wildlife habitats in the locality, pursuant to policy E2.4 of the Unitary Development Plan for the City of Manchester.

14) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

Reason
In order to avoid damage to the trees that are of important amenity value to the area, in accordance with policies 2.4 and 2.6 of the Unitary Development Plan for the City of Manchester.

Informatives

This permission does not grant approval under Building Regulations.

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.

Date: 15 June 2012

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.

Appendix A – Standing Advice Regarding Coalfield Area

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.
Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com