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

Beast Rampz
C/o Agent

Agent (if used)

Mr Christie McDonald
Steven Abbott Associates LLP
Broadsworth House
2 Stonecrop
North Quarry Business Park
Appley Bridge
Wigan
WN6 9DL

Part 1 – Particulars of the application/development

Proposal: Change of use of storage & distribution building (Class B8) to form indoor skate park, involving formation of new doorway and use of existing car parking area

Location: Unit 2, Montague House, Matthews Street, Ardwick, Manchester, M12 5BB

Date of application: 16 July 2012

Application number: 099789/FO/2012/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).

Reason(s) for decision

On the basis that the proposal is in accord with the Manchester's Local Development Framework: Core Strategy policies SP 1; DM1 EN19 and T1, Unitary Development Plan saved policies DC26.1, DC26.4 and DC26.5 ; and other material considerations of weight including the guidance contained within the Guide to Development in Manchester, Regional Spatial Strategy policies DP 1, DP 2, DP3, DP4 and DP5 and the principles of the National Planning Policy Framework and that the development supported by its proposed conditions ensure that the proposed use is managed and operated in a manner that ensures an appropriate relationship to the surrounding context, including residential uses, thereby securing compliance with policies SP1, DM1 and EN19. Furthermore, the proposed development provides a new use for currently vacant premises, which will improve the local recreational offer and encourage active lifestyle, fitness and well-being. In so doing the development has the potential to positively contribute to the social and economic sustainability of the locality and the broader community.

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 carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: Drawings referenced Elevations, Internal Facilities Plan (all) received 28 June 2012 and Site Location Plan (received 16 July 2012) and drawings accompanying the Stephen Abbott letter referenced CJM/DB/2044-09/MCC and dated 14th September 2012.

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 and to reflect the guidance contained in the National Planning Policy Framework.

3) The premises shall not be open outside the following hours:

Monday to Friday: 9.00 am to 9.00 pm;
Saturday, Sunday and Bank Holidays: 10.00 am to 9.00 pm.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

4) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

Monday to Saturday: 7.30 am to 8.00 pm;
No deliveries and/or waste collections on Sunday and Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework

5) Before the commencement of the authorised use a scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to the demarcation of accessible and standard car parking spaces for staff and customers, drop-off and pick-up points and circulation, access and egress routes to and from the car parking areas. The car parking indicated on the approved plans shall be surfaced and demarcated in accordance with this scheme and made available for use prior to the first occupation of the premises. The car park shall then be available at all times whilst the site is occupied.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework

6) The development shall be fully undertaken in accordance with the Noise Assessment Report by Stephen Abbott referenced 100613 and received on 9th October

2012 in relation to the arrangements to mitigate against the impact of the development on the surrounding area and residential amenity prior to the commencement of the use and the subsequent future operation of the premises. These arrangements shall remain in place whilst the use is undertaken.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

7) The use of the building shall be undertaken in accordance with the management arrangements specified within the Planning, Design and Access Statement by Stephen Abbott received on 9th October 2012, including the specified arrangements of the management of the building and its external areas.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

8) No equipment relating to the broadcast, transmission or operation of amplified sound, music, public announcements, sirens or bells (apart from fire, smoke, door and/or intruder alarms) shall be installed to the outside of the building or the surrounding external areas.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

9) 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) the building to which this planning permission relates shall only be used as a sports facility, including activities involving cycles, skateboards, roller skates, in-line skates, scooters and wheelchairs and shall be used for no other purpose (including any other purpose in Class D2 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).

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

10) The development shall be fully undertaken in accordance with Crime Reduction Survey Report by Stephen Abbott received on 28th June 2012 in relation to the arrangements to mitigate against the impact of the development on the surrounding area and residential amenity prior to the commencement of the use and to reduce the risk of crime in relation to the future operation of the premises. These arrangements shall remain in place whilst the use is undertaken.

Reason - To safeguard the amenities of the occupiers of nearby accommodation and reduce the risk of crime and disorder, pursuant to policies SP1 and DM1 of the Core

Strategy and to reflect the guidance contained in the National Planning Policy Framework.

11) The planning permission hereby granted shall be fully implemented in accordance with the Planning, Design and Access Statement by Stephen Abbott received on 9th October 2012, including the specified arrangements of the management of the building and its external areas.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

12) Before the commencement of the authorised use a scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to the arrangements for the storage and collection of waste and recyclable material. The approved scheme shall be fully implemented and available for use prior to the premises being first occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policies SP1, DM1 and EN19 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

Informatives

This permission does not grant approval under Building Regulations.

Date: 25 October 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