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 £97 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

Marstons Plc
C/o Agent

Agent (if used)

Mr James Mumby
Pegasus Group
5 The Priory
Old London Road
Canwell
Sutton Coldfield
B75 5SH

Part 1 – Particulars of the application/development

Proposal: Variation of condition no. 2 of planning permission ref: 097789/FO/2011/S2 to allow revised pergola design

Location: Four In Hand , 108 Palatine Road, Didsbury, Manchester, M20 3ZA

Date of application: 14 February 2013

Application number: 101630/JO/2013/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 dealing with the planning application. This application has been the result of an enforcement investigation and the applicant has sought regularise what has been built. The development is considered to be acceptable and in accordance with the development plan.

Reason(s) for decision

Approve on the basis that the proposal is in accordance with the City Council's Core Strategy (July 2012) policies SP1, EN1 and DM1, the Guide to Development in Manchester SPD (2007), 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 hereby approved shall be carried out in accordance with the following drawings and documents:

Drawing 0586-16 stamped as received by the City Council, as Local Planning Authority, on the 12 February 2013.

Documents approved by planning application 097789/FO/2011/S2

Drawings 0586-11 Rev L and 0586-12 Rev L stamped as received by the City Council, as Local Planning Authority, on the 12 January 2012.

Design, access and heritage statement stamped as received by the City Council, as Local Planning Authority, on the 21 November 2011.

Play equipment drawing stamped as received by the City Council, as Local Planning Authority, on the 2 December 2011.

Tree Survey by Wolverhampton Tree Service stamped as received by the City Council, as Local Planning Authority, on the 9 November 2011.

Drawing M.G. stamped as received by the City Council, as Local Planning Authority, on the 9 November 2011.

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.

2) The external drinking areas and play area shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

Monday to Sunday 10:00 to 23:00

At no time shall external speakers be used within the external seating area/play area.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policy DM1 of the Manchester Core Strategy and DC26 and the Unitary Development Plan for the City of Manchester.

3) Within one month of the date of this planning permission, the boundary treatment shall be carried out in accordance with drawing 0586-15 Rev C (received as part of planning permission 097789) stamped as received by the City Council, as Local Planning Authority, on the 11 January 2013 and thereafter retained and maintained.

Reason - To ensure adequate boundary treatment is installed at the site pursuant to policies EN1, EN3 and DM1 of the Manchester Core Strategy and policy DC18 of the Unitary Development Plan for the City of Manchester.

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) The hard and soft landscaping shall be carried out in accordance with the following details.

Drawing 3794 02a stamped as received by the City Council, as Local Planning Authority, on the 12 March 2012;
Drawing 3794_01a stamped as received by the City Council, as Local Planning Authority, on the 13 August 2012.

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 acceptable landscaping scheme is put in place pursuant to policy DM1 of the Manchester Core Strategy (2012).

7) Within three months of the date of this planning permission, a scheme shall be submitted and approved in writing by the City Council, as Local Planning Authority, for acoustically insulating the external plant equipment and building in order to ensure that noise emanating from the equipment and building is at a level satisfactory to the City Council, as Local Planning Authority. The approved scheme shall then be implemented within three months of approval and thereafter retained and maintained for as long as the development remains in use.

Reason - To safeguard the amenities of the occupiers of nearby residential 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 (2995).

8) Within two months of the date of this planning permission, 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, within one month, and shall remain in situ whilst the use or development is in operation.

Reason - To ensure satisfactory refuse arrangements are put in place pursuant to policies H2.2, DC10 and DC18 of the Unitary Development Plan for the City of Manchester (1995).

Informatives

This permission does not grant approval under Building Regulations.

Date: 10 April 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.