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 £85 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

Mr Zahid Sarwar
Knitwear Couture Ltd
KTS House
49 Devonshire Street
Ardwick Green
Manchester
M12 6JR

Agent (if used)

Mr Nadir Khan
DK Architects
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Stockport Road
Cheadle
SK8 2EA

Part 1 – Particulars of the application/development

Proposal: Change of use from light industrial and warehousing (Class B1/B8) to light industrial / general industrial use (Class B1/B2).

Location: Capricorn IV , 58-60 Higher Ardwick, Manchester, M12 6DA

Date of application: 10 May 2012

Application number: 099308/FU/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).

Reason(s) for decision

On the basis that the proposal is in accord with the City Council's Unitary Development Plan in particular policies E3.5 H2.2, I1.12, T2.6, DC26.1, DC26.4 and DC26.5 and other material considerations of weight including Manchester's Local Development Framework: The Emerging Manchester Core Strategy policies DM1, EN8, EN19 and T1, the principles contained within the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, National Policy Framework policies 1, 4, 8 and 10 and RSS policy DP1 and in that the development would: positively contribute to the local economy by bring a vacant building into use and providing an additional source of local employment to the benefit of the social and economic sustainability of the locality and the broader community thereby promoting its continuing regeneration.

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 unless otherwise agreed in writing by the City Council as Local Planning Authority: Site location plan NK.242.00; Ground floor Plan NK.242.01; First Floor Plan NK.242.02 and the design and Access Statement all received on 9th May 2012.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policy E3.5 and H2.2 of the Manchester Unitary Development Plan and policy DM1 of Manchester's Local Development Framework: The Emerging Manchester Core Strategy.

3) Before first commencement of the authorised use, 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 development shall be operated in accordance with this scheme unless otherwise approved in writing.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan and policy DM1 of Manchester's Local Development Framework: The Emerging Manchester Core Strategy.

4) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:

Monday to Saturday: 8.00 am to 8.00 pm.

Sunday and Bank Holidays - Closed.

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 and policy DM1 of Manchester's Local Development Framework: The Emerging Manchester Core Strategy.

5) No servicing, deliveries or collections, including associated loading or unloading, shall be carried out on the site outside the hours of :

Monday to Saturday : 7.30 am to 8.00 pm.

No deliveries or collections on Sundays and Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development plan for the City of Manchester and policy DM1 of Manchester's Local Development Framework: The Emerging Manchester Core Strategy.

6) The development is to be undertaken in accordance with the waste management strategy and drawing referenced Waste Management Plan NK.242.03 received on 9th May 2012, unless otherwise agreed in writing by the City Council as local planning authority.

Reason - In the interests of residential amenity pursuant to policy H2.2 of the Unitary Development Plan, principles contained within the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance and policy DM1 of Manchester's Local Development Framework: The Emerging Manchester Core Strategy..

7) 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 and policy DM1 of Manchester's Local Development Framework: The Emerging Manchester Core Strategy.

8) Details of a Travel Plan with the objective of encouraging the use of sustainable forms of transport and discouraging private car usage and including particulars of its implementation and monitoring of effectiveness and how measures to improve effectiveness shall be implemented shall be submitted to and approved in writing by the City Council as local planning authority within 6 months of the date of this approval. For so long as the use is in operation the local planning authority shall be provided with such information as specified in the Travel Plan and all measures that are identified that can improve the effectiveness of the Travel Plan shall be adopted and implemented within a timescale agreed in writing by the local planning authority.

Reason - In the interests of residential amenity and to promote measures to promote alternatives to the use of private transport pursuant to Policy H2.2 of the Unitary Development Plan, the principles contained within the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance and Policies DM1 and T1 of the emerging Core Strategy for Manchester.

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: 5 July 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