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 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 Nick Picken
Gleeson Developments Ltd.
Sandringham House
Hollingsbrook Park
Little 66
Bury
Lancashire
BL9 8RN

Agent (if used)

Mr Chris Riley
Edward Architectural Services Ltd
32 Prospect House
Sovereign Street
Leeds
Yorkshire
LS1 4BJ

Part 1 – Particulars of the application/development

Proposal: Plot substitution comprising of alteration to 4 no. houses approved under planning permission 095667/FO/2011/N2

Location: Grey Mare Lane, Bradford, Manchester, M11 3BA

Date of application: 10 May 2013

Application number: 101406/FO/2013/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).

Article 31 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Reason(s) for decision

Approve on the basis that the proposed development has an acceptable visual appearance in the locality and is in accordance with policies SP1, H4 and DM1 of the Manchester Core Strategy Development Plan Document and there are no material circumstances to indicate otherwise.

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 relates to the following drawings and documents:

Drawings numbered 0270/PL-21, 0270/PL-23 and 0270/PL-27

All stamped as received by the City Council, as Local Planning Authority, on 30 November 2011.

Drawing numbered 0270/PL-205 stamped as received by the City Council, as Local Planning Authority, on 4 September 2012.

Drawings numbered 0270/PL-20, 0270/PL-22 rev A and 0270/PL-26 stamped as received by the City Council, as Local Planning Authority, on 21 September 2012.

Drawings numbered 0270/PL-30 and 0270/PL-31 stamped as received by the City Council, as Local Planning Authority, on 23 January 2013.

Drawings numbered 0270/PL-201 rev G, 0270/PL-202 rev K, 0270/PL-203 rev L and 0270/PL-299 rev C, stamped as received by the City Council, as Local Planning Authority, on 19 April 2013.

Drawings numbered 0270/PL-24 rev A, 0270/PL-25 rev B, 0270/PL-28 and 0270/PL29 stamped as received by the City Council, as Local Planning Authority, on 10 May 2013.

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

3) The development shall be constructed only using the approved materials indicated on drawings numbered 4009/MAT-1 and 4009/MAT-2, stamped as received by the City Council, as Local Planning Authority, on 8 December 2011.

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 of the Manchester Core Strategy

4) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy, as identified in the following documents:

- Implementation Plan, Phase 2, Bell Crescent, Beswick for Gleeson, Developments Limited, Issue 1, Eastwood and Partners Consulting Engineers, Reference:33062-22, dated: September 2011.
- Letter report: Gleeson Developments Ltd, Phase 2 Bell Crescent, Beswick, Application 095667, Reference: JMW/KE/33062-23, dated 30 September 2011.

A Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority. No occupation of the development shall take place until the completion/verification report is submitted to and approved 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 policies SP1 and DM1 of the Manchester Core Strategy.

5) The dwelling(s) shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that at least Code Level 3 has been achieved.

Reason - In order to minimise the environmental impact of the development pursuant to the principles contained within The Guide to Development in Manchester SPD, the National Planning Policy Framework policies SP1 and DM1 of the Manchester Core Strategy.

6) The development shall only be carried out in accordance with details which have been submitted to and approved in writing by the City Council as local planning authority which demonstrate how secure by design accreditation will be achieved. 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 policies SP1 and DM1 of the Manchester Core Strategy.

7) The residential accommodation shall include acoustic glazing and acoustically treated ventilation in accordance with an acoustic attenuation scheme to be submitted to and approved in writing by the City Council as local planning authority. The acoustic attenuation scheme approved shall be implemented in full before use of any residential premises commences.

The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data must include measurements taken during early morning rush-hour periods and night time to determine the appropriate sound insulation measures necessary. The internal noise criterion are as follows:

- Bedrooms (night time 23.00-7.00) 30 dB LAeq
- Individual noise events should not normally exceed 45 dB LAmax (BS 8233:1999)
- Living Rooms (daytime 07.00-23.00) 40 DB LAeq

Reason - To secure a reduction in noise from surrounding uses, and traffic sources, in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment shall be erected on site other than that shown on the approved drawings . The boundary treatment shall be completed 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 SP1 and DM1 of the Manchester Core Strategy.

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any order revoking and re-enacting that Order with or without modification) no part of any dwelling shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the exceptional circumstances of a proliferation of HMOs restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy..

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 as indicated in the letter from Gleesons, dated 5 December 2011.

Reason - In the interest of pedestrian and highway safety, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

11) All contractors vehicles entering and leaving the site during the construction period shall be properly sheeted.

Reason - To ensure that the proposed development is not prejudicial or a nuisance to adjacent dwellings, and in the interests of public health and amenity, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

12) The development of the site shall only be carried out in accordance with the recommendations of the Bat Survey, dated September 2007, and stamped as received by the City Council, as Local Planning Authority, on 7th March 2011.

Reason

To ensure the protection of habitats of bats which are a protected species under the Wildlife and Countryside Act 1981 and pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

13) Notwithstanding the provisions of Article 3 of Part 1 of Schedule 2 or as subsequently amended to, the Town and Country Planning General Development Order 1995 (as amended), no garages, outbuildings or extensions shall be erected other than those expressly authorised by this permission.

Reason

To ensure that the density of the development is not further increased by extensions and outbuildings and 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 of the Manchester Core Strategy.

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: 4 July 2013

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