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
Mr G Conaghan 10 Dewey Street Openshaw Manchester M11 2NT	Pre Build Solutions 1 Compstall Road Romiley Stockport SK6 4BT

Part I – Particulars of Application

Date of Application	Application ref. no.
9 October 2008	082446/FO/2007/N2

Particulars and location of development:

Erection of light industrial unit (B1) with new vehicular access and egress from Cornwall Street

Site Of Former Jive Inn
Cornwall Street
Openshaw
Manchester
M11 2WQ

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 light of the development plan, including policies EM1, EM2, EM16, DC9, E3.5, I3.1 and H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995) on the basis that the proposal would not have a significant detrimental effect on neighbouring occupiers or visual amenity, and there are no material planning considerations of sufficient weight to indicate otherwise.
Date of Decision 4 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 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 site layout and elevation drawings date stamped as received by the local planning authority on 9 October 2008, and the 1:1250 site edged red plan date stamped as received by the local planning authority on 20 April 2007, unless otherwise agreed in writing by the City Council as local planning authority.

Reason

To ensure that the development is carried out in accordance with the approved plans, pursuant to policies EM1, EM2, EM16, DC9, I3.1 and H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

3) The development shall be carried out in accordance with the recommendations contained in S10 of the Angela Graham bat survey dated 16/4/07. The bat roost boxes shall be installed prior to first occupation of the development and retained permanently thereafter unless otherwise agreed in writing by the City Council as local planning authority.

Reason
To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with Policies E2.2, E2.3 and E2.4 of the adopted Manchester Unitary Development Plan.

4) 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 EM2 of the Unitary Development Plan for the City of Manchester.

5) 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.

6) The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the LPA and until the measures approved in that scheme have

been fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

1. A desk study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the LPA shall be fully established before the desktop study is commenced and it shall conform to any such requirements.

2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:

(i) a desk-top study has been completed satisfying the requirements of paragraph (1) above;
(ii) The requirements of the LPA for site investigations have been fully established; and
(iii) The extent and methodology have been agreed in writing with the LPA.

3. A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

4. 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 LPA.

5. Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to, and approved by, the LPA.

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. The development site lies within 250 metres of a registered landfill site.

7) Deliveries, servicing and collections shall not take place outside the hours of 0730 to 2000 Monday to Saturday. No deliveries, servicing and collections shall take place on Sundays or bank holidays.

Reason
To protect the amenities of nearby occupiers, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

8) All external windows and doors shall remain closed except for access and egress.

Reason
To protect the amenities of nearby occupiers, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

9) Before first occupation of the development the building, together with any 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.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

10) Notwithstanding the approved plans, full details of a waste storage compound, including elevations and materials, shall be submitted to and approved by the City Council as local planning authority prior to the commencement of development. The approved details shall be implemented prior to initial occupation of the development and retained permanently for waste storage, unless otherwise agreed in writing by the City Council as local planning authority.

Reason
In order to ensure appropriate waste storage facilities, in the interests of public health and visual amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

11) All soft landscaping shall be maintained in order to retain appropriate pedestrian and vehicular visibility splays adjacent to the entrance and exit from Cornwall Street.

Reason
In the interests of highway safety, pursuant to policies E3.5 of the Unitary Development Plan for the City of Manchester (adopted 1995).

12) The submitted landscaping scheme is not approved. No development shall commence until a revised 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 H2.7 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.