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

Dransfield Properties Ltd
Wentworth House
Maple Court
Tankersley
Barnsley
S75 3DP

Agent (if used)

GVA
Norfold House
7 Norfolk Street
Manchester
M2 1DW

Part 1 Particulars of the application/development

Proposal: Construction of a two storey 24 hour Class D2 gym unit with associated car parking and landscaping

Location: 22 Lime Square Shopping Centre, Land Bounded By Ashton Old Road,, Fairfield Road And Turton Street, Openshaw, Manchester, M11 1DE

Date of application: 14 June 2013

Application number: 102684/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.

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 Design and Access Statement May 2013 , and BREEAM Pre Assessment 05.06.2013; and plan references 8262s/50A (existing site layout), 8262s/51C (proposed site

layout), 8262s/53A (unit 22 elevations), 8262s/54 (proposed general arrangement section A-A), 8262s/55B (site location plan), 8262s/57 (boundary wall to service road) , 0406-2-1 (landscaping), stamped as received by the Local Planning Authority on 10th June 2013;
8262s/75 (south elevation showing relationship between Units 18-21 and Unit 22) stamped as received by the Local Planning Authority on 14th June 2013;
8262s/52 B and 8262s/56A received by e-mail 28th June 2013, and e-mail dated 25th July 2013.

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

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 Core Strategy for Manchester.

4) The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to achieve the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those measures are to be provided to the City Council, as the Local Planning Authority.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy for Manchester and to reflect the guidance in the National Planning Policy Framework.

5) 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 - 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 SP1 and DM1 of the Core Strategy for Manchester.

6) The details of an emergency telephone contact number shall be displayed in a publicly accessible location on the site and shall remain so displayed during the construction period.

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

7) a) The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the LPA and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

1. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:

(i) The requirements of the LPA for site investigations have been fully established; and
(ii) The extent and methodology have been agreed in writing with the LPA.

2. A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

4. If during the works contamination is encountered which has not previously been identified then work shall cease in that area, the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

5. Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to, and approved by, the LPA.

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 EN18 and DM1 of the Core Strategy for Manchester.

8) No part of the development shall be occupied until facilities for bicycle parking as shown on plan ref: 8262s/51C have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. These facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport, pursuant T1and DM1 of the Core Strategy for Manchester.

9) Before the development hereby approved commences a scheme for the storage and disposal of refuse , including storage space for segregated waste collection and recycling, shall be submitted to and approved in writing by the City Council as Local Planning Authority. Internal and external areas are required. 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 - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policies SP1 and DM1 of the Core Strategy for Manchester.

10) Before the development hereby approved is occupied, the buildings, together with 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 equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 , H1 and DM1 of the Core Strategy for Manchester.

11) No loading or unloading (including waste collections) shall be carried out before 7.30am or after 8.00p.m. Mondays to Saturdays with no loading and unloading on Sundays and Bank Holidays.

Reason - In the interests of residential amenity, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Core Strategy for Manchester.

12) 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 and shall remain in operation for so long as the development is occupied.

Reason - To ensure adequate lighting within the development and to ensure full accessibility within the public realm works, pursuant to policies SP1 and policy DM1 of the Core Strategy for Manchester.

13) If when the lighting units are illuminated they cause undue glare or light spillage to the detriment of adjoining and nearby residential properties, baffles and/or cut-offs shall be installed on the units and adjustments shall be made to the angle of the lighting units and the direction of illumination, which shall thereafter be retained in accordance with details which have received the prior written approval of the Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of existing and proposed nearby residential accommodation, pursuant to policies SP1 and policy DM1 of the Core Strategy for Manchester.

14) No roller shutters or security grilles shall be installed within the development unless they are in accordance with plans and particulars (showing an open grille construction, with the housing for the mechanism recessed behind the plane of the wall where the mechanism is to be located and the housing being colour-coated,) which have been previously approved in writing by the City Council as Local Planning Authority.

Reason -In the interests of visual amenity, pursuant to saved policies DC14 and E3.3 of the Unitary Development Plan for the City of Manchester, and polices SP1 and DM1 of the Core Strategy for Manchester.

15) Details of a Travel Plan Strategy, implementation and monitoring of effectiveness shall be submitted to and approved in writing by the City Council as local planning authority. The strategy shall outline procedures and policies that the developer and occupants of the site will adopt to secure the objectives of the overall site`s Travel Plan Strategy. Additionally, the strategy shall outline the monitoring procedures and review mechanisms that are to be put in place to ensure that the strategy and its implementation remains effective. The results of the monitoring and review processes shall be submitted in writing to the local planning authority and any measures that are identified that can improve the effectiveness of the Travel Plan Strategy shall be adopted and implemented.

Reason - To assist promoting the use of sustainable forms of travel pursuant to policies SP1, T2 and DM1 of the Core Strategy for Manchester.

16) The development hereby approved shall incorporate measures to minimize the environmental impact and energy use of the building and shall seek to achieve Building Research Establishment Environmental Assessment Methodology (BREEAM) rating of at least 'very good'. Written confirmation of the rating shall be submitted to and approved in writing by the City Council as Local Planning Authority before the development is occupied.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy, policies ER13 and DP3 of Regional Spatial Strategy for the North West (RSS13) and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

17) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref 0406-2- 1, 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.

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 policies SP1, EN9 and DM1 of the Core Strategy.

18) Notwithstanding the proposed boundary treatment to Ashton Old Road and Fairfield Road,no part of the development shall be occupied until detailed designs of all proposed boundary treatments to Ashton Old Road and Fairfield Road(including elevations and cross sections where appropriate), within the development site shall 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 - 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 saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy for Manchester.

19) Prior to the commencement of development , full details of the proposed air conditioning units as shown on plan ref:8262s/51C, within the development site, shall 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 - 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 SP1 and DM1 of the Core Strategy for Manchester.

20) Prior to commencement of development, full details of a scheme detailing surface water regulation arrangements, shall be submitted to and approved in writing by the City Council as Local Planning Authority. No surface water from this development is discharged either directly of indirectly to the combined sewer network, and the site must be drained on a separate system, with only foul drainage connected into the foul sewer.

Reason - To ensure flood risk is not increased elsewhere, and to ensure the health and safety of the occupants of the development, pursuant to policies EN14 and DM1 of the Core Strategy for Manchester.

Informatives

This permission does not grant approval under Building Regulations.

Date: 2 August 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.