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 Richard Marshall
NU 3Ps Limited
C/o Mill Group Limited
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London
W1X 1RF

Agent (if used)

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DLA Architecture Ltd
Pearl Assurance House
23 Princess Street
Manchester
M3 7BD

Part 1 – Particulars of the application/development

Proposal: Application for 3 temporary buildings to be located on the existing playing field in association with the application for the extension to the main school building. (098989) for a period of 15 months.

Location: Temple Primary School , Smedley Lane, Cheetham, Manchester, M8 8SA

Date of application: 29 March 2012

Application number: 098987/FO/2012/N1

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Temporarily Approval** 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 CC1, R1, H2.2, E2.6, E3.5, T2.4,and T2.6) and with other material considerations of material weight (in particular the Guide to Development in Manchester Supplementary Planning Document; the Emerging Core Strategy policies DM1; and the National Planning Policy Framework policy 7; 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 design that does not harm the character of the area, there would not be any significant impacts on the residential amenities of adjoining occupiers.

Condition(s) attached to this decision

1) The permission hereby granted is for a limited period only, expiring on 30th August 2013; the temporary buildings , works and use (and associated footpaths and playground) comprising the development for which permission is hereby granted are

required to be respectively removed following the completion of construction, and the playing field to be reinstated to a playing field of at least equivalent quality to that which exists at present , in accordance timetable of implementation to be submitted to and approved in writing by the City Council local planning authority before this permission expires.

Reason -The development is of a temporary nature only.

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 :
Design and Access Statement , Flood Risk& Drainage Strategy Statement, plan ref: 2011-083/803 and United Utilities Sewer records plan received 29th March 2012; as amended by e-mail received 3rd May 2012 and plan refs: 2011-083/804 rev.A; 072 121 s-2 (notwithstanding disabled toilet dimensions); 072 122 s-2(notwithstanding disabled toilet dimensions); 072 123 s-2(notwithstanding disabled toilet dimensions); 072 124 s-2; received by e-mail on 3rd May 2012, and e-mail dated 23rd May 2012.

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, and policy DM1 of the emerging Core Strategy for Manchester.

3) 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 5837 (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 E2.4 and E2.6 of the Unitary Development Plan for the City of Manchester, and policy DM1of the emerging Core Strategy for Manchester.

4) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the buildings 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 the emerging Core Strategy for Manchester.

5) The temporary classrooms, school hall and administration accommodation shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

07:30 to 20:00 Mondays to Fridays

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 the emerging Core Strategy for Manchester.

6) No servicing activity shall take place on the site on Sundays and Bank Holidays, and all other loading or unloading shall be carried out between the hours of 7:00 a.m. and 7:30 p.m. on Mondays to Saturdays.

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 the emerging Core Strategy for Manchester.

7) The use of the proposed football pitch shall be confined to the following hours:-

09:00 a.m. to 10:00 p.m. Mondays to Saturdays
10:00 a.m. to 9:00 p.m. Sundays

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation once the development is completed in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester, and policy DM1 of the emerging Core Strategy for Manchester.

8) No activities involving amplified sound shall occur in the temporary school buildings outside the following hours:-

8 a.m. to 8.00 p.m. Mondays to Fridays

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 the emerging Core Strategy for Manchester.

9) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the design, materials and type of boundary vehicular gate to be erected to Boyle Street. The boundary treatment shall be

completed before the buildings 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 in order to comply with Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

10) Notwithstanding the disabled toilet provision shown on plan refs: 072 121 s-2; 072 122 s-2; 072 123 s-2; finalised details of accessible toilet accommodation for mobility impaired persons 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, unless otherwise agreed with the City Council as Local Planning Authority.

Reason - To ensure that satisfactory disabled access is provided amenity pursuant to policy DC7.1 of the Unitary Development Plan for the City of Manchester and policy DM1 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: 23 May 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