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 Harish & Mrs Mamta Tiwari
26 Tolworth Drive
Manchester
M8 0WW

Agent (if used)

Mr Talat Zeria
HSH Engineering Design Service
428 Cheetham Hill Road
Manchester
M8 9LE

Part 1 – Particulars of the application/development

Proposal: Erection of a single storey side and rear extension, front and rear dormers and single storey rear outbuilding following demolition of existing outbuilding.

Location: 26 Tolworth Drive, Manchester, M8 0WW

Date of application: 1 August 2024

Application number: 140567/FH/2024

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 35 Declaration

In assessing the merits of a planning application officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In this instance, further clarification was sought from the planning agent regarding the proposed materials and finishes, (date 24/09/24). However, without the benefit of this information, the agent has therefore been subsequently advised that without clarification having been provided in relation to the proposed materials and finishes, the application would be determined subject to an additional condition requiring samples and specifications of the external facing materials to be provided to the local planning authority for further assessment. The local planning authority had no other issues to raise with the agent but have attached appropriate conditions to the approval.

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:

o Location Plan with application site edge in red, dwg. no. 09, received by the City Council as the Local Planning Authority on 19 July 2024.

o Existing Site Plan, dwg. no. 01, received by the City Council as the Local Planning Authority on 19 July 2024.

o Proposed Site Plan, dwg. no. 08, received by the City Council as the Local Planning Authority on 19 July 2024.

o Existing Plans and Elevations, dwg. no. 10, received by the City Council as the Local Planning Authority on 01 Aug 2024.

o Existing Plans and Elevations, dwg. no. 03, received by the City Council as the Local Planning Authority on 19 July 2024.

o Existing Ground Floor Plan, dwg. no. 02, received by the City Council as the Local Planning Authority on 19 July 2024.

o Proposed Plans and Elevations, dwg. no. 04, received by the City Council as the Local Planning Authority on 19 July 2024.

o Proposed Elevations, dwg. no. 05, received by the City Council as the Local Planning Authority on 01 Aug 2024.

o Proposed Elevations, dwg. no. 06, received by the City Council as the Local Planning Authority on 19 July 2024.

o Proposed Outbuilding Plans and Elevations, dwg. no. 07, received by the City Council as the Local Planning Authority on 19 July 2024.

Reason - To ensure that the development is carried out in accordance with the approved plans and submitted information; pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), and policies SP1 and DM1 of the Core Strategy (2012).

3) Prior to the commencement of development appropriate and comprehensive construction designs for the installation of a proprietary gas membrane, in order to alleviate any possibility of landfill gas ingress to the building, shall be submitted for approval to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development.

Reason - the development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas pursuant to policies EN18, DM1 of the Manchester Core Strategy (2012); and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995).

4) Notwithstanding the proposed materials and finishes as stated on the submitted information, before any above ground works of the development hereby approved, details of the external facing materials to be used on the development hereby approved, including elevational details, shall be submitted to, and approved in writing by the City Council as local planning authority.

Reason - In the interests of the character and appearance of the dwellinghouse and surrounding area, pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), and policy DM1 of the Core Strategy (2012).

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or doors shall be inserted into the elevations of the development hereby approved other than those stated on:

o Proposed Site Plan, dwg. no. 08, received by the City Council as the Local Planning Authority on 19 July 2024

o Proposed Plans and Elevations, dwg. no. 04, received by the City Council as the Local Planning Authority on 19 July 2024.

o Proposed Elevations, dwg. no. 05, received by the City Council as the Local Planning Authority on 01 Aug 2024.

o Proposed Elevations, dwg. no. 06, received by the City Council as the Local Planning Authority on 19 July 2024.

o Proposed Outbuilding Plans and Elevations, dwg. no. 07, received by the City Council as the Local Planning Authority on 19 July 2024.

Reason - In the interests of residential amenity pursuant to saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995), and policy DM1 of the Manchester Core Strategy (2012).

6) Before first occupation of the development thereby approved, the proposed window along the ground floor rear elevation to serve the bathroom; together with the proposed dormer window along the rear elevation to serve the proposed bathroom, and as shown on: Proposed Plans and Elevations, dwg. no. 04, received by the City Council as the Local Planning Authority on 19 July 2024 and Proposed Elevations, dwg. no. 05, received by the City Council as the Local Planning Authority on 01 Aug 2024, shall be obscurely 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 - In the interest of privacy and in accordance with policy DM1 of the Manchester Core Strategy (2012) and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995).

7) The outbuilding as shown on: Proposed Site Plan, dwg. no. 08, received by the City Council as the Local Planning Authority on 19 July 2024; Proposed Plans and Elevations, dwg. no. 04, received by the City Council as the Local Planning Authority on 19 July 2024; Proposed Elevations, dwg. no. 05, received by the City Council as the

Local Planning Authority on 01 Aug 2024; Proposed Elevations, dwg. no. 06, received by the City Council as the Local Planning Authority on 19 July 2024; and Proposed Outbuilding Plans and Elevations, dwg. no. 07, received by the City Council as the Local Planning Authority on 19 July 2024 and hereby approved shall not be used as a self-contained living unit, or business, and shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 26 Tolworth Drive, Manchester.

Reason: To ensure the proposed use remains ancillary to the principle use on the site, as a single dwellinghouse, in the interest of residential amenity, pursuant to policies DM1, SP1 of the Manchester Core Strategy (2012) and saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and for the avoidance of doubt as any proposal to use the structure, as a self-contained living unit, or business would require planning permission.

8) Wheeled bins shall be stored along the front garden, in the specified location and enclosed timber frame bin store and as shown on: Proposed Site Plan, dwg. no. 08, received by the City Council as the Local Planning Authority on 19 July 2024, and only brought to the back of pavement on collection days, and this arrangement shall remain so in perpetuity, and be maintained.

Reason - In the interests of residential and visual amenity, pursuant with saved policy DC1 of the Unitary Development Plan for the City of Manchester (1995) and policies EN19, DM1 of the Core Strategy (July 2012).

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of Class C3(a) 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).

Reason - In the exceptional circumstances of a proliferation of HMO's restricting housing choice and adversely affecting sustainability and 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 policy 7.4 of the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance, the National Planning Policy Framework and policies SP1 and DM1 of the Manchester Core Strategy.

Informatives

This decision relates to the extension or improvement of an existing dwellinghouse, falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and does not infer or imply approval for the use of the property for any other purpose.

Manchester City Council has made an Article 4 Direction to remove permitted development rights that allow for a change of use from Class C3 - *Dwellinghouses* to Class C4 - *House in Multiple Occupation*. This means that from 8 October 2011, planning permission is required for a change of use from a Dwellinghouse to a House in Multiple Occupation. Further information regarding the Article 4 direction can be found on Manchester City Council’s website:

www.manchester.gov.uk/info/200074/planning/4847/article_4_direction

If you intend to use the property to which this decision relates for any purpose other than a dwellinghouse, you should first contact Manchester City Council's Planning Service. Failure to obtain any necessary planning permission prior to carrying out a material change of use or physical development could result in enforcement action being taken, which can have serious implications.

This permission does not grant approval under Building Regulations.

Date: 25 September 2024

Signed: 

Julie Roscoe
Director 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, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within 12 weeks 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 gov.uk website – www.gov.uk/appeal-householder-planning-decision. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they 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 Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they 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 their 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 Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.