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.
- A fee of £85 is payable for each request to discharge conditions.
- 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
Countryside Properties C/o Agent	Countryside Properties Countryside House Lakeside Drive Centre Park Warrington WA1 1RW

Part I – Particulars of Application

Date of Application	Application ref. no.
6 June 2008	084665/FO/2007/N2

Particulars and location of development:

Erection of 20 apartments in 4 storey block and 54 houses of 2 and 3 storeys in height, with associated works including creation of new vehicular access points onto Constable Street and Western Street and landscaping (Amended scheme)

Jubilee Works
Constable Street
Gorton
Manchester
M18 8GJ

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
(Subject to the applicant entering into a Legal Agreement relating to a financial contribution towards the upgrading of the public park space adjacent to the application site and for improving and maintaining the general environment, public realm and highways)

On the basis that the proposal is in accord with the City Council's Unitary Development Plan (in particular Policies GO1, GO5, DC7, DC16, H1.2, H2.1, H2.2, H2.7, E1.5, E1.6, E2.4, E2.6, E3.5, T2.4 and T3.1) and with other material considerations of material weight (in particular the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Planning Policy Statement 1 (PPS1), Planning Policy Statement 3 (PPS3), and the Regional Spatial Strategy for the North West, in particular policies DP1, DP3

and UR1) and there are no material considerations of sufficient weight to indicate otherwise, in that the development would provide high quality affordable accommodation at this site, the scheme is a good quality design that does not harm the character of the area, there would not be any significant impacts on the residential amenities of adjoining occupiers; and generally the proposal would provide a good quality affordable development within the area to the benefit of continuing regeneration of the locality.

Date of Decision 3 October 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) The development hereby approved shall be carried out in accordance with the drawings numbered COLNE-DFA/01 rev A, COLNE-DFA/02 rev A, J00140-09 rev A, J00140-10 rev D, J00140-11, THAME-DFAA/01, THAME-DFAA/02, THAME-DFA-A/03, RSD 9001, RSD 9101, RSD 9102 rev B, RSD 9202 and the street scene drawing, stamped as received by the City Council, as Local Planning Authority, on 24th June 2008 and drawings numbered GM-120-PL-01 rev L1, J00140-01 rev A, J00140-02, J00140-03, J00140-04, J00140-05 rev A, J00140-06 rev A, J00140-07 rev A and J-00140-08 rev A, stamped as received by the City Council, as Local Planning Authority, on 9th July 2008, 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 GO1, GO5, DC7, DC16, H1.2, H2.1, H2.2, H2.7, E1.5, E1.6, E2.4, E2.6, E3.5, T2.4 and T3.1 of the Manchester Unitary Development Plan, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, adopted April 2007, Planning Policy Statement 1 (PPS1), Planning Policy Statement 3 (PPS3), and the Regional Spatial Strategy for the North West, in particular policies DP1, DP3 and UR1.

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 policies GO1, GO5, H1.2, H2.1, H2.2, H2.7, E1.6, and E3.5 of the Manchester Unitary Development Plan and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance and Planning Policy Statement 1 (PPS1).

4) Notwithstanding the submitted landscape drawings no development shall commence until a hard and soft landscaping treatment scheme has been 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.

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 GO1, GO5, DC16, H1.2, H2.1, H2.2, H2.7 and E2.6 of the Manchester Unitary Development Plan, and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

5) Prior to the commencement of any development, full details of a scheme for the management and maintenance of the hard and soft landscaping around the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping will then 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, E2.6, E3.1 and E3.5, of the Unitary Development Plan for the City of Manchester.

6) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground

levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with Policies E2.4 and E2.6 of the Unitary Development Plan for the City of Manchester.

7) All tree work carried out during the construction of the development hereby approved should be carried out in accordance with British Standard BS 3998 "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 E2.6 of the adopted UDP for the City of Manchester.

8) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least three star sustainability rating under the code for sustainable homes, or the equivalent BREEAM eco homes rating, 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.

9) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment the Desk Study) 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).

The Desk Study shall be prepared by a suitably qualified person whose competence to carry out the Desk Study has been approved in writing by the City Council as local planning authority (an "Expert").

In the event of the Preliminary Risk Assessment Desk Study 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 Scheme) 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 Scheme shall be carried out, by an Expert before development commences and the Expert shall prepare 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 Site Investigation Report.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, an Expert has prepared a report outlining what measures, if any, are required to remediate the land (the Revised Remediation StrategySite Investigation Report) which shall be 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 StrategySite Investigation Report, which shall take precedence over any Remediation Strategy Site Investigation Report or earlier Revised Remediation Strategy Investigation Report.

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 H2.2 and E3.5 of the Unitary Development Plan for the City of Manchester.

10) No development shall commence until details of the measures to be incorporated into the development (or phase there of) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as LPA. 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 LPA has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

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".

11) 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 Policies H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no garage shall be used for any purpose which would preclude its use for the parking or a motor vehicle and no

development shall be undertaken that would preclude vehicular access to the garage.

Reason - The loss of garage parking space could result in an unacceptable increase in on-street parking and would thereby be detrimental to highway and pedestrian safety in order to comply with policies H2,2 and T2.4 of the Unitary Development Plan for the City of Manchester.

13) Notwithstanding the provisions of Article 3 of, and Class A of Part 1 of Schedule 2 to, the Town and Country (General Permitted Development) Order 1995, the garage accommodation hereby approved, as part of this development shall not be converted into living accommodation without the express written permission of the City Council as local planning authority.

Reason

The loss of garage parking space would result in an unacceptable increase in on-street parking and would thereby be detrimental to highway and pedestrian safety, pursuant to Policies H2.1, H2.2 and H2.7 of the adopted UDP for the City of Manchester.

14) No trade or business shall be carried out in the garage, because the use of the garage, including basement area, for trade or business purposes would require a separate grant of planning permission.

Reason - The use of the garage for any use other than ancillary to residential use would constitute development requiring planning permission, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or extensions or shall be erected other than those expressly authorised by this permission.

Reason -

In order to insure a quality living environment for all residents, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

16) No development approved by this permission shall be commenced until a scheme for the provision and implementation, of a surface water regulation system has been approved by the City Council, as Local Planning Authority in consultation with the Environment Agency. The scheme shall be developed following the recommendations made in the Flood Risk Assessment (ref: 997/R03 dated 23 January 2008) prepared by Weetwood. The scheme shall be completed in accordance with the approved plans.

Reason

To reduce the increased risk of flooding, pursuant to Policy DC21.1 of the Unitary Development Plan for the City of Manchester.

17) Prior to the demolition of any buildings, a further bat survey shall be carried out at a time to be agreed in writing with the City Council, as Local Planning

Authority. If bats are found to inhabit these buildings, no development should commence until a scheme for the conservation of this species has been agreed with the City Council, as Local Planning Authority and Natural England.

Reason

To ensure the protection of habitats of bats which are a protected species under the Wildlife and Countryside Act 1981 and pursuant to policy E2.3 of the Unitary Development Plan for the City of Manchester.

18) No clearance of any vegetation, shall be carried out during the optimal period for bird nesting (March to July inclusive), unless nesting birds have been shown to be absent in accordance with details which have been submitted to, and approved in writing by, the City Council, as Local Planning Authority.

Reason - To provide and ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with Policies E2.3 and E2.4 of the adopted Manchester Unitary Development Plan and the Guide to Development in Manchester.

19) No part of the development hereby granted permission shall be commenced until details have been submitted to, and approved in writing by, the City Council, as Local Planning Authority which indicates the provision of new bat boxes/tubes and new nest boxes for birds and new wildlife habitat on site and a scheme for the future protection of this habitat. The new bat boxes/tubes, nest boxes and habitat shall be implemented in full in accordance with the approved details and to a timetable agreed in writing by the local planning authority, prior to occupation of any of the housing units.

Reason - To provide and ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with Policies E2.3 and E2.4 of the adopted Manchester Unitary Development Plan and the Guide to Development in Manchester.

20) A minimum 2.0m x 2.0m pedestrian visibility splay must be maintained at all the vehicular access points around the site and to the new dwellings hereby approved.

Reason - In the interests of vehicle and pedestrian safety in and around the development, pursuant to Policies H2.2, E3.5 and T3.1 of the Unitary Development Plan for the City of Manchester.

21) 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 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, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

22) Prior to the commencement of works on site, a strategy for the management of construction traffic, including information regarding site approach routes,

hours of deliveries, the location of parking for contractors' vehicles and directional signage, shall be submitted to and approved in writing by the City Council as local planning authority. The agreed strategy shall be implemented for the duration of the construction period

Reason - To safeguard the amenity so of nearby residents, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

23) All contractors vehicles entering and leaving the site during the construction period shall be properly sheeted.

Reason - To ensure that the proposed development is not prejudicial or a nuisance to adjacent dwellings, and in the interests of public health and amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester

24) The details of an emergency telephone contact number for the building contractor 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 in order to comply with Policy H2.2 of the Unitary Development Plan for the City of Manchester.

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.

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.