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

Mr John Yeo
Lovell Partnership Ltd
Nelson House
Park Road
Altrincham
Cheshire
WA14 5DL

Name and Address of Agent

Part I – Particulars of Application

Date of Application	Application ref. no.
16 September 2008	087580/JO/2008/N2

Particulars and location of development:

Application for consent to vary condition 11 (Breeam) from previous approval 086130/FO/2008/N2

Lovells Residential Development, Land Off Rylance Street
Beswick
Manchester
M11 3NP

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

APPROVE in the light of the development plan, in particular policies EM15, H2.1, H2.2, H2.7, E1.5, E1.6 and E3.5 of the Unitary Development Plan for Manchester, the guidance provided within the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007) and the policies and guidance within the Regional Spatial Strategy, PPS1 and PPS3, on the basis that the development would continue to improve the quality of the mix of residential accommodation in the area, there would not be any significant impacts on the residential amenities of adjoining occupiers, and generally the proposal would provide a high quality development within the area to the benefit of continuing regeneration of the locality, and there are no material considerations to indicate otherwise.

Date of Decision 28 May 2009

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 hereby approved shall be carried out in accordance with the following previously approved drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority:

Application Forms, Design and Access Statement, the EcoHomes Score Summary, Crime Impact Statement, Waste Management Strategy and drawings numbered 08.012/001, 05-124/652/RevG, 05-124/653/RevG, and 05-124/603/RevK, stamped as received by the Local Planning Authority on the 12th March 2008, and the additional information submitted including the applicants letter dated 10th February 2009.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies H2.2, H2.7 and EM15 of the Manchester Unitary Development Plan.

2) Before the development commences a scheme for acoustically insulating the residential accommodation against noise from Ashton Old Road shall be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Reason - To secure a reduction in noise from Ashton Old Road in order to protect future residents from noise nuisance, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

3) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. 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 public safety and amenity, pursuant to policy H2.2 of the Unitary Development Plan for Manchester.

4) 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 secure by design accreditation.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development.

5) No development shall commence until a hard and soft landscaping treatment scheme has been 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 the buildings are first occupied. 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 agree 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 H2.2, H2.7 and EM15 of the Unitary Development Plan for the City of Manchester.

6) 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 H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester.

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

8) Before the development hereby approved commences, details of appropriate and comprehensive construction designs to alleviate the ingress of landfill gas shall be submitted to and approved in writing by the City Council as local planning authority. The details shall be implemented as approved unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To alleviate the risk of landfill gas ingress into the building, in accordance with policies H2.2 of the Unitary Development Plan for the City of Manchester.

9) The development hereby approved shall be built in accordance with the Environmental standards outlined within the applicants letter dated 10th February 2009, in relation to the Building Research Establishment Environmental Assessment Method (BREEAM) standards, including the provision of internal recycling bins into all properties of the development hereby approved, unless otherwise agreed in writing by the City Council as Local Planning Authority. The installation of the internal separated recycling bins into all the dwellings hereby approved shall be carried out a) within five months, in relation to dwellings of Zones 3 and 4, which have already been built, or built and occupied and b) before any newly constructed dwellings of Zones 4, 7 and 10 of the development are occupied, as specified in the table on page 1 of the applicants letter dated 10th February 2009, in accordance with details to be submitted to and approved in writing by the City Council as Local Planning Authority, unless otherwise agreed in writing by the City Council as Local Planning Authority.

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, and the principles contained within The Guide to Development in Manchester SPD, Planning Policy Statement 1 and the Regional Spatial Strategy."

10) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first occupation of the development.. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

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 H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

11) 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 - In the interests of the visual and residential amenities of future occupiers of the development, pursuant to policy H2.2 of the Unitary Development Plan for Manchester.

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 the management scheme submitted to and approved in writing by the City Council as local planning authority on the 22nd September 2008.

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.

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.