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
Mangrove Estates Monaghan House Clarendon Street Hyde Cheshire SK14 2EP	Emery Planning Partnership Ltd 4 South Park Court Hobson Street Macclesfield Cheshire SK11 8BS

Part I – Particulars of Application

Date of Application	Application ref. no.
11 March 2009	085150/FO/2007/N2

Particulars and location of development:

Erection of mixed use development comprising 38 apartments, 8 houses, 476 sqm A1 retail floorspace, 288 sqm of A1 retail/A3 restaurant floorspace, 303 sqm of A3 /restaurant/B1 office floorspace and 303 sqm of B1 office accommodation (B1) within part three/four and five storey buildings with associated car parking and landscaping

Land At Hyde Road / Williams Road
Gorton

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**
Date of Decision **30 July 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 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 drawings numbered 6165(Fe)205A, 6165(Fe)206A, 6165(Fe)207A, 6165(Fe)399A and 6165(Fe)410A, stamped as received by the City Council, as Local Planning Authority on 2nd February 2009, drawing number 6165(Fe)201B, stamped as received by the City Council, as Local Planning Authority on 16th February 2009, drawings numbered 6165(Fe)202B, 6165(Fe)203B, 6165(Fe)204B, 6165(Fe)208B, 6165(Fe)400D, 6165(Fe)401D, 6165(Fe)403B and 6165(Fe)404B, stamped as received by the City Council, as Local Planning Authority on 8th April 2009 and drawing number 165(Fe)402E, stamped as received by the City Council, as Local Planning Authority on 30th April 2009, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

3) Notwithstanding the details submitted as part of the application,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 Unitary Development Plan for the City of Manchester (adopted 1995)

4) Before the development hereby approved commences a scheme for the storage and disposal of refuse and and recycling materials shall be submitted to and approved in writing by the City Council as Local Planning Authority. The details of the 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 Unitary Development plan for the City of Manchester.

5) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from road traffic on Hyde Road and railway noise 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 road traffic on Hyde Road and the railway, in order to protect future residents from noise nuisance, pursuant to policies H2.2 and DC26 of the Unitary Development Plan for the City of Manchester.

6) Any externally mounted ancillary plant, equipment and servicing shall be acoustically treated in accordance with a scheme designed 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, pursuant to policies H2.2 and DC26 of the Manchester Unitary Development Plan.

7) Before any A3 use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences, or as otherwise agreed in writing by the City Council, as Local Planning Authority.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies H2.2 and DC26 of the Unitary Development Plan for the City of Manchester.

8) Before the development commences a scheme for acoustically insulating the proposed office accommodation against noise from external sources in the vicinity of the building 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 office units are operational.

Reason - To secure a reduction in noise from external noise sources in order to protect future occupiers from noise nuisance, pursuant to policy DC26 of the Unitary Development Plan for the City of Manchester.

9) In relation to the A3 and B1 uses, before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with Policy H2.2 of the Unitary Development Plan for the City of Manchester.

10) No part of the building to be used for A1, A3 and/or B1 purposes shall be occupied until the opening hours of each unit have been agreed in writing by the City Council as local planning authority. That part of the building shall thereafter not open outside the approved hours,

Reason - In order that the local planning authority can achieve the objectives both of protecting the amenity of local residents and ensuring a variety of uses at street level in the redeveloped area in accordance with Policies H2.2 and DC 26 in accordance with the Unitary Development Plan for the City of Manchester.

11) No deliveries, services or collections, including waste collections shall take place on site outside the following hours:
7.30 am to 8.00 pm - Monday to Saturday.

No deliveries on Sundays and Bank Holidays.

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.

12) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) 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).

In the event of the Preliminary Risk Assessment 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) 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 shall be carried out, before the development commences and 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 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, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) 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, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

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 Policy H2.2 of the Unitary Development Plan for the City of Manchester.

13) 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".

14) No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by, the City Council as local planning authority. The development shall be implemented in accordance with the approved details.

Reason
To ensure a satisfactory method of disposal of foul and surface waters pursuant to policies E2.2 E2.3 and H2.2 of the Unitary Development Plan for the City of Manchester

15) All vehicles entering and leaving the site during the construction period are to pass through a wheel wash. Details of the wheel wash shall be submitted to and approved in writing by the City Council as local planning authority prior to the development commencing.

Reason

To ensure that the proposed development does not cause unacceptable amounts of dust in the vicinity and to ensure that local roads are kept clear of mud, pursuant to policies H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

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

17) The applicant shall, with regard to television reception in the area containing the application site, provide the City Council as local planning authority with studies that:

a) Identify, before the development commences, the potential impact area in which television reception is likely to be adversely affected by the development. The study shall be carried out either by the Office of Communications (Ofcom),

or by a body approved by Ofcom and shall include an assessment of when in the construction process an impact on television reception might occur.

b) Measure the existing television signal reception within the potential impact area identified in (a) above before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Office of Communications, and shall include an assessment of the survey results obtained.

c) Assess the impact of the development on television signal reception within the potential impact area identified in (a) above within one month of the practical completion of the development or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the City Council as local planning authority in response to identified television signal reception problems within the potential impact area. The study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out in (b) above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception, as advised in Planning Policy Guidance Note 8: Telecommunications.

18) Development shall not begin until details of all off-site highway works: including necessary changes to the existing highway network, details of all sight lines and visibility splays and any other necessary works have been approved in writing by the City Council as local planning authority. The development shall not be occupied until the works have been constructed in accordance with the approved details.

Reason

To ensure that satisfactory access is provided from the public highway to the proposed development in the interests of the safety and convenience both of those using the development and those using the highway.

19) Notwithstanding the details shown on the approved plans, no development shall take place until there has been submitted to and approved in writing by the City Council, as local planning authority, elevational details of the proposed bin store. The bin store shall be constructed before any of the approved housing units 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, pursuant to Policies H2.2, and H2.7 of the Unitary Development Plan for the City of Manchester.

20) Before development commences, the internal car park area shall be ventilated in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in accordance with the approved details.

Reason

In the interests of public health and to ensure satisfactory conditions within the car parking area, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

21) No part of the development hereby granted permission shall be commenced during the period between October to April , until a further bat survey has been undertaken to investigate whether any existing buildings are inhabited by hibernating bats, and the survey results passed to the local planning authority. If the presence of bats or barn owls is established, a scheme for the protection of the wildlife habitat shall be submitted to and agreed in writing by the City Council as local planning authority before work commences.

Reason

To ensure the protection of habitat of bats and barn owls which are protected species under the Wildlife and Countryside Act 1981, and pursuant to policy E2.4 of the Unitary Development Plan for the City of Manchester.

22) The development hereby approved shall include a building lighting scheme and a scheme for the illumination of external areas during the period between dusk and dawn, or as may be otherwise agreed in writing by the City Council as local planning authority. Full details of such a scheme shall be submitted to and approved in writing by the local planning authority before the development commences. The approved scheme shall be implemented in full before the development is first occupied unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of amenity, crime reduction and the personal safety of those using the proposed development, pursuant to section 17 of the Crime and Disorder Act and policy E3.5 of the Unitary Development Plan for the City of Manchester.

23) 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.

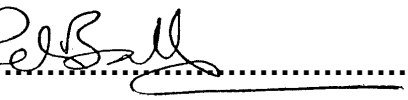
Reason

To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

24) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method

(BREEAM) rating of at least three star sustainability rating under the code for sustainable homes for those elements of the development which are residential in nature, and a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'very good' for those elements of the scheme that are none 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.

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.