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

Wm Morrison Supermarkets plc
Hilmore House
Gain Lane
Thornbury
Bradford
West Yorkshire
BD3 7DL

Agent (if used)

Mrs Cassie Fountain
Peacock & Smith Ltd
Suite 9C
Josephs Well
Hanover Walk
Leeds
West Yorkshire
LS3 1AB

Part 1 – Particulars of the application/development

Proposal: Application to vary conditions 13 (Hours of Operations), 14 (Deliveries and Waste Collection) imposed upon planning approval reference 080451FO/2006/C2 under section 73 of the Town And Country Planning Act 1990 and to reflect additional information submitted (conditions 13 and 14).

Location: 50 - 64 Grafton Street, Ardwick, Manchester, M13 9NT

Date of application: 4 April 2012

Application number: 098176/JO/2011/C1

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

The application is approved on the basis that the proposal is in accordance with the National Planning Policy Framework, in particular sections 8 (Promoting Healthy communities) and the emerging Core Strategy for the City of Manchester, in particular policy DM1(Development Management) and the Unitary Development Plan for Manchester, in particular policy H2.2, R1.1, H1.2, DC7.1 and there are no material considerations of sufficient weight to indicate otherwise.

Condition(s) attached to this decision

2) Before the development hereby approved commences, full details that address all outstanding highway matters shall be submitted to and approved in writing by the City

Council as local planning authority. The development shall be carried out in accordance with the approved details.

Reason - In the interests of highway safety, pursuant to Policy RC12 of the City of Manchester Unitary Development Plan.

3) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least '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.T

4) PPG23
No development shall commence until:
a) The site has been investigated for the presence of ground contamination and/or ground gas and for the effects of any ground contamination and/or ground gas emanating from outside the site. The investigation shall be carried out in accordance with a scheme previously approved in writing by the City Council as local planning authority.
b) A report using the results of the approved scheme of investigation and containing plans and particulars of the extent of ground contamination and ground gas present on or affecting the site and the means of remediation has been submitted to and approved in writing by the City Council as local planning authority.
c) The site has been remediated in accordance with the report approved under b) above and written confirmation thereof has been submitted the City Council.

If ground contamination and/or ground gas or the effects of any ground contamination and/or ground gas emanating from outside the site and not included in the report approved under b) above is discovered during the course of remediation of the site, no development shall commence until:

i) A report containing plans and particulars of the extent of the new ground contamination and/or ground gas present on or affecting the site and the means of remediation has been submitted to and approved in writing by the City Council as local planning authority.
ii) The site has been remediated in accordance with the report approved under i) above and written confirmation thereof has been submitted to the City Council

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 in order to comply with Policies H2.1, H2.2, E3.1 and E3.2 of the adopted Unitary Development Plan for the City of Manchester.

6) No part of the development 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 T3.1, T3.6 and T3.7 of the Unitary Development Plan for the City of Manchester.

7) 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".

8) No 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 be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

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 policy H2.2 of the Unitary Development Plan for the City of Manchester.

9) 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:

(a) L(90) 001 Rev B, L(-) 010 Rev A, 011 012, 013, 014, 015, 050 Rev a, 020 Rev b, 021 Rev b;

(b) Acoustic and ventilation specifications for residential accomodation as detailed on pages 10-14 of Sandy Brown Associates LLP dated 08-08-2006;

(c) Refuse Statement stamped as received by the City Council on 26-09-2006; and

(d) Point 18 of Hodder Associates letter dated 22 September 2006.

(e) The Acoustic Report from Belair research Limited, dated 30th March 2012.

(f) The letter from Peacock and Smith, dated 8th May 2012.

(g) The Updated Planning Statement from Peacock and Smith, stamped as received 13th January 2012.

Reason - To ensure that the development is carried out in accordance with the approved plans.

11) Before development commences full details of how the ground floor accomodation is to be acoustially insulated so as to prevent the break out of noise from the accomodation, including to the residential units above shall be 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 property. Any measures approved shall be fully implemened before any part of the building is first occupied.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

12) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with Policy H2.2 ; of the Unitary Development Plan for the City of Manchester.

13) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

A1 Use 06.00 to 23.00 Monday to Saturday and 10.00 to 18.00 on Sundays.
A2 Use 07.00 to 22.00
A3 Use 08.00 to 23.30

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.

14) No loading or unloading, deliveries and waste collections shall be carried out on the site outside the hours of 0600 to 1900 Mondays to Saturdays and from 0900 to 1700 on Sundays and Bank Holidays.
Deliveries on Mondays to Saturdays between 0600 and 0730 in Morrison¿s delivery vans only. Deliveries on Sundays between 0900 and 1030 to be in Morrison¿s delivery vans only with a maximum weight of 7.5 tonne. All deliveries to be to the front of the store using the reserved unloading bay.

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development plan for the City of Manchester.

15)
This permission hereby approved relates to :-

- Class A1, A2, A3 within the development combined maximum floorspace of 798m2.

unless otherwise agreed in writing by the City Council as Local Planning Authority no residential unit shall be used for any purpose other than C3.

Reason

For the avoidance of doubt as changes to any element of the development may have consequences in terms of national and local policy considerations, and pursuant o policy H2.2 of the Unitary Developemtn Plan for the City of Manchester.

16) No part of the residential accommodation hereby approved shall be occupied until provision has been made for providing contract parking spaces for all residents or some other form of provision for car use such as special deals with car hire companies, car sharing, purchasing pool cars, or car club membership to the satisfaction of the City Council as Local Planning Authority.

Reason

To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

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: 17 May 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