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

Mrs Jane Gant
Southway Housing Trust
Aspen House
825 Wilmslow Road
Didsbury
Manchester
M20 2SN

Agent (if used)

Mr Robert Evans
Roger Stephenson Architects
Aeroworks
5 Adair Street
Manchester
M1 2NQ

Part 1 – Particulars of the application/development

Proposal: Erection of three storey building to form community centre at ground floor with 9no. two bedroom flats and 4no. one bedroom flats (13 flats in total) above, together with creation of two separate car parking areas and associated landscaping, following demolition of existing community centre

Location: Mersey Bank Community Centre , 23 Mersey Bank Avenue, Chorlton, Manchester, M21 7NT

Date of application: 6 August 2012

Application number: 100132/FO/2012/S1

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 accordance with the City Council's Core Strategy Development Plan Document and the extant saved policies in the Unitary Development Plan, and there are no material considerations of sufficient weight to indicate otherwise.

Policy SP1, the proposal complies with this policy as it is considered it makes a positive contribution to the neighbourhood.

Policy DM 1, the proposal complies with this policy in terms of layout, scale, impact upon residential amenity and safety.

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:

1173-al(05) 001 P01,
1173-al(05) 002 P01,
1173-al(05) 003 P01,
1173-al(05) 004 P01,
1173-al(05) 005 P01,
1173-al(05) 010 P01,
1173-al(05) 011 P01,
1173-al(05) 012 P01,
1173-al(05) 013 P01,
1173-al(05) 014 P01,
1173-al(05) 015 P01,
1173-al(05) 016 P01,
1173-al(05) 017 P01,
1173-al(05) 018 P01
1173-al(05) 019 P01,
1173-al(05) 100 P01,
1173-al(05) 200 P01,
M2432(69)0S/001,
D3456.003

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 in the Core Strategy Development Plan Document for the City of Manchester

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, pursuant to policies SP1 and DM1 in the Core Strategy Development Plan Document for the City of Manchester

4) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of Level 3 for the duplex apartment and Level 4 for the remaining apartments 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 SP1 and DM1 in the Core Strategy Development Plan Document for the City of Manchester

5) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how Secured 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 Secured by Design accreditation.

Reason - To reduce the risk of crime, pursuant to policy DM1 in the Core Strategy Development Plan Document for the City of Manchester

6) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved drawing D3456.003 and TEP report dated June 2012; 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 policy DM1 in the Core Strategy Development Plan Document for the City of Manchester

7) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref D3456.003 shall be implemented not later than 6 months from the date of commencement of works. 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 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 that respects the character and visual amenities of the area, pursuant to policy DM1 in the Core Strategy Development Plan Document for the City of Manchesterer.

8) The Community Centre shall not be used and no apartment shall be occupied until all the car parking, indicated on the approved plans listed in condition no. 2, have been laid out, demarcated and made available for use. The car parking facilities shall remain available at all times after first use of the development hereby permitted.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied, pursuant to policy DM1 in the Core Strategy Development Plan Document for the City of Manchester.

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

- Mondays to Fridays: 0830hrs to 2200hrs
- Saturdays and Sundays: 0830hrs to 1200hrs

Reason - In interests of residential amenity in order to reduce noise and general disturbance pursuant to policy DM1 in the Core Strategy Development Plan Document for the City of Manchester.

10) The wheels of contractors' vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site.

Reason - In the interest of pedestrian and highway safety, pursuant to policy DM1 in the Core Strategy Development Plan Document for the City of Manchester.

11) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

07:30 to 20:00, Monday to Saturday,
no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy DM1 in the Core Strategy Development Plan Document for the City of Manchester.

12) 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, pursuant to policy DM1 in the Core Strategy Development Plan Document for the City of Manchester.

13) 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 policy DM1 in the Core Strategy Development Plan Document for the City of Manchester.

14) 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 site/property.

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 policy DM1 in the Core Strategy Development Plan Document for the City of Manchester.

15) There shall be no activity on the outdoor play area outside the hours of:

Monday to Saturday, 09:00 to 20:00, Sunday, 10:00 to 18:00.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy DM1 in the Core Strategy Development Plan Document for the City of Manchester.

16) Before the development commences a scheme for the storage and disposal of refuse 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.

New developments should have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

Reason - In the interests of residential amenity and public health of the occupiers of nearby residential accommodation, pursuant to policy DM1 in the Core Strategy Development Plan Document for the City of Manchester.

Informatives

This permission does not grant approval under Building Regulations.

Construction Works
If the development is to involve noisy construction works for a prolonged period the applicant is requested to contact Environmental Health (Public Protection Team) to discuss the nature of the construction phase. The reasoning behind this is to establish a site contact and discuss appropriate working times etc.
Contact: Manchester City Council, Environmental Health, Hammerstone Road, Gorton, Manchester, M18 8EQ Tel: 0161 234 5004, email: EnvHealth@ manchester.gov.uk

Noise
The applicant¿s attention is drawn to the need to contact Environmental Health (Public Protection Team) where any noise related conditions have been attached to this Planning Approval, in order to discuss specific and technical requirements.
Contact: Manchester City Council, Environmental Health, Hammerstone Road, Gorton, Manchester, M18 8EQ, Tel: 0161 234 5004, E-mail: EnvHealth@ manchester.gov.uk

Fume
Defra have published a document entitled `Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems¿. It describes a method of risk assessment for odour, guidance on minimum requirements for odour and noise control, and advice on equipment selection. It is recommended that any scheme should make reference to this document.

Date: 17 September 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.