

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

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Greg Douglas-Thorne
2 Park Avenue
Manchester
M19 2EE

Agent (if used)

Mr Andrew James
Architectural Emporium Ltd
13 Hope Street
Liverpool
L1 9BQ

Part 1 – Particulars of the application/development

Proposal: Erection of two-storey side and rear extension to form additional living accommodation, replacement of existing windows and ground floor window bay, new driveway and gate, and new external steps to the front and the rear of the property and the removal and works to trees.

Location: 2 Park Avenue, Manchester, M19 2EE

Date of application: 8 November 2022

Application number: 135261/FH/2022

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

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, extensive negotiations took place to ensure that the proposed development would not have an adverse impact upon the Conservation Area.

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 drawing and documents:

Drawing number 0.001_Rev A, 2.002_Rev A, 2.100_Rev C, 2.101_Rev B, 2.200 rev D, 2.201 Rev D, 2.300 Rev B and 9.301_Rev
Planning Statement dated 21 October 2022 (ref: 430.400.003)
Design and Access Statement dated 21 October 2022 (ref: 430.400.001 rev A)
Arboricultural Impact Assessment dated 14 October 2022 (ref: BS 5837:2012)
Method Statement dated 17 October 2022 (ref: BS 5837:2012)
All stamped as received by the City Council, as Local Planning Authority, on 24 October 2022.

Drawing number 2.010_Rev K, stamped as received by the City Council, as Local Planning Authority, on 20 December 2022.

Email from Greg Douglas-Thorne, dated 2 March 2023, and accompanying document, which indicates the proposed materials, stamped as received by the City Council, as Local Planning Authority, on 2 March 2023.

Email from Greg Douglas-Thorne, dated 3 March 2023, which confirms that a bird box will be installed within retained trees.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1, EN3 and DM1 of the Manchester Core Strategy and saved policies DC1 and DC18, of the Unitary Development Plan for the City of Manchester.

3) The development shall only be implemented using the approved materials, as indicated in the email from Greg Douglas-Thorne, dated 2 March 2023, and accompanying document, which indicates the proposed materials, stamped as received by the City Council, as Local Planning Authority, on 2 March 2023.

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 saved policies DC1 and DC18, of the Unitary Development Plan for the City of Manchester, and policies EN1 and DM1 of the Manchester Core Strategy.

4) The indicated alterations to the boundary treatment of the site, including the provision of a new vehicular access gate, shall be carried out only in accordance with the details indicated on drawing number 9.301_Rev, stamped as received by the City Council, as Local Planning Authority, on 24 October 2022 and drawing number 2.010_Rev K, stamped as received by the City Council, as Local Planning Authority, on 20 December 2022. The boundary treatment shall be completed before the first use of the extensions, and shall thereafter be retained and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment shall be erected on site, other than that shown on the approved plans.

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 policies DC1 and DC18, of the Unitary Development Plan for the City of Manchester, and EN1 and DM1 of the Manchester Core Strategy.

5) 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 Manchester Core Strategy.

6) Construction works on site, including the creation of new vehicle driveway, shall only be carried out in accordance with the Arboricultural Impact Assessment dated 14 October 2022 (ref: BS 5837:2012) and Method Statement dated 17 October 2022 (ref: BS 5837:2012)

All stamped as received by the City Council, as Local Planning Authority, on 24 October 2022. 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 Manchester Core Strategy.

7) Prior to the occupation of the extensions hereby approved, a permanent bird box shall be installed at the site in accordance with the email from Greg Douglas-Thorne, dated 3 March 2023, which confirms that a bird box will be installed within retained trees. The bird box shall be thereafter retained whilst the development is occupied.

Reason - To provide bird boxes to comply with policy EN15 of the Core Strategy for Manchester.

8) 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 openings, including windows and doors, shall be inserted within the elevations of the extension, other than those shown on the approved drawings, unless Planning Permission is specifically granted.

Reason - In the interests of the amenities of the occupiers of the neighbouring dwellinghouse, pursuant to saved policies DC1 and DC18 of the Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

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.

Whilst the development is low risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

Vehicular access to the site will be gained from Park Avenue. A new access will need to be built and a dropped kerb crossing installed. In order to facilitate access into the site,

a new vehicular crossover will be required. The new access will need to be built in accordance with MCC construction standards under a Section 184 vehicle crossing licence/agreement which will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Construction/demolition works shall be confined to the following hours.

- Monday - Friday: 7.30am - 6pm
- Saturday: 8.30am - 2pm
- Sunday / Bank holidays: No work

The construction process should pay regard to the following measures, to ensure that there is minimal impact upon nearby residents and the surrounding environment:

- Dust suppression measures;
- Compound locations ;
- Location, removal and recycling of waste;
- Routing strategy of construction vehicles;
- Parking of construction vehicles and staff; and
- Sheeting over of construction vehicles.

A leaflet on Controlling Pollution from Construction Sites, including hours of work, is available for download from:

<http://www.manchester.gov.uk/downloads/download/4235/noise>.

Date: 7 March 2023

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 or 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.