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 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

Ketumati Buddhist Vihara Trust
3 Pretoria Road
Hollins
Oldham
OL8 4NH

Agent (if used)

Mr James Hopewell
FPS Consult Ltd
1A Brandlesholme Road
Bury
Lancashire
BL8 4DS

Part 1 – Particulars of the application/development

Proposal: Change of Use from Youth Centre (Sui Generis) to Buddhist Temple with ancillary living accomodation for three resident monks (Sui Generis), including minor elevational alterations and the creation of a 15-space car park.

Location: Youth Centre , Moor Road, Brooklands, Manchester, M23 9BQ

Date of application: 20 February 2013

Application number: 100081/FO/2012/S2

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).

Article 31 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to deal with this planning application. The applicant did seek pre-application in respect of this proposal where officers were able to advise on the contents of the planning application along with highlight any issues. Officers have discussed with the applicant production of further evidence about the nature of the use and selection criteria of residents during the course of the application.

Reason(s) for decision

Approve on the basis that the proposal is in accordance with the Manchester Core Strategy (July 2012), in particular policies SP1, T2, EN19 and DM1 and the extant policy DC26 of the Unitary Development Plan for the City of Manchester (1995) and the National Planning Policy Framework and there are no material considerations of sufficient weight to indicate otherwise. In coming to this conclusion the Head of Planning has taken into account the Information provided with the application.

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:

Design and Access statement stamped as received by the City Council, as Local Planning Authority, on the 31 July 2012

FPSI-BPP-C-0542/08 Rev A, fpsi-bpp-c-0542/07 Rev A, FPSI-BPP-C-0542/06 Rev A and FPSI-BPP-C-0542/05 Rev A stamped as received by the City Council, as Local Planning Authority, on the 31 July 2012.

Arboricultural Report prepared by Scottfitzgerald stamped as received by the City Council, as Local Planning Authority, on the 26 October 2012.

FPSI-BPP-C-0542/09 Rev B stamped as received by the City Council, as Local Planning Authority, on the 26 October 2012.

Email from Guy Freeman dated the 22 February 2013.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

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.

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 policies SP1 and DM1 of the Core Strategy.

4) 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 EN9 and EN15 of the Core Strategy.

5) All tree work should be carried out by a competent contractor 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 and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

6) Deliveries, servicing and collections, including waste collections shall no take place outside the following hours:

Monday to Saturday 07:30 to 20:00
Sundays (including Bank Holidays) no deliveries/waste collections

Reason - To safeguard the amenity of the occupiers of nearby residental accommodation pursuant to policy DM1 of the Manchester Core Strategy (2012) and extant policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

7) Before first occupation of the development the building, together with 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 equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

8) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been 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 - To ensure adequate refuse arrnagements are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy (2012)

9) Nothwithstanding the Travel Plan prepared by FPS (Rf FPSI-BPP-C-0542) stamped as received by the City Council, as Local Planning Authority, on the 26 October 2012, before the development hereby approved is first occupied a Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a Travel Plan means a document which includes:

i) the measures proposed to be taken to reduce dependency on the private car by those visiting the temple

ii) a commitment to surveying the travel patterns of visitorsduring the first three months of use of the development and thereafter from time to time
iii) mechanisms for the implementation of the measures to reduce dependency on the private car
iv) measures for the delivery of specified travel plan services
v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel to the temple, pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD (2007).

10) The operation of the premises shall be carried out in accordance with the operations strategy prepared by FPS stamped as received by the City Council, as Local Planning Authority, on the 20 February 2013. For the avoidance of doubt this shall mean:

1. Weekly: Small meditation and Trustees administrative meetings (no more than 25 people) Monday to Sunday 08:30 to 21:00. All activities occur indoors. A small meditation group/ Trustee administrative meeting would not be held at the same time as a children's event, Sermon meeting or annual event.

2. Monthly event: Children programme (no more than 30 children and supervising adults) once a month between the hours 09:30 to 17:00. All activities occur indoors. A children's event would not be held at the same time as a small meditation group, Trustee administrative meeting, Sermon meeting or annual event.

3. Monthly event: Sermon (no more than 30 people) once a month between the hours 09:30 to 21:00. All activities occur indoors. A Sermon meeting would not be held at the same time as a small meditation group, Trustee administrative meeting, children's event or annual event.

4. Annual events: Wesak (a day in May) (no more than 200 people) and Katina (a day in October) (no more than 200 people). Both events are restricted to the hours of 09:30 to 21:00. All activities take place indoors. For these larger attendance events additional parking will be provided by agreement with The Manchester Health Academy, Moor Road, Wythenshawe, Manchester M23 9BP for up to 92 cars to supplement the 15 visitor parking places (plus one disabled parking space and one dedicated parking space for the monk's shared car) at the Ketumati Buddhist Vihara Trust facility.

At all other times, the use of the premises shall be for the residential living accommodation for the Monks only which will include the provision of food and household supplies to suit the needs of the Monks.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with policies SP1 and DM1 of the Manchester Core Strategy (2012) and extant policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

11) During the larger annual events at the temple hereby approved, parking provision shall be provided at the Health Academy as details within the letter from the Manchester Health Academy (dated 15 January 2013).

Reason - To ensure adequate parking provision is provided for the larger annual events pursuant to polices T2 and DM1 of the Manchester Core Strategy (2012).

12) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

13) Notwithstanding drawing FPSI-BPP-C-0542/09 Rev B stamped as received by the City Council, as Local Planning Authority, on the 26 October 2012, prior to the commencement of the development detailed siting and elevations of the access gate to the site shall be submitted and approved in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented prior to the first use of the development hereby approved and thereafter retained and maintained.

Reason - To ensure that the access gates are adequate in appearance and siting pursuant to policy DM1 of the Manchester Core Strategy (2012).

14) Prior to the commencement of development, a crime prevention plan shall be submitted and approved in writing by the City Council, as Local Planning Authority. The approved plan shall then be implemented and prior to the first occupation of the development hereby approved written conformation shall be obtained from the City Council to ensure all previously agreed measures have been implemented.

Reason - In the interest of the safety and security of the temple pursuant to policy DM1 of the Manchester Core Strategy (2012).

15) 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.

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 SP1, EN9 and DM1 of the Core Strategy.

16) Before first occupation of the temple and living accommodation hereby approved the dormer windows in the south elevation for the living/dining room and stair well (as

indicated on drawings FPSI-BPP-C-0542/06 REV A and FPSI-BPP-C-0542/07 REV A stamped as received by the City Council, as Local Planning Authority, on the 31 July 2012) shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

Informatives

This permission does not grant approval under Building Regulations.

Date: 29 May 2013

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.