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.
- 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 Peter Bowlas - Rowlinson Construction	Mr Andrew Cox - Pozzoni LLP
London House	Woodville House
London Road South	Woodville Road
Poynton	Altrincham
Cheshire	Cheshire
SK12 1YP	WA14 2FH

Part I – Particulars of Application

Date of Application	Application ref. no.
28 April 2008	086446/JO/2008/N2

Particulars and location of development:

Variation of Condition 2 (specified plans) relating to approved development 081589/FO/2006/N2 to amend the siting of plots 18 and 19, to accommodate revised car parking layout

Unit 18/19
Galston Street
Openshaw

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 on the basis that the proposed development will not be detrimental to the residential and visual amenity of the area and the proposed changes to the original application (081589/FO/2006/N2) will provide functional car parking for all units. The proposed changes will not detract from the character of the overall site development. As such the proposal is considered to be pursuant to policies EM16, H2.2, T2.4 and T2.6 of the Manchester Unitary Development Plan and there are no material considerations of sufficient weight to indicate otherwise.
Date of Decision 20 June 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 following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: P1991-256 REV A received 28th April 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) All materials to be used on all new external work and finishes to the elevations and roofs of the development, including the design of the windows, shall be in accordance with the following materials unless otherwise agreed in writing with the City Council;

Bricks: 65mm Hanson Abbey Red Multi
Mortar: CPI Natural
Roof Tile: Marley Modern Smooth Grey Bitmal Bold Roll to no. CMC houses
Render: Weber Monocouche colour cream
Timber: ex 150mm Western Red Cedar (Natural)
Panels to windows/Porches: Bauckad to match render

Reason: To ensure that the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to policies H2.2 of the Manchester City Councils Unitary Development Plan.

4) Notwithstanding the submitted landscape drawing, a fully detailed landscaping scheme including name, location, size and planting density of all planted material, the girth and height of the proposed trees, tree pit sizes, tree staking methods, surfacing materials, details of furniture and a management and maintenance proposal, shall be submitted to and approved in writing by the City Council as local planning authority prior to the commencement of the development. The approved scheme shall be implemented not later than 12 months from the date the buildings are first 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, pursuant to Policies EM16, H2.1, H2.2, H2.7, E2.4, E2.6 and DC16 of the adopted UDP for the City of Manchester and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

5) All trees, shrubs and hedges within the site and/or trees whose root structure may extend within the site, which are to be retained as shown on the approved plan ref. 550/001/A shall be fenced off before any building or other operation approved by this permission is carried out within the vicinity in accordance with British Standard BS 5837:2005. Thereafter, no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence during the construction period.

Reason

In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area, pursuant to Policies E1.6, E2.4, E2.6, E3.1 and E3.5 of the adopted UDP for the City of Manchester.

6) All tree work carried out during the construction of the development hereby approved should be carried out in accordance with British Standard BS 5837:2005 "Recommendations for Tree Work".

Reason

In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area, pursuant to Policies E1.6, E2.4, E2.6, E3.1 and E3.5 of the adopted UDP for the City of Manchester.

7) No clearance of vegetation or trees from the site should be carried out in the bird nesting season (March to July inclusive). If clearance during the nesting season is unavoidable then a survey for nesting birds must be undertaken prior to work commencing and submitted to and approved in writing by the City Council as local planning authority. If nesting birds are found by the survey and are likely to be disturbed by clearance works then clearance should be delayed until after the young have fledged.

Reason

The site supports habitats suitable for use by nesting birds, which are protected by the Wildlife and Countryside Act 1981, and pursuant to Policy E2.4 in the Unitary Development Plan for the City of Manchester.

8) 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 car parking for the development proposed when the building is occupied, pursuant to Policies EM16, H2.2, H2.7, E3.5,

T2.4 and T3.1,of the adopted UDP for the City of Manchester and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

9) Notwithstanding the approved drawings, full highway engineering details in relation to the driveways into plots 31, 32, 34 and 35 and the proposed pedestrian refuge shall be submitted and approved in writing with the Local Planning Authority, including the new access points, pedestrian footways, dropped kerbs, surfaces and visibility splays. The development shall be carried out in accordance with the details thereby approved.

Reason

In the interests of residential amenity and highway safety, pursuant to Policies EM16, H2.2, H2.7, E3.5, T2.4 and T3.1,of the adopted UDP for the City of Manchester and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

10) The residential development hereby approved shall incorporate measures to minimise the environmental impact and energy use of the building and shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'very good' or 'excellent' or 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 the interests of minimising the impact on the environment of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Planning Policy Statement 1 (PPS1), and the Regional Spatial Strategy for the North West.

11) The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to achieve the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those measures are to be provided to the City Council, as the Local Planning Authority.

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".

12) The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted to and approved in writing by the Local Planning Authority and until measures

approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirements specifically and in writing:

A desk study, a site investigation and a written method statement for the remediation of land contamination affecting the site carried out by a competent person shall be agreed in writing with the Local Planning Authority prior to the commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

If during the works contamination is encountered which has not previously been identified then work shall cease in that area, the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the presence of, or the potential for any land/ground is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policy H2.2 of the unitary Development Plan for the City of Manchester.

13) The development hereby approved shall include acoustic glazing in accordance with acoustic report written by Rowlinson Construction received on the 7th December 2006, and acoustically treated ventilation in accordance with an acoustic attenuation scheme to be submitted to and approved in writing by the City Council as local planning authority before the development commences. The acoustic attenuation scheme hereby approved shall be implemented in full before use of the premises first commences.

Reason -

To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to Policies EM16, H1.2, H2.1, H2.2, H2.7 of the adopted UDP for the City of Manchester and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

14) Before the development hereby approved commences, full details regarding the waste management strategy for the development, namely the refuse storage space for segregated waste collection and recycling and details of all internal and external storage areas, 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 amenity and public health, pursuant to policy H2.2 of the adopted UDP.

15) Full elevation drawings of the proposed boundary treatment, including colour, shall be submitted to and approved in writing by the City Council, as local planning authority, before the use commences.

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 H2.2, E3.3 and E3.5 of the adopted UDP.

16) No external lighting shall be erected on or around the site without the prior written approval of the Local Planning Authority. Details of any proposed external lighting within the site must be submitted to and approved in writing by the City Council as Local Planning Authority. The lighting must only be implemented in accordance with the approved details.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation once the development is completed, pursuant to Policy H2.2 of the adopted UDP for the City of Manchester.

17) Details of a Green Travel Plan Strategy, implementation and monitoring of effectiveness shall be submitted to and approved in writing by the City Council as local planning authority. The strategy shall outline procedures and policies that the developer and occupants of the site will adopt to secure the objectives of the overall site`s Green Travel Plan Strategy. Additionally, the strategy shall outline the monitoring procedures and review mechanisms that are to be put in place to ensure that the strategy and its implementation remains effective. The results of the monitoring and review processes shall be submitted in writing to the local planning authority and any measures that are identified that can improve the effectiveness of the Green Travel Plan Strategy shall be adopted and implemented.

Reason

In accordance with the provisions contained within the Policies of the adopted UDP for the City of Manchester, Planning Policy Statement 1 'Creating Sustainable Communities', 3 'Housing' and the Regional Planning Guidance RPG13.

18) Notwithstanding the provisions of Article 3 of Part 1 of Schedule 2 or as subsequently amended to, the Town and Country Planning General Development Order 1995 (as amended), no garages, outbuildings or extensions shall be erected other than those expressly authorised by this permission.

Reason

To ensure that the high density nature of the development is not further increased by extensions and outbuildings and 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 H2.1, H2.2 and H2.7 of the adopted UDP for the City of Manchester.

19) 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.

20) No trade or business shall be carried out in the garage because the use of the garage 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 Policies H2.1, H2.2 and H2.7 of the adopted UDP for the City of Manchester.

21) All vehicles entering and leaving the site 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 Policies H2.1, H2.2 and H2.7 of the adopted UDP for the City of Manchester.

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

23) The details of an emergency telephone contact number shall be displayed during construction in a publicly accessible location on the site and shall remain so displayed unless otherwise agreed in writing by the City Council as local planning authority.

Reason

In the interests of local amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester

24) Prior to the commencement of the development, full details of the existing and proposed site levels for the proposal hereby approved shall be submitted to in plan form and approved in writing by the City Council as Local Planning Authority. The details within the approved plans shall then be implemented in full as part of the development.

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 H2.1, H2.2, H2.7, E1.5 and E1.6 of the adopted UDP for the City of Manchester.

25) Notwithstanding the approved drawings, full highway engineering details in relation to the existing and proposed pedestrian footways and the visibility splays of all vehicular entrance/exit points shall be submitted and approved in writing with the Local Planning Authority, including the new access points, pedestrian footways, dropped kerbs, surfaces and visibility splays. The development shall be carried out in accordance with the details thereby approved.

Reason

In the interests of residential amenity and highway safety, pursuant to Policies EM16, H2.2, H2.7, E3.5, T2.4 and T3.1,of the adopted UDP for the City of Manchester and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

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.