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 Andrew McMurtrie
P.J.Livesey Living Space (North) Ltd
Ashburton Park
Beacon Road
Trafford Park
Manchester
M17 1AF

Name and Address of Agent

Part I – Particulars of Application

Date of Application	Application ref. no.
6 March 2009	089218/FO/2009/S1

Particulars and location of development:

Revised Application for the conversion of the existing building into 95 self-contained flats with associated car parking and landscaping

Former Withington Hospital
Nell Lane
Didsbury
Manchester
M20 2LR

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 DB1, H1.2, H2.2, H2.7, E2.3, E2.7 E 3.5, T3.1,T3.7, DC16, and DC19 of the Unitary Development Plan for the City of MAnchester and the Guide to Development In Manchester 2
Date of Decision 5 June 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 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 following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: 63/0001, 0010, 0011, 0012, 0013, 0310, 0311, 1000A, 1001E, 1010D, 1011F, 1012D, 1013D, 1014D, 1015D, 1310D,1311B, 1312C and 1314

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy DB1, H1.2, H2.2, H2.7, E2.3, E2.7 E 3.5, T3.1,T3.7, DC16,; 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 DB1, H1.2, H2.2, H2.7, E2.3, E2.7 E 3.5, DC16, DC19 of the Unitary Development Plan for the City of Manchester.

4) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref 063/1001/D, 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 policy DB1, H1.2, H2.2, H2.7, E2.3, E2.7 E 3.5, DC16 and DC19 of the Unitary Development Plan for the City of Manchester.

5) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved

plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with Policies 2.4 and 2.6 of the Unitary Development Plan for the City of Manchester.

6) An annual programme of ongoing protected species surveys shall be submitted to, and approved in writing by the City Council as the local planning authority. The programme, approved annually, shall identify the protected species to be surveyed in the following twelve months, the objectives of the surveys and shall set out the methodologies to be used and the procedures for reporting to the planning authority the survey results. The results of all surveys shall be utilised as baseline information in relation to specific mitigation works.

Reason - The ecological survey submitted with the application has identified the existance of bats and house martins on the site. The implementation of ongoing protection surveys would ensure that there would be adequate protection measures in place during construction and to comply with policy E2.3 of the Manchester UDP.

7) No part of the development of the areas hereby permitted (such works to include the demolition of built structures) shall commence until details of a permanent bat roost, as part of the approved development and associated lighting scheme have been submitted and agreed with the Local Planning Authority. The permanent bat roost and lighting scheme should then be installed in accordance with the agreed design, unless otherwise agreed in writing with the Local Planning Authority.

Reason; To provide a replacement roost for bats a European Protected Species (Habitats Regulations 1994) and to comply with policy E2.3 of the Manchester UDP.

8) Before the development of any of the areas hereby approved commences a scheme for new nesting provision for house martins shall be submitted to and approved by the City Council and the approved scheme shall be implemented in full.

reason

To ensure that new nesting provision is provided to replace existing nests/nesting sites that are lost to the development pursuant to policy E2.3 of the Unirtary Development Plan for the City of Manchester

9) Facilities for the storage and disposal of refuse and recycling as shown in plans numbered 063/1010C, 1011E, 1012D and 1013D shall be provided to the satisfaction of the City Council as local planning authority prior to occupation of any of the accommodation within the areas hereby approved and shall remain in situ whilst the site is in use.

Reason

In the interests of amenity and public health, pursuant to policy H2.2 of the adopted Unitary Development Plan of the City of Manchester.

10) 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".

11) All vehicles entering and leaving the areas hereby approved during the construction period are to pass through a wheel wash. Details of the wheel wash shall be submitted to and approved in writing by the City Council as local planning authority prior to the development commencing.

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 policy H2.2 of the Unitary Development Plan for the City of MAnchester.

12) The car parking for the areas hereby approved 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 car parking for the development proposed when the building is occupied pursuant to policies DB1 and H2.2 of the unitary Development Plan for the City of Manchester.

13) Before development of area 1 commences, a full photographic record of the site and the listed buildings (internally and externally) including all areas where physical changes are proposed, shall be submitted to and approved in writing by the City Council as local planning authority.

Reason

To provide a record of any archaeological remains and of the listed building's appearance and condition before works commence pursuant to policy Dc19 of the Unitary Development Plan for the City of Manchester..

14) The enclosure of the private areas within the areas shown on the approved plan, specifically the gates and locking devices, shall be installed prior to the occupation of any of the dwellings in that phase and maintained to the satisfaction of the City Council as local planning authority.

Reason - To ensure that the appearance and security 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 policy H2.2 of the Unitary Development Plan of the City of Manchester.

15) Before the development commences, an external lighting scheme (including the roads, landscaped areas, pedestrian routes, carparking areas, security gates) during the period between dusk and dawn to be installed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with a timetable to be agreed in writing with the City Council as Local Planning Authority before the development is fully occupied unless otherwise agreed in writing by the local planning authority.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development pursuant to policies H2.2, E3.3 and E3.5 of the Unitary Development Plan of the City of Manchester.

16) a) Before the development hereby approved commences, 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 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 development 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 with the Revised Remediation Strategy which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

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 Strategy Site 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 Strategy Site 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.

17) The development shall not be occupied until the traffic calming in respect of the development shown on drawing 5026 (PL) 400 N attached to planning permission 080297/FO/2006/S1have been implemented.

Reason -

To provide a safe traffic environment for residents and visitors within the site pursuant to policies H2.2, T2.1 and T2.2 of the Unitary Development Plan of the City of Manchester.

18) The residential apartments in the converted former hospital building, hereby approved, shall not be occupied until an appropriate, site specific, Building Research Establishment Environmental Assessment Methodology (BREEAM) rating, has been awarded, by an assessor licensed by the Building Research Establishment, unless otherwise agreed in writing with the City Council as Local Planning Authority.

Reason

In the interests of minimising the environmental impact of the development, and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest, so careful attention to building work is required to protect the character and appearance of this building pursuant to policies E1.5 , E1.6 and Dc19 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.