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 Abimbola Komolafe
Jubilee Church (RCCG) Manchester
384 Hyde Road
Ardwick
Manchester
M12 4SA

Agent (if used)

Mr David Tye
Paul Butler Associates Ltd
31 Blackfriars Road
Salford
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Retrospective application for change of use of the existing building to a class D1 church, with erection of single storey extensions to form additional accommodation and associated hard and soft landscaping works

Location: 384 Hyde Road, Ardwick, Manchester, M12 4SA

Date of application: 30 July 2013

Application number: 103177/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 hereby approved relates to drawings numbered 3804/L100, 3804/L101, 3804/L102, 3804/L103, 3804/L104, 3804/L105, 3804/L200, 3804/L201, 3804/L202, 3804/L203, 3804/L204, 3804/L1000B, 3804/L1001B, 3804/L1002B, 3804/L1003B, 3804/L1004, 3804/L1600B, 3804/L1601B, 3804/L1602AB, SKETCH PERSPECTIVE 1, SKETCH PERSPECTIVE 2, SKETCH PERSPECTIVE 3 and SKETCH PERSPECTIVE 4 and the Planning Statement, dated 30 July 2013, the Travel Statement and Travel Plan, dated 26 July 2013, the Design and Access Statement, dated July 2013 and the Crime Impact Statement, dated 1 July 2013, all stamped as received by the City Council, as Local Planning Authority, on 30 July 2013.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy.

2) Within 3 months of the date of this permission samples and specifications of all materials to be used on all external elevations of the development shall be 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 DM1 and SP1 of the Manchester Core Strategy and saved policy E3.3 of the Unitary Development Plan for the City of Manchester.

3) All work and other activity at the site, shall be confined to the following hours:
8.00am to 8.00pm - Monday to Friday
9.00am to 7.30pm - Saturday
9.00am to 8.30pm - Sundays and Bank Holidays

The use of the premises between 18:00 to 19:30 on Saturdays and between 17:00 and 20:30 Sundays and Bank Holidays shall be restricted to prayer and bible study only and there shall be no amplified music at the premises during these times.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation once the development is completed, pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

4) No deliveries, servicing or waste collections shall take place on the site on Sundays or Bank Holidays and all deliveries, servicing and waste collections on other days shall be confined to the following hours:

7.30 a.m. to 8.00 p.m. Monday to Saturday.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation once the development is completed, pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

5) Within 3 months of the date of this permission, a noise study of the premises and a scheme of acoustic treatment shall be submitted to and approved in writing by the City Council as local planning authority indicating how the premises shall be acoustically insulated and treated to limit the break out of noise and a timescale for implementation of the indicated measures . The scheme shall be implemented in full in accordance with these details and the agreed timescale.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policy DC10 of the Manchester City Council Unitary Development Plan, policies DM1 and SP1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

6) Within 3 months of the date of this permission any existing 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. Any new 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.

Externally mounted ancillary plant, equipment and servicing shall be acoustically treated in accordance with a scheme designed so as to achieve a noise level of 5dB below the existing background (LA90) in each octave band at the nearest noise sensitive location.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy DC10 of the Manchester City Council Unitary Development Plan, policies DM1 and SP1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

7) The storage and disposal of refuse, at the site, shall be carried out in accordance with the submitted Waste Management Strategy and drawing number 3804/L1004, stamped as received by the City Council, as Local planning Authority, on 30 July 2013. 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 - In the interests of amenity and public health, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

8) Within 3 months of the date of this permission details of the security measures to be incorporated into the development, which shall be to secured by design specification, and a timescale for their implementation, shall be 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.

Reason

To reduce the risk of crime pursuant to policy DM1 of the Manchester Core Strategy.

9) Within 3 months of the date of this permission the car parking indicated on the approved plans shall be surfaced, demarcated and made available for use. 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, pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy.

10) a) Within 3 months of the date of this permission, 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 proposed structural work 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. 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 DM1 and SP1 of the Manchester Core Strategy

11) Within 3 months of the date of this permission an amended version of the Travel Statement and Travel Plan, dated 26 July 2013, and stamped as received by the City Council, as Local Planning Authority, on 30 July 2013, shall be submitted to and agreed in writing by the City Council as Local Planning Authority. The amended document shall include:

- Details of the TPC (name and contact details)
- Details of the support on offer from Transport for Greater Manchester around cycling and public transport
- A timescale of actions and measures to be implemented.

Within six months of the date that the structural works, subject of this application, have been completed, a revised Travel Plan which takes into account the information about a survey of the travel patterns of staff shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel to the school, pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy and the Guide to Development in Manchester SPD (2007).

12) Within 3 months of the date of this permission a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved, and a timescale for its

implementation, shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented in accordance with these approved details and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

13) Within 3 months of the date of this permission a hard and soft landscaping treatment scheme shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date of this permission. 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, pursuant to policy DM1 of the Manchester Core Strategy and saved policy E3.3 of the Unitary Development Plan for the City of Manchester.

14) 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, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

15) 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 DM1 and SP1 of the Manchester Core Strategy.

16) Within 3 months of the date of this permission a timescale for the implementation of the external alterations and new structural additions to the building hereby approved, including start and completion dates for the works, shall be submitted to and approved in writing by the City Council, as Local Planning Authority. The development shall then only be carried out in accordance with these approved details.

Reason

In order to secure the satisfactory development of the site, as the development works are necessary to enable an existing unauthorised use to operate from the site without detriment to the visual amenity of the area and without adversely impacting upon the wider regeneration efforts for the area, pursuant to policies DM1 and SP1 of the Manchester Core Strategy and saved policy E3.3 of the Unitary Development Plan for the City of Manchester.

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: 25 October 2013

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

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