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	Name and Address of Agent
Lowry Homes - Mr John Booth Digital World Centre 3rd Floor 1 Lowry Plaza Salford Quays Manchester M50 3WB	Leach Rhodes Walker Ltd Riverside New Bailey Street Manchester M3 5AA

Part I – Particulars of Application

Date of Application	Application ref. no.
26 September 2008	087710/JO/2008/S1

Particulars and location of development:

Variation of Condition Nos. 3 & 12 attached to planning permission 085362/MO/2007S1 to allow elevational alterations and internal alterations

Phase 9 Former Maine Road Football Stadium
Maine Road
Moss Side
Manchester
M14 7NW

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 H1.2, H2.2, H2.7, E1.5, E3.5, E3.7, MS1) 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 accommodation and facilities at this site, to the benefit of continuing regeneration of the locality.
Date of Decision 4 February 2009

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 15 February 2010.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The approval of details relates to development for which outline permission was granted under application reference 076455/OO/2005/S1 dated 07/09/07. The development shall be carried out in strict accordance with the conditions set out in the outline planning permission, except as modified by this permission.

Reason: For the avoidance of doubt and to ensure that development complies with the requirements and conditions of the outline permission and the approval of reserved matters.

3) 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: 6305L(00)20, 6755L(00)022D, 6755L(00)023B, 6755L(00)024B, 6755L(00)025B, 6755L(00)026C, 6755L(00)027C, dated 15.09.08

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2; of the Manchester Unitary Development Plan.

4) 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 adopted UDP for the City of Manchester and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

5) Notwithstanding the submitted landscape drawing, a fully detailed landscaping scheme including name, location, size and planting density of all planted material, the girth and height of the proposed trees, tree pit sizes, tree staking methods, surfacing materials, details of furniture and a management and maintenance proposal, 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 Policies H2.1, H2.2, H2.7 of the adopted UDP for the City of Manchester and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

6) 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.

7) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'very good' or 'excellent' and at least (BRE) Eco-Homes rating of "Very Good" 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 2 SPD and Planning Policy Statement 1.

8) The development shall not be occupied unless accreditation, confirming achievement of the Secured by Design standards in respect of the development has been issued by Greater Manchester Police, unless otherwise agreed in writing by City Council as local planning authority.

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".

9) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences, any works approved shall be implemented before the use commences.

Reason - In the interests of the amenities of occupiers of nearby properties.

10) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from the use and movement of cars and bins in the covered car park area to the complex shall be submitted to ana rppoved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be approved prior to occupation.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation.

11) 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 b ythe City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site / property.

Externally mounted ancillary plant, equipment and servicing shall be acoustically treated in accordance with a scheme desgined so as to achieve a noise level of 5dB below the existing background (LA90) in each octave band at the nearest noise sensitive location.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation.

12) Facilities for the storage and disposal of refuse and recycling as shown in plans numbered 6755L(00)22 Rev D dated 15.09.08 shall be provided to the satisfaction of the City Council as local planning authority prior to occupation of any phase of the development and shall remain in situ whilst the site is in use.

Reason - In the interests of amenity and public health, pursuant to policy H2.2 of the adopted Unitary Development Plan of the City of Manchester.

13) No external lighting shall be erected on or around the site without the prior written approval of the Local Planning Authority. Details of any proposed external lighting within the site must be submitted to and approved in writing by the City Council as Local Planning Authority. The lighting must only be implemented in accordance with the approved details.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation once the development is completed, pursuant to Policy H2.2 of the adopted UDP for the City of Manchester.

14) The details of an emergency telephone contact number shall be displayed during construction in a publicly accessible location on the site and shall remain so displayed unless otherwise agreed in writing by the City Council as local planning authority.

Reason - In the interests of local amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

15) Details of the existing ground levels, proposed ground levels and the level of proposed floor slabs shall be submitted before any development on the site first commences. Details which receive the written approval of the Local Planning Authority shall be implemented in full, unless alternative details are otherwise approved in writing by the Local Planning Authority

Reason: To ensure that any change in ground level is acceptable given the nature of the site and adjoining uses.

16) All aspects of the development shall conform with the City Council's Design for Access 2 document in providing disabled access. The approved details

shall be satisfactorily 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.

17) 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.

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 Strategy Site 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 Strategy Site 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.

Part IV – Informatives

This permission grants no consent for alterations to the landscaping plan or to the lighting plan shown in plan No.'s 3388.01C and 007.087.PH9.EX1C submitted. This is being dealt with seperately under an application to discharge conditions.

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.