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 Ranjit Nerwan
The Nerwan Partnership C/o ARRK
Footwear Ltd
Unit 13-14
95-103 Broughton Lane
Salford
M7 1UH

Agent (if used)

Miss Rebecca Dennis
AEW Architects
Century Buildings
St. Marys Parsonage
Manchester
M3 2DF

Part 1 – Particulars of the application/development

Proposal: Variation of condition no.5 of Planning Approval 097795/FO/2011/N1 to allow a revision to the sustainability rating of the proposed building

Location: Land On Corner Of Fairy Lane And Bury New Road, Cheetham, Manchester, M8 8DY

Date of application: 14 June 2012

Application number: 099611/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

Approval with conditions, on the basis the development is in accordance with policies CC14, E3.3, and DC26 of the adopted Unitary Development Plan for the City of Manchester, Manchester's Core Strategy, including policy DM1, and the Guide to Development in Manchester, as the scheme constitutes an acceptable scheme to regenerate a vacant site, in terms of impact upon the area and the amenities of local residents, is designed to achieve an acceptable level of sustainability, and there are no material considerations of sufficient weight to indicate otherwise.

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:

Planning Application forms, received 29/11/11
Design and Access Statement, Flood Risk Statement, Report on Ground Investigation, Geo-Environmental Phase 1 Report, Environmental Standards Statement, Crime Impact Statement, received 9/11/11
Crawford Industrial doors catalogue, Drawing W3821 P01 Rev A, Drawing W3821 P02 Rev A, Drawing W3821 P03 Rev A, Drawing W3821 P04 Rev B, Drawing W3821 P05 Rev C, Drawing W3821 P06 Rev C, Drawing W3821 P07 Rev B, Drawing W3821 P08 Rev C, Drawing W3821 P09 Rev C , Drawing W3821 P10 Rev A , Drawing W3821 P11 Rev A , Drawing W3821 P12 Rev A , received 17/11/11.
Refuse and Recycling Storage Area drawing 3821 P14, received 10/1/12, omitting external cycle storage supersedes previous drawings of this area.
Scope of Works - Uncertified Sustainability Review, received 11/6/12
Justification Statement, received 11/6/12

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies E3.3, CC14, DC26, and DC14 of the adopted Unitary Development Plan for the City of Manchester, Manchester's Core Strategy, including policy DM1, and the Guide to Development in Manchester.

3) 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, pursuant to policy DM1 of Manchester's Core Strategy.

4) 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 policies EN18 and DM1 of Manchester's Core Strategy.

5) The development hereby approved shall undergo an Uncertified Sustainability Review to demonstrate the achievement of a BREEAM rating of at least 'good'. A post construction Sustainability Review document demonstrating achievement of a BREEAM rating of at least 'good' shall be submitted to and approved in writing by the City Council as local planning authority before any of the building hereby approved is first occupied. The Sustainability Review document will provide evidence once the building has been erected that it has been built in accordance with the relevant BREEAM criteria based on the current appropriate BRE manual and has incorporated feasibility measures to minimise the environmental impact and energy use.

Reason - In order to minimise the environmental impact of the development, pursuant to policy DM1 of Manchester's Core Strategy, and the principles contained within The Guide to Development in 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 policy DM1 of Manchester's Core Strategy.

7) The development hereby permitted shall not be commenced until such time as a scheme to regulate surface water run-off has been submitted to, and approved in writing by, the City Council as local planning authority.

The scheme shall show compliance with the SFRA User Guide, and be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason - To ensure a satisfactory method of surface water disposal and reduce the increased risk of flooding elsewhere, in accordance with policy EN14 of Manchester's Core Strategy.

8) If, during development, contamination not previously identified is found to be present at the site then no further development, (unless otherwise agreed in writing with the local planning authority), shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason - To ensure the protection of controlled waters from potential land contamination, pursuant to policies EN18 and DM1 of Manchester's Core Strategy.

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

07:30 to 20:00 Monday to Saturday
10:00 to 18:00 Sunday and Bank Holidays

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy DC26 of the adopted Unitary Development Plan for the City of Manchester, and policy DM1 of Manchester's Core Strategy.

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

08:30 to 17:30 Monday to Saturday
08:30 to 17:00 Saturday
Closed Bank Holidays and Sundays

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy DC26 of the adopted Unitary Development Plan for the City of Manchester, and policy DM1 of Manchester's Core Strategy.

11) Notwithstanding the provisions of the Town and Country Planning Use Classes (Amendment) Order 2005, if the showroom use hereby granted consent is implemented at the application site, the use of the ground floor must not revert to Use Class A1 (Shop) without the prior consent of the Local Planning Authority.

Reason - To be consistent with policy C9 of Manchester's Core Strategy, to avoid the sporadic occurrence of shop uses, and to protect the vitality and viability of Cheetham Hill District Centre.

12) The window glass of the shopfront shall not be obscured by security shutters or grilles between the hours of 9.00 to 19:00 Monday to Saturday, excluding Bank Holidays.

Reason - In the interests of the visual amenity and vitality of the area, pursuant to policy E3.3 of the adopted Unitary Development Plan for the City of Manchester.

13) Notwithstanding the plans hereby approved, no development shall take place until there has been submitted to and approved in writing by the local planning authority,

elevational drawings, and a plan indicating the positions, design, materials and type of boundary treatments, including gates, to be erected. The boundary treatment shall be completed before the premises is open to the public. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - To ensure the appearance and nature of the boundaries are acceptable to the City Council as local planning authority, in the interests of visual amenity and security, pursuant to policy E3.3 of the adopted Unitary Development Plan for the City of Manchester, and policy DM1 of Manchester's Core Strategy.

14) The wheels of contractors vehicles leaving the site shall be cleaned, and the access roads leading to the site swept daily, in accordance with a management scheme to be submitted to and approved in writing by the City Council as local planning authority, prior to any works commencing on site.

Reason - In the interest of pedestrian and highway safety, pursuant to policy DM1 of Manchester's Core Strategy.

15) Before the building hereby approved is first occupied, it shall be insulated in accordance with a scheme 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.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy DC26 of the adopted Unitary Development Plan for the City of Manchester, and policy DM1 of Manchester's Core Strategy.

16) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car 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 policy DM1 of Manchester's Core Strategy.

17) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure 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 secure by design accreditation.

Reason - To reduce the risk of crime, pursuant to policy DM1 of Manchester's Core Strategy.

18) The details of an emergency telephone contact number shall be displayed in a publicly accessible location on the site, from the commencement of development, until construction works are complete, unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity, pursuant to policy DM1 of Manchester's Core Strategy.

19) Full details of the species, size and method of planting of the proposed tree shown on drawing ref W3821 P03 Rev A;, shall be submitted to and approved in writing by the City Council as local planning authority prior to commencement of the development hereby approved. The tree shall be planted 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, that tree or any tree 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 of the same species and size as that originally planted shall be planted at the same place, unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, pursuant to policy DM1 of Manchester's Core Strategy.

20) No development shall commence until a scheme for hard landscaping treatment has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented prior to first occupation of the building. The scheme shall include clear delineation between the public highway and the site.

Reason - To ensure a satisfactory hard landscaping scheme for the development is carried out, pursuant to policy DM1 of Manchester's Core Strategy.

21) 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, pursuant to policy DM1 of Manchester's Core Strategy.

22) Prior to the commencement of the development hereby approved, full details of any proposed CCTV and lighting requirements shall be submitted to and approved in writing by the City Council as local planning authority. Any lighting and CCTV scheme shall be implemented in accordance with the approved scheme, and shall be so maintained, unless otherwise agreed in writing with the City Council as local planning authority.

Reason - In the interests of residential amenity and security, pursuant to policy DM1 of Manchester's Core Strategy.

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.

The Environment Agency recommends that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Additional guidance can be found in the Environment Agency Flood line Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188 or can be found on our website www.environment-agency.gov.uk click on `flood' in subjects to find out about, and then `floodline'.

Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods' please email: communities@twoten.com for a copy, as well as the communities and local Government publication `Improving the flood performance of new buildings' which can be viewed at: http://www.communities.gov.uk/publications/planningandbuilding/improvingflood

The site is within a formal flood warning zone and the occupiers of the development should be encouraged to register for our flood warnings. This can be done via our website: http://www.environment-agency.gov.uk/homeandleisure/floods/38289.aspx

Date: 9 August 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