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 Eddie Flanagan
Manchester City Council
Forum Square
Wythenshawe
Manchester

Agent (if used)

Mrs Jane Ash
URS UK Ltd
4th Floor Bridgewater House
Whitworth Street
Manchester
M1 6LT

Part 1 – Particulars of the application/development

Proposal: Variation of condition no. 3 attached to planning approval ref: 096943/FO/2011/S1 to allow: Retention of a number of locked pedestrian gates along the park boundary; retention of the storage building within the depot area; changes to footpath material to rear of pavilion and redesign of hard-surface area; change to canopy material to pavilion veranda; change to tennis court levels; omission of footpath and car park lighting, omission of flagpole; redesign of toddler play area; change to seating; omission of some footpaths and changes to ironmongery

Location: Alexandra Park Bounded By Alexandra Road South, Demesne Road, Princess Road, Claremont Road And 9 Smalldale Avenue, Moss Side, Manchester, M16 7JL

Date of application: 14 January 2014

Application number: 104651/JO/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 application and the application has been determined in accordance with the policies within the Development Plan.

Condition(s) attached to this decision

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawing No. Masterplan, 101A, 102A, 103A, 104A, 110, 111, 112, 115, 120, 121,122, 123A,124, 125, 130, 131, 132, 133, 134, 135, 140, 141, 142, 143, 201E, 203F, 204D, 205B, 210E, 211B, 212B, 230B, 231A, 232A,
D131812/LD/SK (02/05/06/07/10/11/110.1/110.2/110.3/111/112.1/112.2/113.1/113.2/114.5/115/115.1/115.2/115.3/116/116.1/117/117.1/118/119.1)
D131812/PL/SK (01/02)
04H174/001, D131812/SE/SK/531, D131812/DR/SK (200/201/202/204) date stamped 02.08.2011
Planning Statement, PPS5 Heritage Statement, Ecological Appraisal Report, Schedule of Repair Works to Chorlton Lodge, Sports Pavillion, The Depot and Community Building, Statement of Community Involvement, Environmental Standards Statement, Bat Survey Report, Bat Roost Potential Survey Report (inc. Internal Inspection of Buildings and Inspection of Trees), Tree Hazard Evaluation date stamped 02.08.2011
Phase I Geo-environmental Study October 2010, Invasive Species Report November 2010, Flood Risk Assessment dated May 2011, Phase II Geotechnical/Geo-environmental Assessment dated June 2011, Design and Access Statement dated June 2011, Travel Plan dated August 2011, Lighting Design received 12.10.2011

AS AMENDED OR SUPERSEDED BY THE FOLLOWING DOCUMENTS RECEIVED ON 14 JANUARY 2104:
232113 204 Rev K
232133 205 Rev G
232133 206 Rev C
232133 300 Rev B
47061939-URS-LD-07 Rev C
47061939-URS-LD-11 Rev B
47061939-URS-LD-111 Rev C
47061939-URS-LD- 113.1 Rev A
47061939-URS-LD-114
47061939-URS-LD-118 Rev B
47061939-URS-LD-129 Rev D
47061939-URS-SE-531 Rev C2
Supporting information stamped as received on 14 January 2014
47061939-URS-LD

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.

2) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to Policy DM1 of the Core Strategy.

3) 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 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.

4) The floodlights for the Outdoor Sporting Facilities shall only be switched on within the following hours:
Monday to Sunday 0900 - 2200hrs.

Reason - To minimise the impact of the floodlighting on the amenity of nearby residential properties and the wildlife found within the park., pursuant to Policy DM1 of the Core Strategy.

5) Notwithstanding the hours of use set down for the floodlights in condition 4, the floodlights to the Outdoor Sporting Facilities shall be switched off unless the Outdoor Sporting Facility is in use or they are required to be switched on for the purpose of maintenance.

Reason - To keep the impact of the floodlighting on the amenity of the occupiers of nearby residential accommodation to a minimum and reduce any impact of the lighting on foraging Bats pursuant to Policies DM1 and EN15 of the Core Strategy.

6) Prior to the commencement of development a Biodiversity Master Plan shall be submitted. Such a plan should include any necessary updated surveys (e.g. bats), full details of all mitigation and compensation measures, a timetable of works, amended planting schedules and long term management of the site, including measures to enhance biodiversity. This plan should then be implemented as agreed.

Reason

Pursuant to Policy EN9 of the Core Strategy.

7) 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 EN9 and EN15 of the Core Strategy.

8) The Pavilion building and Chorlton Lodge shall not be open outside the following hours: Monday to Sunday 800hrs to 2200hrs, as per the information submitted on 16 January 2013.

Reason
To protect the amenities of the occupiers of nearby residential properties pursuant to Policy DM1 of the Core Strategy.

9) The wheels of contractors' vehicles leaving the site and the access roads leading to the site shall be cleaned in accordance with the management scheme submitted to the local planning authority on 16 January 2013 and subsequently agreed in writing on 12 April 2013.

Reason
In the interests of pedestrian and highway safety and residential amenity, pursuant to Policy DM1 of the Core Strategy.

10) Prior to the sports facilities being brought into use, a Community Use Scheme for all sports facilities shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by users, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason - To ensure benefit to the development of sport pursuant to policies EN 10 and EN12 of the Core Strategy.

Informatives

This permission does not grant approval under Building Regulations.

Date: 28 February 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 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.