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.
- 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
Gleeson Regeneration Sandringham House Hollinsbrook Park Little 66 Off Roach Bank Road Bury BL9 8RN	Edward Architectural Services Ltd Prospect House 32 Sovereign Street Leeds LS1 4BJ

Part I – Particulars of Application

Date of Application	Application ref. no.
4 April 2008	086107/FO/2008/N2

Particulars and location of development:

Erection of 265 no. dwellings including 223 no. two and three storey houses and 42 flats, with a four storey block fronting Grey Mare Lane comprising 1377 square metres of retail with flats above and associated new road layouts, car parking and landscaping

Land Between Grey Mare Lane And Blackrock Street And North Of Bell Crescent
Bradford
Manchester
M11 3UA

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 accord with the City Council's Unitary Development Plan (in particular Policies EM15, R1, H1.2, H2.1, H2.2, H2.7, E1.5, E1.6, E2.6, E3.3, E3.5, E3.7, S2, T2.4, T2.6, T3.1, T3.7, DC7, DC26 and DC16) 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.) 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 2 July 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 following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority:

The Design and Access Statement, Design for Access 2 statement, Noise Assessment by Spectrum Acoustics, Traffic Statement, Phase 1 Habitat Survey, Tree Survey Report, Waste Management Strategy, Retail Statement, Site Investigation report, Crime Impact Statement, Breeam Retail pre-assessment estimator and the drawings numbered 0113/PL05/A, 0113/PL10/B, 0113/PL12/B, 0113/PL13/B, 0113/PL14/B, 0113/PL15/A, 0113/PL16/B, 0113/PL30/A, 0113/PL31/A, 0113/PL32/A, 0113/PL50A/A, 0113/PL56/A, 0113/PL57/A, 0113/PL58/A, 0113/PL59/A, 0113/PL60/A, 0113/PL61, 0113/PL80/B, 0113/PL81/B, 0113/PL82/B, 0113/PL83/B, 0113/PL84/A, 0113/PL85, 0113/PL87/A, 0113/PL88/A, 0113/PL89/A and 0113/PL90/A, all stamped as received by the Local Planning Authority on the 11th March 2008.

The amended drawings numbered 0113/PL01/B, 0113/PL02/E, 0113/PL21/B, 0113/PL22/B, 0113/PL23/B, 0113/PL24/B, 0113/PL25/B, 0113/PL26/B, 0113/PL27/B, 0113/PL55/B and drawing named 'Block L Along Park Avenue', stamped as received by the Local Planning Authority on the 22nd May 2008.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Policies EM15, R1, H1.2, H2.1, H2.2, H2.7, E1.5, E1.6, E2.6, E3.3, E3.5, E3.7, S2, T2.4, T2.6, T3.1, T3.7, DC7 and DC16 and 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.

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, as specified in Policies EM15, R1, H1.2, H2.1, H2.2, H2.7, E1.5, E1.6, E3.3, E3.5 and 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.

4) 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 EM15, R1, H1.2, H2.1, H2.2, H2.7, E2.6, E3.3, E3.5, E3.7 and DC16 and 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.

5) Prior to the commencement of the development hereby approved, a Tree Protection Plan and Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This should include correctly calculated construction exclusion zones, proposals for protection barriers and ground protection measures, engineering construction details where foundations, driveways and paving fall within the root protection areas of the retained trees, and details of any necessary tree surgery to facilitate construction operations. The development shall then be constructed in full accordance with the approved details, unless otherwise agreed in writing with 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, pursuant to Policies DC16 and E2.6 of the adopted UDP for the City of Manchester.

7) 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 DC16, E2.4 and E2.6 of the Unitary Development Plan for the City of Manchester.

8) 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 DC16 and E2.6 of the adopted UDP for the City of Manchester.

9) Notwithstanding the approved drawings, 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, locations, heights, design, materials and type of boundary treatment to be erected. 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 Policies EM15, H2.2, E3.3 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 thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. 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 local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

11) 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 H2.2 of the Unitary Development Plan for the City of Manchester.

12) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'very good' or 'excellent' for the retail element or at least a 'very good' or 'excellent' or a three star sustainability rating under the code for sustainable homes 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 SPD and Planning Policy Statement 1.

13) Notwithstanding the approved drawings, full highway engineering details in relation to all new vehicular and pedestrian routes, shall be submitted and approved in writing with the Local Planning Authority, including details of the new road and pedestrian footways, a plan showing the proposed areas for formal adoption, dropped kerbs, kerb radii, surface materials, a section through the highway showing levels, visibility splays and any proposed traffic calming measures. The development shall be carried out in full accordance with the details thereby approved, unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of residential amenity and highway safety, pursuant to Policies T3.1 and H2.2 of the adopted UDP for the City of Manchester.

14) 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.

15) Notwithstanding the provisions of Article 3 of Part 1 of Schedule 2 or as subsequently amended to, the Town and Country Planning General Development Order 1995 (as amended), no garages, outbuildings or extensions shall be erected other than those expressly authorised by this permission.

Reason

To ensure that the density of the development is not further increased by extensions and outbuildings and 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 H2.1, H2.2 and H2.7 of the adopted UDP for the City of Manchester.

16) The retail unts hereby approved shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

Mondays to Saturdays 8:00am to 10:00pm
Sundays and Bank Holidays 9:00am to 10:00pm

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

17) The retail units hereby approved shall not receive deliveries, servicing, or collections including waste collections outside the following hours:

* Mondays to Saturdays 07:30am to 08:00pm
* No deliveries/waste collections on Sundays or Bank Holidays

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 and DC26 in accordance with the Unitary Development plan for the City of Manchester.

18) Before first occupation of the development the retail unit buildings, 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 policy H2.2 of the Manchester Unitary Development Plan.

19) The development hereby approved shall be built in accordance with the acoustic attenuation scheme outlined within the Spectrum Acoustic Consultant report submitted on the 11th March 2008, which includes the particulars of the acoustic glazing and acoustically treated ventilation to be installed as part of the development. The approved scheme shall be implemented in full before use of the residential premises first commences.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

20) The development hereby approved shall be implemented in full accordance with the Waste Management Strategy Revision B: GE (29.02.08) submitted to the Local Planning Authority on the 11th March 2008, which includes a scheme for the disposal of refuse including segregated waste for recycling. The details of this 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.

21) The development hereby approved shall be implemented in full accordance with the Flood Risk Assessment completed by Michael Lambert Associates and submitted to the Local Planning Authority on the 13th May 2008. The scheme shall be constructed and completed in accordance with the approved details unless otherwise approved in writing with the Local Planning Authority.

Reason

To ensure that the development is subject to minimum risk of flooding, pursuant to Planning Policy Statement 25 Planning and Flooding.

22) Upon occupation of the commercial units, any proposed roller shutters on the frontage of the proposed units and shall be open/raised from 9.00 a.m. until the business closes in the evening.

Reason

In order to ensure that the appearance of the building is in keeping with the character of the area, pursuant to 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.