

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

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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Variation of condition nos. 1 (specified plans) and 21 (Boundary treatment) attached to planning permission ref: 127711/JO/2020 to enable the previously retained boundary treatment to the north of plot nos 1 and 30-37 to be replaced by 3m high close boarded fencing with a futher 2.4m palisade fence to form the southern BT site boundary

Location: Crossley Street, Manchester, M18 8BA

Date of application: 27 October 2021

Application number: 131962/JO/2021

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 worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the original planning application. This application did not raise new issues which needed to be raised with the planning agent.

The local planning authority in making its decision has had due regard to the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and recommends approval the application for the reasons outlined in this report. The scheme is considered to be in accordance with the guidance contained within policies SP1 and DM1 of the Core Strategy.

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.1 (Location plan);

Drawing no.3 (Proposed site roof plan);

Drawing no.10 (Boundary treatment details sheet 1);

Plan ref: 069912 - CUR - 00 - XX - DR - C - 91002 - P01 Earthworks Proposed Site Levels

Plan ref: 069912 - CUR - 00 - XX - DR - C - 91004 - P01 Earthworks Proposed Site Cross Sections

Swept path analysis plan ref: 2491 -SP01;

Plan ref: 069912 - CUR - 00 - XX - RP-GE - 001 Due Diligence Intrusive Site Phase 2

Construction Phase Plan ref: 069912.001 -CUR-00-XX-HS-GE-001 rev.V01 dated 11.10.2018;

Crossley Street wall condition report ref: 069912.001 -CUR-00-XX-RP-Z-00001 rev.V01 dated 23.10.2018;

Schedule of Property type;

Affordable Housing Statement;

Ecological walk over letter dated 5th November 2018;

Ecological Walkover Survey November 2018

Design and Access Statement dated February 2019;

Crime Impact Statement ref: 2004/1027/CIS/01 Version A

Planning Statement

Statement of Community Consultation

Energy Statement ref: AG-72344-LZCR-Rev A dated 4th February 2019

Flood Risk Assessment & Drainage Strategy Ref: 069912-CUR-00-XX-RE-C-001

Revision: V02 Issue Date: 19 February 2019

Noise and Vibration Impact Assessment Ref. J002322/3532/WSC/1

Transport Statement

Waste Management Strategy Proforma

Stamped as received on 25th February 2019

PDA Ltd report, Ref. J002322/3532/WSC/1 dated 6th February 2019.

Email from planning agent responding to the issues raised by Network Rail dated 28th March 2019;

Drawing no.11 rev.B (Boundary treatment details sheet 2); received 2nd April 2019

Arboricultural Impact Assessment received by email 2nd April 2019;

Air Quality Statement (ref: dated 10th May 2019 102003_V2) received by email on 13th May 2019

Drawing no.5 rev.A (GA plans House type A); Drawing no.6 rev.A (GA plans House type B); Drawing no.7 rev.A (GA plans House type D); Drawing no.12 (new brick visuals) notwithstanding boundary treatment received by email on 10th May 2019

Drawing no.8 rev.A (Aerial view of proposal) notwithstanding boundary treatment;
Drawing no.9 rev.A (New Access Road East view) notwithstanding boundary treatment; received by email on 15th May 2019;

Drawing no.5 rev.A (GA plans House type A); Drawing no.6 rev.A (GA plans House type B); Drawing no.7 rev.A (GA plans House type D); Drawing no.12 (new brick visuals) notwithstanding boundary treatment received by email on 16th May 2019

Drawing no.2 rev. D (site plan) received by email on 20th May 2019

As amended by plan ref :- Drawing no.2 rev. F (site plan) received by email on 11th August 2020;

As amended by plan ref :- Drawing no.2 rev. G (proposed site plan) received on 18th October 2021;

Plan ref: SK22 rev.C (Boundary Treatments Sketch) received on 18th October 2021.

Removal of Boundary wall Noise Impact Assessment Crossley Street , report ref: J003549-5181-JP-01 dated 07 October 2021 received on 27th October 2021.

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 (2012).

2) The development shall be constructed in accordance with the materials listed in the materials schedule below

Main Facing Brick Ibstock Priory Weathered Red
Contrast Facing Brick Ibstock Aston Red Sandfaced
Surround Feature Semi-dry cast stone Colour: Portland
uPVC Window Frames External surfaces RAL: 7016
Concrete Roof Slates Marley Edgemere Colour: Smooth Grey
Rainwater Goods uPVC Colour: Black
Front Doors Composite Colour: Black
Canopies Surface mounted GRP Colour: Grey

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, as specified in policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

3) The development shall be implemented in accordance with the revised Construction Phase Plan document by Mears received by email 11th March 2020 for the duration of the construction period .

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (2012).

4) a) The development shall be implemented in accordance with the Due Diligence Intrusive Site Investigation ref: 069912-CUR-00-XX-RP-GE-001 rev.V01 Crossley St., Gorton dated 17th December 2018, by Curtins together with the contents of the Ground Gas risk assessment dated 22nd April 2020 by Curtins.

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 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 policy EN18 of the Manchester Core Strategy (2012).

5) The surface water drainage scheme for the development shall be implemented in accordance with the documents and detailed designs shown on plans refs:

069912 CUR 00 ZZ DR D 92566 P03 (section 104 proposed manhole details sheet 3);

069912 CUR 00 ZZ DR D 92567 P04 (section 104 agreement surface water catchment plan);

Hydro brake specification sheets ref :SHE-0100-5000-1400-5000 Hydro-Brake

Optimum received on 20th April 2020 ,

069912 CUR 00 XX DR C 92505 P03 (Flow exceedance plan)

069912 CUR 00 XX DR C 92522 C03 (Drainage sheet 3 of 3)

069912 CUR 01 XX DR D 92561 P05 (section 104 proposed drainage layout)

069912 CUR 00 ZZ DR D 92562 P03 (section 104 agreement surface water long sections)

069912 CUR 00 ZZ DR D 92563 P03 (section 104 agreement foul water long sections)

069912 CUR 01 XX DR D 92500 C04(proposed drainage layout)

069912 CUR 01 XX DR D 92501 C04(proposed plot drainage sheet 1)

069912 CUR 01 XX DR D 92502 C03(proposed plot drainage sheet 2)

069912 CUR 01 XX DR D 92503 C03 (proposed plot drainage sheet 3)

069912 CUR 01 XX DR D 92504 C03(proposed plot drainage sheet 4)

Drainage Maintenance Strategy (Ref: 069912-CUR-00-XX-RP-002 Revision: P01 Issue Date: 12 May 2020) by Curtins and Revised Micro drainage data sheets ref: 066912-Full Drainage Storm Sewer Design received 12th May 2020.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Manchester Core Strategy (2012).

6) Prior to the first occupation of the development hereby approved, details of the implementation, maintenance and management of a sustainable drainage scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority. Those details shall include:

- o Verification report providing photographic evidence of construction as per design drawings;

- o As built construction drawings if different from design construction drawings;

- o Management and maintenance plan for the lifetime of the development which shall include

the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The approved scheme shall then be implemented in accordance with the details and thereafter managed and maintained for as long as the development remains in use.

Reason - To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance pursuant to policy EN17 of the Manchester Core Strategy (2012).

7) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the new dwellings hereby approved being occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to Policies T2, SP1 and DM1 of the Manchester Core Strategy (2012).

8) The on site and off site highways works (including any repaving and any traffic Regulations Orders), shall be implemented in accordance with the details on plan refs: 069912 CUR 00 ZZ DR D 95100 P03 (Section 38/278 agreements General Arrangement Plan);

069912 CUR 00 ZZ DR D 95101 P01 (Section 38/278 agreement plan);

069912-CUR-00-ZZ-DR-D-95120 P03 (Section 38/278 proposed site setting out plan);

069912-CUR-00-ZZ-DR-D-95121 P02 (Section 38/278 proposed contour plan);

069912-CUR-00-ZZ-DR-D-95130 P02 (Section 38/278 proposed long sections plan);

069912-CUR-00-ZZ-DR-D-95200 P03 (section 38/278 proposed site clearance plan)

notwithstanding key and reference to removed trees which is inaccurate;

069912-CUR-00-ZZ-DR-D-95700 P03 (section 278 proposed construction areas plan);

069912 CUR 00 XX DR D 95701 P03 (section 38/278 external surfaces details plan);

069912 CUR 00 ZZ DR D 95800 P03 (section 38/278 kerbing and edging plan);

069912 CUR 00 ZZ DR D 95900 P01 (section 38/278 road marking and traffic signs);

069912 CUR 00 ZZ DR D 95910 P01 (section 38/278 proposed traffic regulation orders).

Reason -To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies T1, SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

9) The provision of space and facilities for bicycle parking spaces within the development shall be completed in accordance with location shown on plan ref: 02 rev.G Finalised details of the storage facility shall be submitted to and approved in writing by the City Council as local planning authority prior to occupation of the first dwellinghouse. The approved facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with Policies SP1, T1, T2, EN6 and DM1 of the Manchester Core Strategy (2012) and the guidance provided within the National Planning Policy Framework and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

10) The location and type of facilities for electric charging within the development shall be completed in accordance with locations and details shown on plan ref:18-013/SK41 ,prior to the first occupation of the development.

Reason - In the interest of the residential amenity of the occupants of the development due to the air quality surrounding the development and to secure a reduction in air pollution from traffic or other sources in order to safeguard the amenity of nearby residents from air pollution, pursuant policies SP1, EN16 and DM1 of the Manchester Core Strategy (2012).

11) 'Oakdale Centurion' buff flags shall be used to form the hard landscaped areas within the curtilage of the dwellinghouses, in the locations as shown on the approved drawing ref: 02 rev.G not later than 12 months from the date of commencement of works.

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 Manchester Core Strategy (2012).

12) The development hereby approved shall be carried out in accordance with the Energy Statement ref: AG-72344-LZCR-Rev A dated 4th February 2019 stamped as received by the City Council, as Local Planning Authority, on the 25th February 2019. A post construction review certificate/statement shall be submitted for approval, within a timescale that has been previously agreed in writing, to the City Council as Local Planning Authority.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Manchester Core Strategy(2012) and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

13) The development shall be implemented in accordance with plan ref: 18-013 SK61 rev. A received on 16th November 2020 , including the use of Free Access Bat Box Bricks and Eco Habitats for Swifts bricks both located on the rear facade of each dwellinghouse close to the eaves.

Reason - To ensure that landscape and ecology is adequately in place and to comply with policy EN15 of the Manchester Core Strategy (2012).

14) No removal of , or works to any trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - In order to provide protection to nesting birds, pursuant to Policy EN15 of the Manchester Core Strategy (2012).

15) The development shall be carried out in accordance with the Fox Assessment and Invasive Species Walkover prepared by Urban Green dated July 2019 .

Reason - In order to provide protection to foxes, pursuant to Policy EN15 of the Manchester Core Strategy (2012), and the Wildlife and Countryside Act (1981) as amended and the Wild Mammals (Protection) Act 1996.

16) The development shall be carried out in accordance with the Crime Impact Statement (Version A) prepared by Design for Security at Greater Manchester Police, stamped as received by the City Council, as Local Planning Authority, on the 25th February 2019. 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 Manchester Core Strategy (2012) and to reflect the guidance contained in the National Planning Policy Framework.

17) The development hereby approved shall be completed in accordance with the completed City Council's Waste Management Proforma, the plan numbered 02 rev.G and 11 rev.B (Boundary treatment details sheet 2) in relation to the waste strategy for the residential accommodation hereby approved. The refuse arrangements shall be put in place prior to the first occupation of the development and remain in situ for as long as the development is in use.

Reason - To ensure adequate refuse arrangement are put in place for the development, pursuant to policies EN19 and DM1 of the Manchester Core Strategy (2012).

18) The mitigation measures to safeguard local air quality detailed in the Air Quality Assessment (Report Date: 10th May 2019 Report Number : 102003V2) by Miller Goodall and content of the email from planning agent dated 30th April 2020 confirming boiler specifications shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason: To secure a reduction in air pollution from traffic or other sources in order to protect existing and future residents from air pollution, pursuant to policies EN16, SP1 and DM1 of the Manchester Core Strategy (2012).

19) The premises shall be acoustically insulated and treated in accordance with the noise mitigation advice given in section 7.0 of the PDA Ltd report, Ref. J002322/3532/WSC/1 dated 6th February 2019.

Upon completion of the development and before first occupation of the residential units, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria has been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason - To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance, pursuant to policies SP1, H1 and DM1 of the Manchester Core Strategy (2012).

20) 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 part of the development 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). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

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 Manchester Core Strategy (2012) and the guidance contained within the National Planning Policy Framework.

21) The positions, heights, and type of boundary treatment around the remainder of the proposed development hereby approved shall be erected in accordance with the plan ref 02 rev.G , and plans numbered no.10 (Boundary treatment details sheet 1); and Drawing no.11 rev.B (Boundary treatment details sheet 2), and drawing ref: SK22 rev.C (Boundary Treatments Sketch).

The approved scheme shall be implemented in full before each particular property is first occupied and retained as such thereafter.

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 Policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012), and the guidance provided within the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

22) The lighting scheme on plan ref: AC-MSL-5484 Rev A and use of the basis that the Philips Micro Luma NW lanterns are used in the locations shown on plan ref: AC-MSL-5484 Rev A shall be implemented in full prior to the first use of the development and remains in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of policies SP1 and DM1 of the Manchester Core Strategy (2012).

23) 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 policies SP1 and DM1 of the Manchester Core Strategy (2012).

24) 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 garages or extensions shall be erected onto the new

build properties within the development hereby approved other than those expressly authorised by this permission.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

25) 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 dwellinghouses hereby approved other than those shown on drawing nos. Drawing no.5 rev.A (GA plans House type A); Drawing no.6 rev.A (GA plans House type B); Drawing no.7 rev.A (GA plans House type D); Drawing no.12 (new brick visuals) notwithstanding boundary treatment received by email on 14th May 2019.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 Manchester Core Strategy (2012).

26) The development shall be implemented in accordance with the mitigation measures detailed in section 5 the Detailed Unexploded Ordnance (UXO) Threat & Risk Assessment report, prior to any above ground works.

Reason - To ensure that the presence of or the potential for any Unexploded Ordnance is detected and appropriate remedial action is taken in the interests of public safety, to policy EN18, SP1 and DM1 Manchester Core Strategy (2012).

27) The soft landscaping scheme on plan refs: 15297-LD01D, 15297-LD-02A, & 15297-LD-03D 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 Manchester Core Strategy (2012).

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.

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

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

The earthworks drawing show that there will be material excavations within 10m of the railway boundary.

Network Rail will need to review and agree all excavation and earthworks within 10m of the railway boundary to determine if the works impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway.

Network Rail would need to agree to the following:

- o Alterations to ground levels
- o De-watering works
- o Ground stabilisation works

Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. It is advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The developer is also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

Network Rail would need to agree the excavation earthworks and indeed any piling and vibro-impact works on site to ensure that the railway and its support zones are protected from the works on site.

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail Asset Protection Engineer for agreement.

- o All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.

o The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

When designing proposals, the developer and LPA are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary fence, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability.

The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer. The applicant /developer should submit the RAMs directly to:
AssetProtectionLNWNorth@networkrail.co.uk

It is noted that Plot 24 is close to the railway boundary.

Therefore, the applicant is to confirm to Network Rail that there is a minimum 2m gap from the dwelling to the railway boundary.

Network Rail requests that the developer ensures there is a minimum 2 metres gap between the buildings and structures on site and the railway boundary for the following reasons:

o To allow for all construction works on site and any future maintenance to be carried out wholly within the applicant's own land ownership and without encroachment onto Network Rail land and air-space. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949).

o To ensure that should the buildings and structures on site fail or collapse that it will do so without damaging Network Rail's boundary treatment or causing damage to the railway (e.g. any embankments, cuttings, any lineside equipment, signals, overhead lines) and to prevent the materials from the buildings and structures on site falling into the path of trains.

o To ensure that the buildings and structures on site cannot be scaled and thus used as a means of accessing Network Rail land without authorisation.

o To ensure that Network Rail can maintain and renew its boundary treatment, fencing, walls.

- o That the proposal will not be impacted by overhead electrified lines. Induced voltage can affect structures or individuals up to 20m from the overhead line. AC lines have overhead cables, DC lines are third rail.
- o There are no Party Wall issues for which the applicant would be liable for all costs.
- o To ensure that the applicant does not construct their proposal so that any foundations (for walls, buildings etc) do not end up encroaching onto Network Rail land. Any foundations that encroach onto Network Rail land could undermine, de-stabilise or other impact upon the operational railway land, including embankments, cuttings etc. Under Building Regulations the depth and width of foundations will be dependant upon the size of the structure, therefore foundations may impact upon Network Rail land by undermining or de-stabilising soil or boundary treatments.

Any scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, must have at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

The applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposal drainage on site will ensure that:

- o All surface waters and foul waters drain away from the direction of the railway boundary.
- o Any soakaways for the proposal must be placed at least 30m from the railway boundary.
- o Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.
- o Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's property.
- o Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
- o Drainage works must not impact upon culverts on developers land including culverts/brooks etc that drain under the railway.
- o The developer must ensure that there is no surface or sub-surface flow of water towards the operational railway.
- o Rainwater goods must not discharge in the direction of the railway or onto or over the railway boundary.

Network Rail is aware that residents of dwellings adjacent to or in close proximity to, or near to the existing operational railway have in the past discovered issues upon occupation of dwellings with noise and vibration. It is therefore a matter for the developer and the LPA via mitigation measures and conditions to ensure that any existing noise and vibration, and the potential for any future noise and vibration are mitigated appropriately prior to construction.

The NPPF states, "182.Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes

of use), in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

To note are:

- o The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running, heavy freight trains, trains run at weekends /bank holidays.
- o Maintenance works to trains could be undertaken at night and may mean leaving the trains' motors running which can lead to increased levels of noise and vibration.
- o Network Rail carry out works at night on the operational railway when normal rail traffic is suspended and these works can be noisy and cause vibration.
- o Network Rail may need to conduct emergency works on the existing operational railway line which may not be notified to residents in advance due to their safety critical nature, and may occur at any time of the day or night, during bank holidays and at weekends.
- o Works to the existing operational railway may include the presence of plant and machinery as well as vehicles and personnel for works.
- o The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators, and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.
- o The scope and duration of any Noise and Vibration Assessments may only reflect the levels of railway usage at the time of the survey.
- o Any assessments required as part of CDM (Construction Design Management) or local planning authority planning applications validations process are between the developer and their appointed contractor.
- o Network Rail cannot advise third parties on specific noise and vibration mitigation measures. Such measures will need to be agreed between the developer, their approved acoustic contractor and the local planning authority.
- o Design and layout of proposals should take into consideration and mitigate against existing usage of the operational railway and any future increase in usage of the said existing operational railway.

Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

All vegetation on site should be in line with the recommended tree matrix for the reasons outlined in the document.

Where a proposal calls for the following adjacent to the boundary with the operational railway, running parallel to the operational railway or where the existing operational railway is below the height of the proposal site:

- o hard standing areas
 - o turning circles
 - o roads, public highways to facilitate access and egress from developments
- Network Rail would very strongly recommend the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers).

This is to prevent vehicle incursion from the proposal area impacting upon the safe operation of the railway.

As the proposal includes works which may impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The applicant / developer should liaise directly with Asset Protection to set up the BAPA (form attached).

AssetProtectionLNWNorth@networkrail.co.uk

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Date: 9 December 2021

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.