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 |
|---|---|
| Mr Paul Cummins<br>August Blake<br>School House<br>Alderley Road<br>Chelford<br>Cheshire<br>SK11 9AP | DEP Architects<br>Brookwood<br>Pipegate<br>Near Market Drayton<br>Shropshire<br>TF9 4HA |

**Part I – Particulars of Application**

| Date of Application | Application ref. no. |
|---|---|
| 22 August 2008 | 085135/FO/2007/N2 |

**Particulars and location of development:**

Erection of 11 no. two and three storey dwellinghouses including 6 semi-detached, 1 detached and 4 town houses with new access road from Dorman Street and associated car parking, landscaping and boundary treatments

Nursery
Lees Street/Dorman Street
Openshaw
Manchester
M11 1WH

**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**

On the basis that the proposal is in accord with the City Council's Unitary Development Plan (in particular Policies EM16 DC7, DC16, H1.2, H2.1, H2.2, H2.7, E1.5, E1.6, E2.4, E2.6, E3.5, T2.4 and T3.1) and with other material considerations of material weight (in particular the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Planning Policy Statement 1 (PPS1), Planning Policy Statement 3 (PPS3), and the Regional Spatial Strategy for the North West, in particular policies DP1, DP3 and UR1) and there are no material considerations of sufficient weight to indicate otherwise, in that the development would provide high quality accommodation at this site, the scheme is a good quality design that does not harm the character of the area, there would not be any significant impacts on

the residential amenities of adjoining occupiers; and generally the proposal would provide a good quality development within the area to the benefit of continuing regeneration of the locality.
**Date of Decision 17 November 2008**

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 AB/LS/1C/2008, AB/LS/1C/2008 LANDSCAPE, street elevations 1:200 amended June 2008, type A amended 3 bed end terr 1:100, type A/1 amended 3 bed end terr 1:100 and type D amended 4 bed town house 1:100, stamped as received by the City Council, as Local Planning Authority, on 27th June 2008 and drawings number type C and C/1 amended 2 bed corner 1:100, received by email by the City Council, as Local Planning Authority, on 13th November 2008, 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 policies EM16, DC7, DC16, H1.2, H2.1, H2.2, H2.7, E1.5, E1.6, E2.4, E2.6, E3.5, T2.4 and T3.1 of the Manchester Unitary Development Plan, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, adopted April 2007, Planning Policy Statement 1 (PPS1), Planning Policy Statement 3 (PPS3), and the Regional Spatial Strategy for the North West, in particular policies DP1, DP3 and UR1.

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 EM16, H1.2, H2.1, H2.2, H2.7, E1.6, and E3.5 of the Manchester Unitary Development Plan and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance and Planning Policy Statement 1 (PPS1).

4) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref AB/LS/1C/2008 LANDSCAPE, stamped as received by the City Council, as Local Planning Authority, on 27th June 2008, 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 policies EM16, DC16, H1.2, H2.1, H2.2, H2.7 and E2.6 of the Manchester Unitary Development Plan, and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

5) Prior to the commencement of any development, full details of a scheme for the management and maintenance of the hard and soft landscaping around the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping will then be maintained in accordance with these details unless otherwise approved in writing by the Local Planning Authority.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out and maintained, pursuant to Policies H2.2, E2.6, E3.1 and E3.5, of the Unitary Development Plan for the City of Manchester.

6) 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 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.

7) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment the Desk Study) 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).

The Desk Study shall be prepared by a suitably qualified person whose competence to carry out the Desk Study has been approved in writing by the City Council as local planning authority (an "Expert").

In the event of the Preliminary Risk Assessment Desk Study 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 Scheme) 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 Scheme shall be carried out, by an Expert before development commences and the Expert shall prepare 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  Site Investigation Report.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,  an Expert has prepared a report outlining what measures, if any, are required to remediate the land (the Revised Remediation StrategySite Investigation Report) which shall be  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 StrategySite Investigation Report, which shall take precedence over any Remediation Strategy Site Investigation Report or earlier Revised Remediation Strategy Investigation Report.

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 H2.2 and E3.5 of the Unitary Development Plan for the City of Manchester.

8) No development shall commence until details of the measures to be incorporated into the development ( or phase there of ) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as LPA. 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 LPA has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason
In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in PPS1 "Delivering Sustainable Development".

9) 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 garage shall be used for any purpose which would preclude its use for the parking or a motor vehicle and no development shall be undertaken that would preclude vehicular access to the garage.

Reason - The loss of garage parking space could result in an unacceptable increase in on-street parking and would thereby be detrimental to highway and pedestrian safety in order to comply with policies H2,2 and T2.4 of the Unitary Development Plan for the City of Manchester.

10) Notwithstanding the provisions of Article 3 of, and Class A of Part 1 of Schedule 2 to, the Town and Country (General Permitted Development) Order 1995, the garage accommodation hereby approved, as part of this development shall not be converted into living accommodation without the express written permission of the City Council as local planning authority.

Reason

The loss of garage parking space would result in an unacceptable increase in on-street parking and would thereby be detrimental to highway and pedestrian safety, pursuant to Policies H2.1, H2.2 and H2.7 of the adopted UDP for the City of Manchester.

11) No trade or business shall be carried out in the garage, because the use of the garage, including basement area, for trade or business purposes would require a separate grant of planning permission.

Reason - The use of the garage for any use other than ancillary to residential use would constitute development requiring planning permission, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

12) 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 or shall be erected other than those expressly authorised by this permission.

Reason -

In order to insure a quality living environment for all residents, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

13) If demolition work is carried out between April and the end of August, nocturnal observations should be undertaken to identify any bat activity in the proximity of the building to be demolished. Outside of these times, roof slates should be removed by hand and observations made as to the possible presence of bats. If bats are present, it is a legal requirement that work should cease, and further advice should be sought in writing from the City Council, as Local Planning Authority.

Reason

In the interests of protecting bat species under the Wildlife and Countryside Act 1981 (as amended), and the Conservation (Natural Habitats, etc) Regulations 1994.

14) A minimum 2.0m x 2.0m pedestrian visibility splay must be maintained at all the vehicular access points around the site and to the new dwellings hereby approved.

Reason - In the interests of vehicle and pedestrian safety in and around the development, pursuant to Policies H2.2, E3.5 and T3.1 of the Unitary Development Plan for the City of Manchester.

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

16) Before the development commences an acoustic attenuation scheme including particulars of the acoustic glazing and acoustically treated ventilation to be installed as part of the development shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented in full before use of the residential premises first commences.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

**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.