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

Miss Yu Yunixia
23 Hessel Street
London
E1 2LR

Agent (if used)

Mr Mohammed Yaseen
62 Wellington Road
Oldham
OL8 1RT

Part 1 Particulars of the application/development

Proposal: Reconfiguration of ground floor to form 3 retail units with 6 self-contained flats to upper floors and 2 duplex flats to rear (ground and first floor), formation of car parking and amenity areas, demolition of existing rear coach house / outbuilidngs and associated boundary treatment.

Location: 58-60 Stockport Road, Ardwick, Manchester, M12 6AL

Date of application: 20 July 2012

Application number: 099809/FO/2012/N2

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

Reason(s) for decision

Condition(s) attached to this decision

0) On the basis that the proposal is in accord with Core Strategy for Manchester policies SP1, DM1, C2, EC9, EN8 and H11 including Unitary Development Plan saved policy E3.3 and DC26, the guidance contained in Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, the principles of National Planning Policy Framework and the Regional Spatial Strategy (RSS) policies DP1, DP2 and DP4 and in that the development would provide an economically sustainable use that would safeguard the future occupancy of a building, which is consistent with current guidance. The impact of the development has been mitigated against through the details of the scheme and the related conditions to ensure an appropriate relationship to the neighbouring residential area. The proposed refurbishment would be undertaken with a minimal intervention to the exterior of the building thereby retaining its distinctive

character and contribution to the quality of the surrounding environment and streetscene. It is thereby considered that the development will positively contribute to the character and amenities of the area and its continued regeneration. The proposed development will improve the retail offer of the area. It is also considered that positive and proactive engagement with the applicant and statutory consultees has secured solutions to problems associated with the proposed development, which are related to the planning permission through the approved details and the implementation of its conditions.

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: PP/FFP-01(29 June 2012); PPGFP-02 (16 July 2012); BP/STFP-03 (29 June 2012); PP/EL-04 (20 July 2012); EX-01 (29 June 2012).

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) The premises shall not be open outside the following hours:-
Monday to Sunday: 7.00 am to 11.00 pm.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

5) No loading or unloading shall be carried out on the site outside the hours of 7.30 am to 8.00 pm daily.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

6) The car parking indicated on approved drawing PP/GFP-02 shall be surfaced, demarcated and available for use before the first occupation of the development and remain in place whilst the uses of the Class A1, A2 or C3 uses are undertaken.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning

(General Permitted Development) (Amendment) (England) Order 2010 (or any order revoking and re-enacting that Order with or without modification) no part of the residential element of the development hereby approved shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

8) The shops units approved as part of this development shall only be used for Class A1 or Class A2 purposes as defined by of the Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any order revoking and re-enacting that Order with or without modification and shall be confined to the areas of the ground floor as shown on the approved drawings.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

9) Before the development commences a scheme for acoustically insulating the residential accommodation against noise from Stockport Road and the Apollo Theatre, including details of background noise levels, shall be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Reason - To secure a reduction in noise from Stockport Road and the Apollo Theatre in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

10) The development shall be implemented in full accordance with the arrangements for waste storage and collection as shown on drawing PP/GFP-02, which shall remain in place whilst the authorised uses continue.

Reason - In the interests of residential amenity pursuant to policies SP1, DM1 and EN19 of the Core Strategy for Manchester and the guidance contained within the NPPF.

11) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first commencement of the authorised uses. The 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 in order to comply with saved policy E3.3 of the Unitary

Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

12) No development shall take place until a Construction Traffic Management Plan shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in accordance with the agreed Construction Traffic Management Plan:
a. The routing of construction traffic;
b. The identification of the vehicular access points into the site for all construction traffic, staff vehicles and Heavy Goods Vehicles;
c. Identify measures to control dust and mud on the surrounding public highway including: details of how the wheels of contractor's vehicles are to be cleaned; and the sheeting of vehicles entering and leaving the site during the construction period;
d. Specify the working hours for the site;
e. The management of on site construction vehicles and plant machinery in order to reduce emissions;
f. Identify advisory routes to and from the site for staff and HGVs.

Reason - In the interest of pedestrian and highway safety and in the interests of local amenity, as specified in policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

13) Before the commencement of the authorised development a scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to measures to reducing the risk of crime, including the provision of access controls to residential accommodation, CCTV cameras and lighting. The approved measures shall be implemented in full prior to the first occupation of the residential units hereby approved.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

14) Before the commencement of the Class A1 or Class A2 uses hereby approved details of rollers shutters, their specification, means of affixing and housing shall be submitted to and approved in writing by the City Council as local planning authority. The approved details shall be implemented in full prior to the first occupation of the Class A1 or Class A2 units hereby approved.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

Informatives

This permission does not grant approval under Building Regulations.

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Date: 14 December 2012

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.

Appendix A – Standing Advice Regarding Coalfield Area

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.
Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com