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

Tariq Properties Ltd
302 Platt Lane
Manchester
M14 7DA

Agent (if used)

Holborow And Ormesher
Station House
Adams Hill
Knutsford
WA16 6DN

Part 1 – Particulars of the application/development

Proposal: Erection of 2 units to form two MOT garages/car repair units with ancillary car parking

Location: Linnett Close, Longsight, Manchester, M12 4EZ

Date of application: 20 May 2014

Application number: 105719/FO/2014/N2

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. Matters relating to boundary treatment, car parking and site layout have been addressed through the course of the planning application. The proposal is considered to be 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 1417/14/01 Rev B stamped as received by the City Council, as Local Planning Authority, on the 16 July 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, boundary walls and driveways 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, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (July 2012).

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

Monday to Saturday 08:00 to 18:00
Sundays (including Bank Holidays) No operations

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

5) Notwithstanding drawing 1417/14/01 stamped as received by the City Council, as Local Planning Authority, on the 15 May 2014, prior to the commencement of the development a waste management strategy (including details of the siting and appearance of any associated structure(s) shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented prior to the first use of the development and thereafter retained and maintained in accordance with those details for as long as the development remains in use.

Reason - To ensure adequate refuse arrangements are put in place pursuant to policy DM1 of the Manchester Core Strategy (2012).

6) 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 EN18 of the Manchester Core Strategy (July 2012).

7) No vehicle repairs or maintenance work (including car washing/valeting services, body repair work, panel beating, welding and spray painting) shall be carried out outside the building in the forecourt/ car parking area as indicated on drawing 1417/14/01 stamped as received by the City Council, as Local Planning Authority, on the 15 May 2014.

Reason- In order to prevent undue noise disturbance to nearby residents from outdoor work pursuant to policies SP1 and DM1 of the Manchester Core Strategy (July 2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

8) Deliveries, servicing and collections, including waste collections, shall not take place outside the following hours:

Monday to Saturday 07:30 to 20:00
No deliveries/waste collections on Sundays/Bank Holidays

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (July 2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

9) Prior to the first use of the buildings hereby approved, details of a building acoustic insulation scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented and be in place prior to the first use of the premises and thereafter retained and maintained in accordance with these details.

Reason - To limit the out break of noise from the premises in the interest of residential amenity pursuant to policy DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

10) Prior to the first use of the buildings hereby approved, details of any externally mounted plant acoustic insulation scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented and be in place prior to the first use of the premises and thereafter retained and maintained in accordance with these details.

Reason - To limit the out break of noise from the plant in the interest of residential amenity pursuant to policy DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

11) Prior to the commencement of the development, details of fume extraction 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 first use of the development and thereafter retained and maintained in accordance with these details.

Reason - To ensure adequate fume extraction is put in place in the interest of residential amenity pursuant to policy DM1 of the Manchester Core Strategy (2012).

12) The car parking area, as indicated on drawing 1417/14/01 stamped as received by the City Council, as Local Planning Authority, on the 15 May 2012 shall surfaced and demarcated prior to the first use of the premises hereby approved. The parking shall thereafter be retained and maintained in situ.

Reason - To ensure adequate car parking is put in place for the development pursuant to policies T2 and DM1 of the Manchester Core Strategy (2012).

13) Notwithstanding drawing 1417/14/01 stamped as received by the City Council, as Local Planning Authority, on the 15 May 2014, prior to the commencement of the development, details of the siting and appearance of boundary treatment 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 first use of the development and retained and maintained for as long as the development remains in use.

Reason - In the interest of visual amenity and security of the application site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

14) Prior to the commencement of the development, details of a swept path analysis showing how all types of vehicles will access and egress and manoeuvre at the development, including any measures to ensure safe manoeuvring, 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 first use of the development and thereafter retained and maintained for as long as the development remains in use.

Reason - In the interest of pedestrian and highway safety pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

15) The permission hereby granted is for the use of the existing building as a MOT garage/car repairs and servicing and for no other purpose (including any other purpose within Use Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and shall not be used for the retail sales of cars or spare parts or the dismantling of cars for scrap.

Reason - Other uses may have a detrimental effect on the neighbourhood and the restriction of the use proposed will enable the Local Planning Authority to consider any further change of use on its merits, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the adopted Manchester Core Strategy Development Plan Document.

Informatives

This permission does not grant approval under Building Regulations.

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Date: 31 July 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.

Appendix A – Standing Advice Regarding Coalfield Area

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.
Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com