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 Paul Gwynne
Blackley Developments Ltd
32 Crescent
Salford
M5 4PF

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Variation of conditions 5 (landscaping) and 27 (buffer zone) and removal of condition 29 (tree mitigation) relating to planning permission 114850/JO/2016

Location: Bowker Bank Industrial Park , Bowker Bank Avenue, Manchester, M8 4PD

Date of application: 9 March 2018

Application number: 119341/JO/2018

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 to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application

Condition(s) attached to this decision

1) Applications for approval of reserved matters must be made not later than 1 July 2018. The development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2) Approval of the details of the siting, design and external appearance of the building, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Plans and particulars of the reserved matters shall be submitted in writing to the local planning authority and shall be carried out as approved.

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

Drawings numbered SP(90)105/D, 4078_DT(90)01, 4078_DT(90)02/A, 4078_DT(90)01/B SP(90)121/B stamped as received by the City Council as Local Planning Authority on 9th February 2016, drawings numbered SP (90)121/A, SP(90)122/A and 4078_DT(90)03 received by e-mail dated 25th May 2016 and drawings numbered B100, B101, B103, B105, B107, B109 stamped as received by the City Council as Local Planning Authority on 24th May 2017 and drawings numbered B102.1/A, B102/A, B104.1/A, B104/A, B106.1/A, B108.1/A, B108/A and B110/A received by the City Council as Local Planning Authority via e-mail dated 13th July 2017.

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.

4) The development hereby approved shall only be implemented in accordance with submitted materials palette document referenced PP114850/JO/2016 stamped as received by the City Council as Local Planning Authority on 30th January 2018 as part of condition discharge application referenced CDN/18/0059. The development shall be constructed only using the approved materials.

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).

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5) Notwithstanding drawing GC.107785.601 stamped as received by the City Council, as Local Planning Authority on the 21 January 2014, no residential unit shall be occupied until a hard and soft landscaping scheme for the areas of the site outside the curtilage of the development, has been submitted to and approved in writing by the City Council as Local Planning Authority, including an off-site tree mitigation plan. 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.

6) The development hereby approved shall only be implemented in accordance with the information and measures contained with the following reports as approved as part of condition discharged application referenced CDN/17/0217.

E3P Phase 1 and 11 Ground Investigation (Ref: 11-164-r1) October 2016;
E3P Addendum gas report (Ref: 11-164-L1) 20th April 2017;
Salford Excavations Remediation Report.

Following completion of works, a verification report shall be submitted to and approved in writing by the City Council as local planning authority to confirm the work undertaken conforms to the remediation proposals received and agreed. This should include evidence and photos of the clean cover system as recommended in the E3P report, evidence that asbestos has been removed and disposed of appropriately, details of the ground gas protection measures, waste transfer notes for contaminated material removed from site and validation of any localised contaminated hotspot removal, with a report inclusive of photographs and waste transfer notes.

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).

7) The development hereby approved shall only be implemented in accordance with measures detailed in the submitted Sustainability Statement dated June 2016 as part of condition discharge application referenced CDN/17/0399.

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.

8) The development hereby approved shall only be implemented in accordance with the submitted revised waste management strategy as detailed on drawings 830-01 TR 090, 285_B109, 830-01 GA 112-114 and 830-01 GA 140 approved as part of condition discharge application referenced CDN/17/0260. The approved scheme shall be implemented as part of the development prior to the first occupation of the dwellinghouses.

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

9) The development shall only be implemented in accordance with the details contained with the letter received from Greater Manchester Police (Design for Security) dated 14th June 2017 (Ref: 2008/1312/SBD/01) as part of condition discharge

application referenced CDN/17/0399. The development 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.

10) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown on Drawing GC.107785.301 stamped as received by the City Council, as Local Planning Authority, on the 21 January 2014; 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, 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 (2012).

11) 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 (2012).

12) The development shall only be carried out in accordance with the Construction Management Plan as detailed in the submitted Compliance Construction Method Statement received by the City Council as Local Planning Authority on 22nd February 2016 and subsequent revisions made in the letter addendum from Blackley Development Ltd dated 21st March 2017.

Reason - To safeguard the amenities of nearby residents, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy (July 2012).

13) The development hereby approved shall only be implemented in accordance with the boundary treatment detailed on drawing numbered C203/RevB received by the City Council as Local Planning Authority by e-mail dated 7th March 2018 as part of condition discharge application referenced CDN/18/0042. The approved details shall be implemented prior to the first use of the dwellings hereby approved and shall thereafter be retained and maintained in accordance with these details.

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

14) 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(a).

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.

15) 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).

16) The development hereby approved shall only be implemented in accordance with the Invasive Species Survey and method statement for the control of invasive plants produced by Enzygo (Ref: SHF.1391.002.EC.R.001 approved as part of condition discharge application referenced CDN/17/0217. The approved shall scheme shall be implemented prior to first occupation of the development.

Reason - To control the spread of Japanese Knotweed pursuant to policy EN15 of the Manchester Core Strategy (2012).

17) The development hereby approved shall only be implemented in accordance with the disabled access details approved as part of discharge of condition application referenced CDN/17/0260.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of policy DM1 of the Core Strategy.

18) The development hereby approved shall only be implemented in accordance with the information contained within the Enzygo Acoustic Report dated August 2017 and Hyder Acoustics Report dated 2010 together with details contained within an e-mail to the City Council from Endeavour dated 4th December 2017 approved as part of condition discharge application referenced CDN/17/0717. The agreed noise insulation scheme shall be completed before any of the dwelling units are occupied and thereafter retained and maintained.

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

19) 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.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy E2.4 of the Unitary Development Plan for the City of Manchester, and policy EN9 and EN15 of the Core Strategy.

20) The development hereby approved shall be undertaken in accordance with the following parameters:

- Residential development of a maximum of 28 detached and semi-detached dwellinghouses no greater than three storeys in height within the area identified as the Development Zone on drawing reference SP(90)104 Rev B received by the local planning authority on the 11 December 2013.

Reason - In the interests of visual amenity and to safeguard the character of this part of the Irk Valley pursuant to policy DM1 of the Core Strategy and saved policy CC2 of the adopted Unitary Development Plan for the City of Manchester.

21) No residential unit shall be occupied until that part of the service road and associated infrastructure which provides access to the residential unit has been constructed and lit in accordance with a scheme which has previously been approved in writing by the City Council as local planning authority.

Reason - To ensure that satisfactory infrastructure is in place prior to occupation, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

22) Prior to the commencement of development full technical details including the alignment and cross section drawings of all works to form the access road and internal roads shall be submitted to and agreed in writing by the local planning authority. The approved details shall then be implemented as part of the development and be in place prior to the first occupation of the development.

Reason - To ensure the protection of adjacent areas of woodland and Site of Biological Importance pursuant to policy EN15 of the Core Strategy.

23) The development hereby approved shall only be implemented in accordance with the proposed earthworks as shown on drawings numbered 830-01-CIVIC-CS-01-DE 104-106, 830-01-CIVIC-CS-01-GA 170, 830-01-CIVIC-CS-01-SE 022-024 received by the City Council as Local Planning Authority on 1 March 2018 approved as part of condition discharge application referenced CDN/18/0138. The development shall be undertaken in accordance with the agreed scheme.

Reason - To ensure that impacts on surrounding ecological features are minimised, pursuant to policy EN9 and EN15 of the Manchester Core Strategy.

24) The development hereby approved shall only be implemented in accordance with the proposed surface water drainage as shown on drawings numbered 830-01-CIVIC-CS-01-DE 100-102 received by the City Council as Local Planning Authority on 1 March 2018 approved as part of condition discharge application referenced CDN/18/0138.

The approved scheme shall be implemented prior to the first occupation of the development and retained and maintained in situ for as long as the development is in use.

Reason - To reduce the risk of flooding by ensuring satisfactory storage of/disposal of surface water from the site pursuant to policy EN14 of the Manchester Core Strategy (2012).

25) The development hereby approved shall only be implemented in accordance with the finished floor levels as shown on drawing numbered 830-01-CIVIC-CS-01-GA 120 received by the City Council as Local Planning Authority on 1 March 2018 as part of discharge of condition application referenced CDN/18.0138.

The approved scheme shall then be implemented prior to the first occupation of the development and retained and maintained in situ for as long as the development is in use.

Reason - To reduce the risk of flooding by ensuring satisfactory storage of/disposal of surface water from the site pursuant to policy EN14 of the Manchester Core Strategy (2012).

26) The development hereby approved shall only be implemented in accordance with the proposed spillway design as indicated on drawings numbered 830-01-CIVIC-CS-01-DE 102 approved as part of condition discharge application referenced CDN/18/0138.

The approved scheme shall then be implemented prior to the first occupation of the development and retained and maintained in situ for as long as the development is in use.

Reason - To reduce the risk of flooding by ensuring satisfactory storage of/disposal of surface water from the site pursuant to policy EN14 of the Manchester Core Strategy (2012).

27) No residential unit shall be occupied until a scheme for the provision and management of an 8 metre minimum wide buffer zone along the River Irk shall be submitted for approval in writing by the City Council, as Local Planning Authority. The scheme shall include:

-Plans showing the extent and layout of the buffer zone;
- Details of retained riparian trees;
- Details of any new soft landscaping, including landscaping schedule, which is largely based on native species;
-Details demonstrating how the buffer zone will be protected during development;
-Details of any new sustainable urban drainage features, wildlife pond or new bank revetment in riparian corridor;
- Details of any new proposed footpaths, fencing, lighting etc.

The approved scheme shall then be implemented and thereafter retained and maintained.

Reason - To reduce the impact on the ecology and wildlife in and around the River Irk, pursuant to policies EN9 and EN15 of the Manchester Core Strategy (2012).

28) The tree removal shall be carried out in accordance with the tree removal drawing GC.107785.301 and arboricultural report prepared by GC Design stamped as received by the City Council, as Local Planning Authority, on the 21 January 2014.

Reason - To ensure that the tree removal is carried out appropriately, pursuant to policy DM1 of the Manchester Core Strategy (2012).

29) The development hereby approved shall only be implemented in accordance with the details contained within the submitted Bat Survey report prepared by Andrew Virtue dated August 2017 approved as part of condition discharge of condition application referenced CDN/17/0260. The recommendation measures shall be implemented as part of the development.

Reason - In order to protect bat habitats pursuant to policy EN15 of the Manchester Core Strategy (2012).

30) The development shall only be implemented in accordance with the submitted Badger Survey conducted by Andrew Virtue Ecological Consultant (January 2017) and received by the City Council as Local Planning Authority on 22nd February 2017 as approved as part of condition discharge application referenced CDN/17/0093. The development shall only be carried out in accordance with these approved details.

Reason - To ensure the protection of wildlife habitats in the locality, pursuant to policy EN15 of the Core Strategy for Manchester.

Informatives

Building Regulations 2010
This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements
Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or

businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:
http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Mining Information
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: 3 March 2022

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 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 gov.uk website – www.gov.uk/planning-inspectorate . 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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.