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
Mathon Bank 163 Bath Street Glasgow G2 4SQ	Paul Butler Associates 31 Blackfriars Road Salford Manchester M3 7AQ

Part I – Particulars of Application

Date of Application	Application ref. no.
16 September 2008	082674/MO/2007/N1

Particulars and location of development:

RESERVED MATTERS APPLICATION for appearance and landscaping for a maximum 12 storey mixed-use development comprising 178 no. one and two bedroom apartments, with commercial space at ground and upper 174 car parking spaces at ground and upper ground levels

The Rubber Works
Dantzic Street
Collyhurst

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 accordance with the City Council's Unitary Development Plan H1.2, H2.2, H2.7, E3.1, E3.5 , E3.7 and DC22, and there are no other material considerations of sufficient weight to indicate otherwise.
Date of Decision 15 December 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 two 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:

3969 (9-)01 Rev A, received via email on 12 December 2008

3969 (2-)01
3969 (2-)02
3969 (2-)04
3969 (2-)05
3969 (2-)06
3969 (2-)07
3969 (2-)08
3969 (2-)09
3969 (2-)10
3969 (2-)11
3969 (2-)12
3969 (2-)20
3969 (2-)21
3969 (2-)22
3829 (2-)030-
3969 (2-)033

all stamped as received by the Local Planning Authority on 16 September 2008

3969 (2-)03 Rev A, received via email on 2 December 2008

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 of the Manchester Unitary Development Plan.

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, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

4) The development must be implemented in accordance with the hard and soft landscaping shown on drawings 02 and 03, both stamped as received by the Local Planning Authority on 17 April 2007, however before development commences, full details of the following must be submitted to and approved in writing by the City Council as Local Planning Authority:

- Tree pit details, including trees located within hard surfaced areas
- Tree staking methods
- Growing medium/topsoil for grassed and shrub areas and trees; including proposed depths of topsoil
- Details and depths of proposed mulch to planting beds
- Five year management and maintenance proposals

The development must then be implemented in accordance with these approved details not later than 12 months from the date the buildings are occupied. Any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted 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 and to conform to policies H2.2, H2.7, E3.5 and E3.7 of the Unitary Development Plan for the City of Manchester.

5) Details of the boundary treatment shall be submitted to and approved in writing by the City Council as local planning authority before development commences. The approved details shall be implemented before the development is first brought into use.

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 and to conform to policies H2.2, H2.7, E3.5 and E3.7 of the Unitary Developmennt Plan for the City of Manchester.

6) Details of any roller shutters or security grilles to be installed within the development shall be submitted to and agreed in writng by the City Council as Local Planning Authority before they are in place. Roller shutters and grilles shall of 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 be colour-coated.

Reason

In the interests of visual amenity, pursuant to policy DC14 and policy E3.3 of the Unitary Development Plan for the City of Manchester.

7) Before the development hereby approved commences a shop front and signage design strategy for the commercial unit shall be submitted to and approved in writing by the City Council as local planning authority.

Reason

To protect the visual amenity of the development, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

8) Full specifications of all balconies, including access, depth and partitions shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be completed before any of the dwelling units are occupied.

Reason

To protect the amenity and safety 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.

9) Prior to the development being occupied, a scheme to glaze and maintain windows in either a one-way glazing system or opaque glazing to all windows on the south-easterly elevation of the front block on Dantzic Street, and the section of the north-western elevation of the rear block where they face each other in close proximity at the southerly end of the development, shall be submitted to and approved in writing by the City Council as Local Planning Authority.

Reason

To prevent overlooking and to ensure the privacy of the future occupiers of the development, 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. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

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.

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