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

Countryside Properties
(Northern) Ltd
Countryside House
Lakeside Drive
Centre Park
Warrington
WA1 1RW

Name and Address of Agent

Part I – Particulars of Application

Date of Application	Application ref. no.
6 June 2008	085305/JO/2007/N2

Particulars and location of development:

Variation of Condition No.2 of planning reference 079448/FO/2006/N2 to allow amendments to previously approved drawings for 73 houses and 128 apartments

Land Bounded By Stuart Street/ Archer Street And
Philips Park
Sport City Phase 3
Beswick

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 policies within the Unitary Development Plan for the City of Manchester (in particular policies H1.2, H2.2, H2.7, EM1, EM2, EM11), and there are no material considerations of sufficient weight to indicate otherwise.
Date of Decision 8 December 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 (A1) (01) 001 RevA, (A1) (02) 002 Rev AE, (A1) (03) 00G Rev H, (A1) (03) 001RevH, (A1) (03) 001 RevI, (A1) (03) 001 RevB, (A1) (03) 002 RevB, (A1) (03) 003 RevB, (A1) (03) 004 RevB, (70) 003 RevD, (70) 002 RevE, (70) 004 RevB, (70) 005 RevB, (05) 001 RevC, (05) 002 RevC, (05) 001 RevD, ACE (05) 001 RevD, ACE (05) 002 RevA, AHE (05) 001 RevA, APPE (05) 001 RevA, SSE (05) 001, SSE (05) 002, A850 (05) 001, APPE (05) 001, SSE (05) 002 , stamped as received by the Local Planning Authority on 14t of August 2006, and supporting statements stamped as received 15th of May 2006, as amended by drawings numbered J00065/P3/PL200 rev H, DFA/2/-/710/TF (1 of 2), DFA/2/-/710/TF (2 of 2), DFA/3/-/800/TF, DFA/3/-/850/TF, DFA/4/-/1155/TF (1 of 2), DFA/4/-/1155/TF (2 of 2), J000133/P3/001, J000133/P3/002, J000133/P3/003, J000133/P3/004 and J000133/P3/005, stamped as received by the City Council, as Local Planning Authority on 12th May 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 Policy H2.2 of the Unitary Development Plan for the City of Manchester.

3) Notwithstanding the details submitted as part of the application,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 policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995)

materials

4) Before the development hereby approved commences a scheme for the storage and disposal of refuse and and recycling materials 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 (adopted 1995).

5) Before the development hereby approved commences a scheme for the storage and disposal of refuse and and recycling materials 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 (adopted 1995).

6) Before the development hereby approved commences, 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. The approved insulation shall be completed prior to the first occupation of the buildings.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies H2.2 and H2.7 of the Unitary Development Plan for the City of Manchester (adopted 1995).

7) Before the development hereby approved commences a report to assess the likely extent of any ground contamination and/or ground gas being present on or affecting the site shall be submitted to and approved in writing by the City Council as local planning authority. Any necessary site investigations shall then be carried out according to a scheme to be agreed in advance with the City Council as local planning authority and implemented in accordance with the approved scheme.

Reason

To ensure that the presence of or the potential for any contaminated land/ground gas is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies H2.2 and H2.7 of the Unitary Development Plan for the City of Manchester (adopted 1995)..

8) before the development hereby approved commences, details of appropriate and comprehensive construction designs to alleviate the ingress of landfill gas shall be submitted to and approved in writing by the City Council as local planning authority. The development shall incorporate the approved details unless otherwise agreed in writing by the City Council as local planning authority.

Reason

To alleviate the risk of landfill gas ingress into the building, pursuant to policies H2.2 and H2.7 of the Unitary Development Plan for the City of Manchester (adopted 1995)

9) No development the subject of this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation has been submitted and approved in writing by the City Council as local planning

aithority. The scheme shall be implemented in accordance with the approved details

Reason
To reduce the risk of increased flooding, pursuant to policies H2.2 H2.7 E1.3 and DC21.1 of the Unitary Development for the City of Manchester (adopted 1995).

10) No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by, the City Council as local planning authority. The development shall be implemented in accordance with the approved details.

Reason
To ensure a satisfactory method of disposal of foul and surface waters pursuant to policies E2.2 E2.3 and H2.2 of the Unitary Development Plan for the City of Manchester

11) No development approved by this permission shall be commenced until a scheme for the protection of the Ashton Canal from building materials during the construction period has been submitted to and approved in writing by the City Council as local planning authority . The development shall be constructed in accordance with the approved details.

Reason
To prevent pollution of the Ashton Canal, pursuant to policies E2.2, E2.3 and H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

12) All vehicles entering and leaving the site during the construction period are to pass through a wheel wash. Details of the wheel wash shall be submitted to and approved in writing by the City Council as local planning authority prior to the development commencing.

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 of the Unitary Development Plan for the City of Manchester (adopted 1995).

13) A landscaping scheme detailing all soft and hard landscaping shall be submitted to and approved in writing by the City Council as local planning authority prior to the commencement of the development. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted 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, pursuant to policy H2.7 of the Unitary Development Plan for the City of Manchester (adopted 1995)..

14) notwithstanding the masterplan number 24300 GSD (02)002 RevAE, landscape details shall be submitted to and approved in writing by the City Council as local planning authority for the area between block A and Alan Turing Way within the site edged red.

Reason

To ensure that a satisfactory landscaping scheme for the development is carried out.

15) 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".

16) 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. These 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, pursuant to policy T3.7 of the Unitary Development Plan for the City of Manchester (adopted 1995).

17) 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, E3.3 and E3.5 of the adopted UDP.

18) Details of access proposals for mobility impaired persons including route widths, levels and gradients, shall be submitted to and approved in writing by the City Council as local planning authority before development commences.

The approved details shall be implemented before the development is first brought into use.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of the Unitary Development Plan for the City of Manchester and the Disability Discrimination Act 1995. However, in approving the relevant drawings, the City Council as the local planning authority does not hereby give any warranty that the provisions of the Disability Discrimination Act 1995 have been complied with.

19) The development hereby approved shall include a building lighting scheme and a scheme for the illumination of external areas during the period between dusk and dawn, or as may be otherwise agreed in writing by the City Council as local planning authority. Full details of such a scheme shall be submitted to and approved in writing by the local planning authority before the development commences. The approved scheme shall be implemented in full before the development is first occupied unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of amenity, crime reduction and the personal safety of those using the proposed development, pursuant to policiesH2.2 and H2.7 of the Unitary Development Plan for Manchester (1995).

20) The applicant shall, with regard to television reception in the area containing the application site, provide the City Council as local planning authority with studies that:

a) Identify, before the development commences, the potential impact area in which television reception is likely to be adversely affected by the development. The study shall be carried out either by the Office of Communications (Ofcom), or by a body approved by Ofcom and shall include an assessment of when in the construction process an impact on television reception might occur.

b) Measure the existing television signal reception within the potential impact area identified in (a) above before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Office of Communications, and shall include an assessment of the survey results obtained.

c) Assess the impact of the development on television signal reception within the potential impact area identified in (a) above within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the City Council as local planning authority in response to identified television signal reception problems within the potential impact area. The study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out in (b) above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception, as advised in Planning Policy Guidance Note 8: Telecommunications.

21) Notwithstanding the information contained within the supporting design statement stamped as received 15th of may 2006, the development hereby approved shall achieve a minimum of a BUilding Research Establishment Environmental Assessment Methodology (BREEAM) rating of " Very Good", and equivalent for Eco-Homes, unless otherwise agreed in writing with the City Council as local planning authority.

Reason
In the intersets of minimising the environmental impact of the development pursuant to policy E1.5 of the Unitary Development Plan for Manchester (adopted 1995).

22) Development shall not begin until details of all off-site highway works: including necessary changes to the existing highway network, traffic calming measures to Stuart Street, details of all sight lines and visibilkity splays and any other necessary works have been approved in writing by the City Council as local planning authority. The development shall not be occupied until the works have been constructed in accordance with the approved details.

Reason

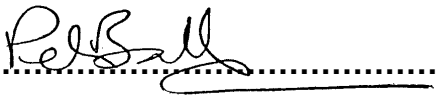
To ensure that satisfactory access is provided from the public highway to the proposed development in the interests of the safety and convenience both of those using the development and those using the highway.

23) Prior to development commencing and notwithstanding the submitted plans details of the location of security gates shall first be agreed in writing with the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason
In the interests of highway and pedestrian safety pursuant to Policy H2.2.

24) Notwithstanding the details shown on the approved plans, no development shall take place until there has been submitted to and approved in writing by the City Council, as local planning authority, elevational details of the proposed bin store. The bin store shall be constructed before any of the approved housing units are occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

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, and H2.7 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. 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.