MANCHESTER CITY COUNCIL

IMPORTANT

Planning Permission and 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 required to protect trees.
- Some conditions will require action before you start the development and it is imperative that you seek to have these discharged before any work commences.
- 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.
- For advice on any of these matters, please contact the Planning Service, Manchester City Council, PO Box 463, Manchester M60 3NY or email planning@manchester.gov.uk

Town and Country Planning Act 1990

PLANNING PERMISSION

MANCHESTER CITY COUNCIL

Name and Address of Applicant	Name and Address of Agent
Greggs Northwest Parrot Street Clayton Manchester M11 4GP	Cox Freeman Ltd 39 Stoney Street The Lace Market Nottingham NG1 1LX

Part I – Particulars of Application

Date of Application	Application ref. no.
25 March 2008	085899/JO/2008/N2

Particulars and location of development:

Variation of Condition 3 of planning permission 081631/FO/2006/N2 for the erection of extension and associated alterations to previously approved redevelopment of site to form new bakery production unit with associated warehousing, offices, delivery and dispatch yards, lorry fuelling and wash areas and associated parking and landscaping

Land At Junction Of Parkhouse Street And Greenside Street
Openshaw
Manchester

Part II – Particulars of Decision

The Manchester City Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 of the following decision

Decision Approved
On the basis that the proposal is in accordance with the City Council's Unitary Development Plan (in particular Policies H2.2, I1.6, I1.7, I3.1, E1.5, E1.6, E2.4, E2.6, E3.1, E3.5, E3.7, T2.6, T3.1, T3.7, EM16, DC9, DC16 and DC26) and with other material considerations of material weight (in particular Planning Policy Statement 1 (PPS1), the Regional Spatial Strategy for the North West and the Guide to Development in Manchester 2) and there are no material considerations of sufficient weight to indicate otherwise, in that the proposed variations to the approved drawings will not have a detrimental impact on the overall design and layout of the development and that it will not have any greater detrimental impact on the surrounding residential properties than the previously approved scheme.
Date of Decision 14 May 2008

for the carrying out of development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

Part III – Conditions and Reasons

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) Notwithstanding the annotations on the approved drawings, construction of the works hereby approved by this permission shall not take place until samples and specifications of the 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 Policies H2.2, E1.6, I1.6, I1.7, I3.1 and EM16 of the adopted UDP for the City of Manchester, Planning Policy Statement 1, Regional Planning Guidance Note 13 and the Guide to Development in Manchester.

3) 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:

The design and access statement and drawings numbered 1549-P-101/B, 1549-P-102/B, 1549-P-104/A, 1549-P-106/A, 1549-P-109/A, 1549-P-103/A, 0730 003/C, 1549-P-105/A, 1549-P-107, 1549-P-108, 1549-P-110/A, 1549-P-111/A and 1549-P-112/A, stamped as received by the Local Planning Authority on the 19th and 25th March 2008.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Policies H2.2, I1.6, I1.7, I3.1, E1.6, E2.4, E2.6, E3.1, E3.5, T2.6, T3.1, T3.7, DC9, DC16, DC26 and EM16 of the adopted UDP for the City of Manchester, Planning Policy Statement 1, Regional Planning Guidance Note 13 and the Guide to Development in Manchester.

4) No work or other activity shall take place on the site outside the following hours unless otherwise agreed in writing by the City Council as local planning authority:-

* Monday to Friday 24 hours operations
* Saturday 12:00am to 6:00pm
* Sunday 6:00am to 12:00am

Deliveries, servicing and vehicle/equipment movements on the premises or outdoor parking/amenity areas shall be restricted to the above opening hours.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the adopted UDP.

5) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref 0730 003 Rev C 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, 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, in accordance with Policies H2.2, I1.6, I1.7, I3.1, E1.6, E2.4, E2.6, E3.1, E3.5, DC16, DC26 and EM16 of the adopted UDP for the City of Manchester, Planning Policy Statement 1, Regional Planning Guidance Note 13 and the Guide to Development in Manchester.

6) The management and maintenance of the hard and soft landscaping around the site shall be carried out in complete accordance with the DSA Environment and Design Landscape Management Plan submitted to the Local Planning Authority on the 11th March 2008. The landscaping will be maintained in accordance with these details unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure that a satisfactory landscaping scheme for the development is carried out and maintained, pursuant to Policies H2.2, I1.6, I1.7, I3.1, E1.6, E2.4, E2.6, E3.1, E3.5, DC16, and EM16 of the adopted UDP for the City of Manchester, Planning Policy Statement 1, Regional Planning Guidance Note 13 and the Guide to Development in Manchester.

7) All trees, shrubs and hedges within the site and/or trees whose root structure may extend within the site, which are to be retained as shown on the approved drawings shall be fenced off before any building or other operation approved by this permission is carried out within the vicinity in accordance with British Standard BS 5837:2005. Thereafter, no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence during the construction period.

Reason

In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area, pursuant to Policies H2.2, I1.6, I1.7, I3.1, E1.6, E2.4, E2.6, E3.1, E3.5, DC16, DC26 and EM16 of the adopted UDP for

the City of Manchester, Planning Policy Statement 1, Regional Planning Guidance Note 13 and the Guide to Development in Manchester.

8) All tree work carried out during the construction of the development hereby approved should be carried out in accordance with British Standard BS 5837:2005 "Recommendations for Tree Work".

Reason

In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area, pursuant to Policies E1.6, E2.4, E2.6, E3.1 and E3.5 of the adopted UDP for the City of Manchester.

9) No clearance of vegetation or trees from the site should be carried out in the bird nesting season (March to July inclusive). If clearance during the nesting season is unavoidable then a survey for nesting birds must be undertaken prior to work commencing and submitted to and approved in writing by the City Council as local planning authority. If nesting birds are found by the survey and are likely to be disturbed by clearance works then clearance should be delayed until after the young have fledged.

Reason

The site supports habitats suitable for use by nesting birds, which are protected by the Wildlife and Countryside Act 1981, and pursuant to Policy E2.4 in the Unitary Development Plan for the City of Manchester.

10) The development hereby approved shall be completed in full accordance with the revised ecological survey submitted by email to the Local Planning Authority on the 6th November 2007 unless otherwise agreed in writing with the City Council as Local Planning Authority.

Reason

To protect any species that the site may support, which are protected by the Wildlife and Countryside Act 1981, and pursuant to Policy E2.4 in the Unitary Development Plan for the City of Manchester.

11) The development hereby approved shall be completed in full accordance with the Badger Survey completed by Loughborough Ecologists Ltd submitted by email to the Local Planning Authority on the 18th February 2008 unless otherwise agreed in writing with the City Council as Local Planning Authority.

Reason

To protect any species that the site may support, which are protected by the Wildlife and Countryside Act 1981, and pursuant to Policy E2.4 in the Unitary Development Plan for the City of Manchester.

12) The development hereby approved shall be completed in full accordance with the Japanese Knotweed method statement submitted by email to the Local Planning Authority on the 6th November 2007 unless otherwise agreed in writing with the City Council as Local Planning Authority.

Reason

To prevent the spread of Japanese knotweed and to protect the existing and proposed planting for the site, pursuant to Policies E1.6, E2.4, E2.6, E3.1 and E3.5 of the adopted UDP for the City of Manchester.

13) Details of the proposed boundary treatment, including colour, shall be submitted to and approved in writing by the City Council, as local planning authority, before the use commences.

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 Policies H2.2, I1.6, I1.7, I3.1, DC16 and EM16 of the adopted UDP for the City of Manchester, Planning Policy Statement 1, Regional Planning Guidance Note 13 and the Guide to Development in Manchester.

14) 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 car parking for the development proposed when the building is occupied, pursuant to Policies H2.2, I1.6, I1.7, I3.1, T2.6, T3.1, T3.7 and EM16 of the adopted UDP for the City of Manchester, Planning Policy Statement 1, Regional Planning Guidance Note 13 and the Guide to Development in Manchester.

15) Prior to the commencement of the development hereby approved on site, a strategy for the management of car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The strategy should include details of location, times of day and restriction methods that will be implemented once the bakery is operational. The car park will then be managed in accordance with these details unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of protecting the residential amenity of the surrounding properties, pursuant to Policies H2.2, T2.6, T3.1 and T3.7 of the adopted UDP for the City of Manchester.

16) The development hereby approved shall be completed in full accordance with the off-site highway works details shown in Rigby and Partners drawing P2006-069/17/P2. The development shall not be occupied until the works have been constructed in accordance with the approved details.

Reason

In the interests of the safety and convenience both of those using the development and those using the highway, pursuant to Policies H2.2, T2.6, T3.1 and T3.7 of the adopted UDP for the City of Manchester.

17) The development hereby approved shall be completed in full accordance with the Servicing Strategy details in the memo from Peter Broughton at Greggs and the two attached Route 1 and Route 2 drawings. The development shall not be occupied until the works have been constructed in accordance with the approved details.

Reason

In the interests of the safety and convenience both of those using the development and those using the highway, pursuant to Policies H2.2, T2.6, T3.1 and T3.7 of the adopted UDP for the City of Manchester.

18) The development hereby approved shall be completed in full accordance with the Greggs Security Functional Specification document and shall include the provision of Darfen Zenith Orion sliding cantilever electronically operated vehicular access gates as shown in the details submitted to the Local Planning Authority on the 30th January 2008. The development shall not be occupied until the works have been completed in accordance with these approved details.

Reason

In the interests of the safety and convenience both of those using the development and those using the highway, pursuant to Policies H2.2, T2.6, T3.1 and T3.7 of the adopted UDP for the City of Manchester.

19) No vehicle reversing alarms shall be used within the site on Mondays to Sundays between 10:00pm and 8:00am, when all alarms shall be switched off by the vehicle drivers.

Reason

To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Policies H2.2 of the adopted UDP for the City of Manchester.

20) The redundant vehicular crossings onto Parkhouse Street and Greenside Street must be closed and the lowered kerb must be reinstated to full height, in accordance with the letter reference AM/1549/LA and the Rigby and Partners drawing numbered P2006-069/17/P2 received by the Local Planning Authority on the 30th Jan 2008.

Reason

In the interests of highway safety, pursuant to Policies H2.2, T2.6, T3.1 and T3.7 of the adopted UDP for the City of Manchester.

21) 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 accommodation, pursuant to Policy H2.2 of the adopted UDP for the City of Manchester.

22) The building, plant room and any externally mounted ancillary equipment, shall be acoustically 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 plant room and equipment. The plant room and externally mounted ancillary plant, equipment, servicing shall be acoustically treated in accordance with a scheme designed so as to achieve a noise level of 5dB below the existing background (LA90) in each octave band at the nearest residential properties. The applicant should also demonstrate that the maximum noise levels (LAmax) arising from the operation of the plant room will be at an satisfactory level at the nearest residential properties.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policy H2.2 of the adopted UDP for the City of Manchester.

23) Before development commences a scheme for the extraction of any fumes, vapours and odours from any kitchen areas within the development hereby approved shall be submitted to, and approved in writing by, the City Council as Local Planning Authority.

Reason

In the interests of the amenities of the occupiers nearby properties, pursuant to Policy H2.2 of the adopted UDP for the City of Manchester.

24) There shall be no external speakers with amplification installed at the premises, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the adopted UDP.

25) The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to achieve the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those measures are to be provided to the City Council, as the Local Planning Authority.

Reason -

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning

functions; to promote the well-being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in PPS1 "Delivering Sustainable Development".

26) The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted to and approved in writing by the Local Planning Authority and until measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirements specifically and in writing:

A desk study, a site investigation and a written method statement for the remediation of land contamination affecting the site carried out by a competent person shall be agreed in writing with the Local Planning Authority prior to the commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

If during the works contamination is encountered which has not previously been identified then work shall cease in that area, the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the presence of, or the potential for any land/ground is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policy H2.2 of the unitary Development Plan for the City of Manchester.

27) In accordance with the BREEAM Industrial Statement stamped as received by the Local Planning Authority on the 12th December 2006, the development hereby approved shall incorporate measures to minimise the environmental impact and energy use of the building and shall achieve an Building Research Establishment Industrial rating of 'very good'. Written confirmation of the achieved rating shall be submitted to and approved in writing by the City Council as local planning authority before the development is occupied, unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of minimising the impact on the environment of the building, pursuant to Policy E1.6 of the adopted UDP for the City of Manchester, Regional Spatial Strategy policy ER13 and Planning Policy Statement 1 (PPS1).

28) The development hereby approved shall be completed in full accordance with the Greggs North West Green Transport Policy February 2007 received by the Local Planning Authority on the 30th January 2008.

Reason

In accordance with the provisions contained within Planning Policy Guidance.

29) No external lighting shall be erected on or around the site without the prior written approval of the Local Planning Authority. Details of any proposed external lighting within the site must be submitted to and approved in writing by the City Council as Local Planning Authority. The lighting must only be implemented in accordance with the approved details.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation once the development is completed, pursuant to Policy H2.2 of the adopted UDP for the City of Manchester.

30) All vehicles entering and leaving the site during the construction period are to pass through a wheel wash, in accordance with the Clegg Food Projects Method Statement for ensuring that the surrouding public highways are kept clean during construction works, received by the Local Planning Authority on the 30th January 2008.

Reason

To ensure that the proposed development does not cause unacceptable amounts of dust in the vicinity and to ensure that local roads are kept clear of mud, pursuant to Policies H2.2, T2.6, T3.1 and T3.7 of the adopted UDP for the City of Manchester.

31) The details of an emergency telephone contact number shall be displayed in a publicly accessible location during the construction of the development hereby approved and shall remain so displayed unless otherwise agreed in writing by the City Council as local planning authority.

Reason

In the interests of local amenity, pursuant to Policy H2.2 of the adopted UDP for the City of Manchester.

32) The development hereby approved shall be completed in full accordance with the drawing no. P2006-069/14 Rev A prepared by Rigby and Partners, which shows that a 490m3 underground storage cell and hydro-brake flow restrictor will be installed at manhole MH1.0 in relation to surface water treatement, received by the Local Planning Authority on the 30th January 2008. The scheme shall be completed in accordance with these approved details.

Reason

To reduce the increased risk of flooding.

33) The development hereby approved shall be completed in full accordance with the vehicular access points details shown in Rigby and Partners drawing

P2006-069/17/P2. The development shall not be occupied until the works have been constructed in accordance with the approved details.

Reason

In the interests of residential amenity and highway safety, pursuant to Policies T3.1 and H2.2 of the adopted UDP for the City of Manchester, Planning Policy Statement 6 'Planning for Town Centres', RPG13 and The Guide to Development in Manchester 2

34) Before the development hereby approved commences, full details regarding the waste management strategy for the development, namely the refuse storage space for segregated waste collection and recycling and details of all internal and external storage areas, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason

In the interests of amenity and public health, pursuant to policy H2.2 of the adopted UDP.

35) The proposed lorry maintenance areas, vehicle wash and fuel pump on the site shall not be used outside the following hours:

* Monday to Sunday 08:00 to 20:00.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the adopted UDP.

Signed……

Peter Babb, Head of Planning

on behalf of the Council
Town Hall,
Manchester M60 3NY

NOTES

1. Leaflets attached:

2. 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**.**

3. 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. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

4. 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.

5. 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

6. 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.