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 Robert MacDougall
Wythenshawe Community Housing Group
Parkway Green House
460 Palatine Road
Wythenshawe
Manchester
M22 4DJ

Agent (if used)

Mr Keith Dunn
BYA Ltd
Alina House
10 St. Vincent Street
Liverpool
L3 5XW

Part 1 – Particulars of the application/development

Proposal: Erection of two, pairs of two-storey semi-detached dwellinghouses and one, two-storey detached dwellinghouse (five dwellinghouses in total) together with associated boundary treatments, car parking and landscaping

Location: Vacant Land Adjacent To 26 Haveley Circle And 1 Fancroft Road, Northenden, Manchester

Date of application: 1 May 2014

Application number: 105052/FO/2014/S2

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. Pre application advice has been sought in respect of this matter where early discussions about the siting and scale were discussed. The proposal is considered to be acceptable and in accordance with the development plan and therefore determined in a timely manner.

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;

Drawing:1766-402 stamped as received by the City Council, as Local Planning Authority, on the 04.03.2014, M422-HCW-LAND-01A stamped as received by the City Council, as Local Planning Authority, on the 09.07.2014 and 1766-401J stamped as received by the City Council, as Local Planning Authority, on the 04.08.2014

Documents: Arboricultural Impact Assessment prepared by Mulberry (ref. TRE/HCHR) stamped as received by the City Council, as Local Planning Authority, on the 01.05.2014 and the Extended Phase 1 habitat survey prepared by Middlemarch Environmental Ltd (RT-MME-115462-04-02) stamped as received by the City Council, as Local Planning Authority, on the 05.03.2014

Code for Sustainable Homes pre-assessment stamped as received by the City Council, as Local Planning Authority, on the 06.03.2014.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy (July 2012).

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) Notwithstanding drawing 1766-401J stamped as received by the City Council, as Local Planning Authority, on the 04.08.2014, 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.

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 policies SP1, EN9 and DM1 of the Core Strategy.

5) Notwithstanding Phase 1 Desk Study report prepared by CCG (CCG-C-13-7346e) stamped as received by the City Council, as Local Planning Authority, on the 05.03.2014, 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 contamination is dealt with at the site pursuant to policy EN18 of the Manchester Core Strategy (2012).

6) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least four 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 order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

7) Details of the refuse and waste arrangements and location should be carried out in accordance with drawing 1766-401H stamped as received by the City Council, as Local Planning Authority, on the 04.03.2014 and shall be implemented prior to the first use of development and thereafter retained and maintained in situ.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policy DM1 of the Manchester Core Strategy.

8) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how Secured 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.

9) Notwithstanding drawing 1766-501E stamped as received by the City Council, as Local Planning Authority, on the 04.03.2014 prior to the commencement of the development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented prior to the occupation of each associated dwellinghouse and thereafter be retained and maintained in situ.

Reason - To ensure that the appearance of the boundary treatment 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 saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

10) Before the development commences a scheme for acoustically insulating the residential accommodation against noise from the M56 shall be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be installed before any of the dwelling houses hereby approved are first occupied.

Reason - To secure a reduction in noise from the surrounding area in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

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 residential amenity pursuant to policy DM1 and SP1 of the Manchester Core Strategy (2012).

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any order revoking and re-enacting that Order with or without modification) no part of the premises shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of

accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

13) Prior to the commencement of the development hereby approved, details of the foul drainage scheme shall be submitted to and approved in writing by the City Council as Local Planning Authority.

The development shall be completed maintained and managed in accordance with the approved scheme and no residential properties shall be occupied until the approved foul drainage scheme has been completed.

Reason - To ensure a satisfactory foul drainage system is in situ in accordance with policies SP1, EN14 and DM1 of the Core Strategy.

14) Prior to the commencement of the development hereby approved, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by City Council as the Local Planning Authority.

The development shall be completed, maintained and managed in accordance with the approved scheme.

Reason - To ensure a satisfactory surface water drainage system is in situ in accordance with policies SP1, EN14 and DM1 of the Core Strategy.

15) The Tree Replacement scheme approved by the City Council as local planning authority shown on drawing ref; M422-HCW-LAND-01A stamped as received by the City Council as Local Planning Authority on 09.07.2014 , 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, that tree any tree 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.

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 policies SP1, EN9 and DM1 of the Core Strategy.

16) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "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 and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strat

17) No tree felling or pruning works or vegetation clearance should take place during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person.

Reason - In order to protect wildlife from works that may impact on their habitats, pursuant to policy EN9 of the Core Strategy.

18) 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 . 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 saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

Informatives

This permission does not grant approval under Building Regulations.

The applicant can discuss further details of the site drainage proposals with Neil O'Brien at wastewaterdeveloperservices@uuplc.co.uk. Any further information regarding Developer Services and Planning visit United Utilities website at http://www.unitedutilities.com/builders-developers.aspx

The applicant's attention is drawn to the need to contact Environmental Health (Public Protection Team) where any noise related conditions have been attached to this Planning Approval, in order to discuss specific and technical requirements.
Contact: Manchester City Council, Environmental Health, Hammerstone Road, Gorton, Manchester, M18 8EQ, Tel: 0161 234 5004, E-mail: contact@ manchester.gov.uk

A copy of our 'Guidance for Developers' can be downloaded using the following link: http://www.manchester.gov.uk/download/downloads/id/19841/environmental_and_public_protection_information_for_developers_gd03, or is available upon request.

A S278 agreement will be necessary to cover the proposed changes to the highway please contact Ella Davies to discuss.

Address: Capital Programmes and Property
Growth and Neighbourhoods Directorate
Manchester City Council
PO Box 532 Town Hall
Manchester
M60 2LA

E-mail: e.davies2@manchester.gov.uk

Date: 8 August 2014

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

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.