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 Paul Woodcock
Merepark Project Management LLP
Market Court
Garden Lane
Altrincham
Cheshire
WA14 4DW

Agent (if used)

Jay Patel
Deloitte
2 Hardman Street
Spinningfield
M13 3HF

Part 1 – Particulars of the application/development

Proposal: Erection of three-storey mixed use building comprising 3no. retail units of (Class A1) retail space (762 square metres total) at ground floor with 12no. two bed apartments on above two floors following demolition of existing retail store

Location: 435 Barlow Moor Road, Chorlton, Manchester, M21 8AU

Date of application: 11 June 2014

Application number: 105734/FO/2014/S1

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 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: MP84 (PL) 110 rev C received by email on 5th November 2014, and MP84 (PL) 111 rev B and MP84 (PL) 112 received by email on 12th September 2014.

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

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.

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 policies SP1 and DM1 of the Core Strategy.

4) Deliveries to commercial premises

Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policies DM1 and SP1 of the Core Strategy.

5) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with policies SP1 and DM1 of the Core Strategy.

6) The commercial premises shall not be open outside the following hours:-

08:00 - 23:00 Monday -Sunday

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to saved policy DC26 of the UDP and policies DM1 and SP1 of the Core Strategy.

7) Before any use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

8) Before the development commences a scheme for acoustically insulating the residential accommodation against noise from Barlow Moor 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 Barlow Moor Road in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

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 policies SP1 and DM1 of the Core Strategy.

10) Prior to the commencement of development full details of refuse receptacles for the proposed development based upon the principles contained within the Waste Management Strategy contained within the Design and Access Statement date stamped as received 19th May 2014 and the proposed site layout plan drawing reference MP84(PL) 110 Rev C received via email by the local planning authority on the 5th November 2014 shall be submitted to and approved in writing by the City Council as local planning authority. The approved details shall be implemented in full prior to the first occupation of the approved building and be retained thereafter.

Reason - In the interests of public health and amenity pursuant to policy DM1 of the Manchester Core Strategy.

11) The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to, and approved in writing by the local planning authority. The scheme shall identify existing and proposed receptors for the discharge of surface water from the site. The development shall be undertaken in accordance with the agreed scheme.

Reason - To reduce the risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site to comply with the Manchester Strategic Flood Risk Assessment and pursuant to policy EN14 of the Cores Strategy.

12) The development hereby permitted shall not be commenced until such time as; a scheme to ensure that finished floor levels are set no lower than 26.78m above Ordnance Datum (AOD), has been submitted to, and approved in writing by the local planning authority. The development shall be undertaken in accordance with the agreed details.

Reason - To reduce the residual risk of flooding to the proposed development and future occupants pursuant to policy EN14 of the Core Strategy.

13) The car parking layout shown on drawing MP84(PL)110 rev C shall be surfaced demarcated and made available for use prior to the development hereby approved being first occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied pursuant to policy T2 of the Core Strategy for the City of Manchester.

14) Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the City Council as local planning authority.

The development shall be implemented in accordance with the agreed Construction Management Plan. The Plan shall include:
- The routing of construction traffic;
- the identification of the vehicular access points into the site for all construction traffic, staff vehicles and Heavy Goods Vehicles;
- Identify measures to control dust and mud on the surrounding public highway including: details of how the wheels of contractor's vehicles are to be cleaned;
- Specify the working hours for the site;

Reason - In the interest of pedestrian and highway safety, and to ensure that construction works are not prejudicial or a nuisance to adjacent dwellings, as specified in policy DM1 of the Core Strategy.

15) Prior to the commencement of development full details of the cycle parking facilities as indicated on drawing reference MP84(PL) 110 Rev C received via email by the local planning authority on the 5th November 2014 shall be submitted to and approved in writing by the City Council as local planning authority. The approved details shall be installed prior to the first occupation of the building and be retained in situ thereafter.

Reason - To ensure the provision of suitable and adequate cycle parking provision pursuant to policy T1 of the Manchester Core Strategy.

16) No development shall commence until details of the measures to be incorporated into the development 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 secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

17) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least code level 3 sustainability rating under the Code for Sustainable Homes standards 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 within a timescale previously agreed.

Reason - In order to minimise the environmental impact of the development by securing a reduction in CO2 emissions and by incorporating sustainable construction techniques pursuant to policies EN6 and DM1 of the Core Strategy.

18) 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 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 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 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 EN18 of the Core Strategy.

19) Prior to the first use of the approved ground floor retail units full details of a Car Park and Servicing Management Plan which shall include: the prohibition of service vehicles from reversing onto or off the site; and, proposed measures to manage car parking spaces on the site based upon the principles set out within Supplementary Highway and Transport Report prepared by VTC Highway and Transport Consultancy dated 15.10.2014, shall be submitted to and approved in writing by the City Council as local planning authority. The car park layout as agreed under condition 13 of this approval shall be subsequently managed in accordance with the approved Management plan and measures.

Reasons - To ensure the satisfactory management of the car park in the interests of amenity and highway safety pursuant to policies T1 and DM1 of the Core Strategy.

20) Prior to commencement of the development, a local labour agreement addressing initiatives to employ at the development, both during its construction and operation, people residing in the vicinity of the development shall be submitted to and agreed in writing with the City Council as local planning authority. The development shall be subsequently undertaken in accordance with the approved scheme and shall be kept in place thereafter.

Reason - To safeguard local employment opportunities, pursuant to policies SP1 and DM1 of the Core Strategy for Manchester.

21) Before first occupation of the hereby approved residential units the bathroom windows in the west elevation shall be obscure glazed to a specification of no less than

level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

22) Prior to the first use of the development a residential travel plan framework shall be submitted for approval in writing by the City Council, as Local Planning Authority.

In this condition a Travel Plan means a document which includes:

i) the measures proposed to be taken to reduce dependency on the private car by those living at the development;
ii) a commitment to surveying the travel patterns of residents/staff during the first three months of the first use of the building and thereafter from time to time
iii) mechanisms for the implementation of the measures to reduce dependency on the private car
iv) measures for the delivery of specified travel plan services
v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first use of the building, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above 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 for residents, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy (2012).

23) Prior to the commencement of the development full details including technical specifications of the amended vehicular access into the site from Barlow Moor Road shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be subsequently undertaken in accordance with the approved details.

Reason - In the interests of pedestrian and highway safety pursuant to policies DM1 and T1 of the Core Strategy.

Informatives

This permission does not grant approval under Building Regulations.

Date: 17 December 2014

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.