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 £97 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 Jason Berry
Watkin Jones and Son Ltd
55 Fford William Morgan
St Asaph Business Park
Denbighshire
LL17 0JG

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Erection of 19 x 4 bed, two and three storey residential properties with associated landscaping and parking.

Location: St John House, Egerton Road, Fallowfield, Manchester, M14 6XX

Date of application: 28 February 2012

Application number: 098290/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).

Article 31 Declaration

Officers have worked with the applicant in a positive 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 development is in accord with the City Council's Core Strategy in particular policy SP1 which establishes the spatial principles to be considered in determining applications for new developments, policy H1 which sets down the targets for overall housing provision, policy H6 which states that in south Manchester outside of district centres the emphasis will be on family housing, policy T2 which seeks to ensure new developments have good access, policy EN1 which requires new developments to be of a high standard of design, policy EN3 which requires new developments to enhance the City's heritage assets, policy EN4 in which the City will seek to reduce fuel poverty by making buildings more energy efficient, policy EN9 where new developments are expected to maintain existing green infrastructure and policy DM1 which sets down the criteria to be considered in determining applications for

new developments and saved Unitary Development Plan policies , DC16.1 which encourage the retention of existing trees unless they are in poor health and encourages the planting of new trees, policy DC7.1 which seeks to ensure that new developments are accessible and policy DC19 which seeks to protect listed buildings and their settings from inappropriate development and there are no material considerations of sufficient weight to indicate otherwise. The guidance contained in the National Planning Policy Framework supports approval of this application.

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 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 EN1 and DM1 of the Core Strategy and the guidance contained in the National Planning Policy Framework.

3) 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 DM1 of the Core Strategy of the Local Development Framework and the principles for sustainable development set down in the National Planning Policy Framework.

4) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref 3873.03 rev C, shall be implemented not later than 12 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, in accordance with policy policies EN, EN9 and DM1 of the Core Strategy of the Local Development Framework and the principles for sustainable development set down in the National Planning Policy Framework.

5) 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, as specified in policies EN1 and DM1 of the Core Strategy of the Local Development Framework and the principles for sustainable development set down in the National Planning Policy Framework.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or extensions shall be erected other than those expressly authorised by this permission.

Reason - To protect the amenity of the occupiers of adjoining residents from the adverse impact of extensions pursuant to policies EN1 and DM1 of the emerging Core Strategy of the Local Development Framework and saved policy DC1 of the Unitary Development Plan and the principles for sustainable development set down in the National Planning Policy Framework.

7) None of the dwellings hereby approved shall be occupied before the refuse storage facilities shown on drawing 5419:100:01 Rev G are available for use.

Reason - To ensure that there are adequate facilities for the storage of refsue persuant to policies EN1 and DM1 of the Core Strategy of the Local Development Framework

and the principles for sustainable development set down in the National Planning Policy Framework.

8) 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 Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to policies EN4 and DM1 of the Core Strategy of the Local Development Framework and the principles for sustainable development set down in the National Planning Policy Framework.

9) 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: SK09:SS.01 rev A, 5419:100:01G, BD.01, BD.03 and BD04, and House Type Drawings for Egerton, Clifton, Wilmslow and Didsbury Houses stamped as received on 10th January 2012 and 3873.03 rev C.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, H1, H6, EN1, EN9 and DM1 of the Core Strategy of the Local Development Framework and the principles for sustainable development set down in the National Planning Policy Framework.

10) 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. 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 EN4 and DM1 of the Core Strategy of the Local Development Framework and the principles for sustainable development set down in the National Planning Policy Framework.

11) 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 5387 (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 EN9 and DM1 of the Core Strategy of the Local Development Framework and the principles for sustainable development set down in the National Planning Policy Framework..

12) 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, as specified in policy DM1 of the Core Strategy of the Local Development Framework and the principles for sustainable development set down in the National Planning Policy Framework.

13) No part of the development of the areas hereby permitted shall commence until details of a permanent bat roost, as part of the approved development and associated lighting scheme have been submitted and agreed with the Local Planning Authority. The permanent bat roost and lighting scheme should then be installed in accordance with the agreed design, unless otherwise agreed in writing with the Local Planning Authority.

Reason; To provide a replacement roost for bats a European Protected Species (Habitats Regulations 1994) and to comply with policies EN15 and DM1 of the Core Strategy of the Local Development Framework and the principles for sustainable development set down in the National Planning Policy Framework.

14) Before the development of any of the areas hereby approved commences a scheme for new nesting provision for house martins shall be submitted to and approved by the City Council and the approved scheme shall be implemented in full.

Reason - To ensure that new nesting provision is provided to replace existing nests/nesting sites that are lost to the development pursuant to policies EN15 and DM1 of the Core Strategy of the Local Development Framework and the principles for sustainable development set down in the National Planning Policy Framework.

15) Prior to the commencement of the development, a method statement providing details of dealing with Japanese Knotweed as part of the development proposals should be submitted to and approved in writing by the City Council, as Local Planning Authority and implemented in accordance with the approved details.

Reason - To ensure satisfactory removal and management of Japanese Knotweed at the site, pursuant to policies EN15 and DM1 of the Core Strategy of the Local Development Framework and the principles for sustainable development set down in the National Planning Policy Framework.

16) No development shall take place until details of the TRO's for Egerton Road have been approved in writing by the City Council as local planning authority. The development shall not be occupied until the TRO ahve been implemented in accordance with the approved details.

Reason - To protect the access 's to the drives of the proposed houses on Egerton Road from inconsiderate parking pursuant to policy DM1 of the emerging Core Strategy of the Local Development Framework and the principles for sustainable development set down in the National Planning Policy Framework.

17) The details of an emergency telephone contact number for the contractor shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with policy DM1 of the emerging Core Strategy of the Local Development Framework and the principles for sustainable development set down in the National Planning Policy Framework.

Informatives

This permission does not grant approval under Building Regulations.

On 6th October 2011 the City Council adopted an Article 4 Direction and as a consequence planning permission is now required for a change of use from a dwellinghouse Class C3 to a house in multiple occupation for between 3 and 6 persons.

Date: 5 February 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.