

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 James Litherland
Clarence Road SPV Ltd
6th Floor Imperial Court
2 Exchange Quay
Salford
M5 3EB

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Variation of conditions 2, 11, 12 and 14 attached to planning permission ref: 127110/FO/2020 to allow elevational changes including increase in roof height

Location: 123 Clarence Road, Manchester, M13 0ZL

Date of application: 2 June 2021

Application number: 130379/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 have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Pre application advice has been sought in respect of this development where early discussions took place regarding the changes to the approved permission. The proposal is considered to be acceptable and therefore determined within a timely manner.

Condition(s) attached to this decision

- 1) The development must be begun not later than the 14 October 2023.

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:

Drawings numbered 0622-P3A-XX-XX-DR-A-SK006 rev P2, 0622-P3A-XX-XX-DR-A-SK007 rev P2, 0622-P3A-XX-XX-DR-A-SK008 rev P2, 0622-P3A-XX-XX-DR-A-SK009 rev P2, 0622-P3A-XX-XX-DR-A-SK010 rev P2, 0622-P3A-XX-XX-DR-A-SK026 rev P02, 0622-P3A-XX-XX-DR-A-SK040 rev P1, 0622-P3A-XX-XX-DR-A-SK041 rev P1 and 0622-P3A-XX-XX-DR-A-SK042 rev P2

Design and Access Statement rev P01 dated 5 June 2020

Air Quality Assessment dated 14 May 2020 (ref:3669r1)

Arboricultural Statement dated 15 May 2020 (ref:CW/9915-AS-2)

The Axis Technical Note 04 dated June 2020 (ref:2802-01-TN04)

All stamped as received by the City Council, as Local Planning Authority, on 8 June 2020.

Drawing numbered 0622-P3A-XX-XX-DR-A-SK039 rev P01, stamped as received by the City Council, as Local Planning Authority, on 11 June 2020.

Drawing numbered 0622-3PA-XX-XX-DR-A-SK044 rev P07, stamped as received by the City Council, as Local Planning Authority, on 29 September 2020.

Drawings numbered 0622-3PA-XX-XX-DR-A-SK022 rev P13, 0622-P3A-XX-XX-DR-A-SK025 rev P06, 0622-P3A-XX-XX-DR-A-SK026 rev P02, 0622-P3A-XX-XX-DR-A-SK043 rev P09 and 0622-P3A-XX-XX-DR-A-SK046 rev P10, stamped as received by the City Council, as Local Planning Authority on 13 May 2021.

Drawings numbered 0622-P3A-XX-XX-DR-A-SK017 rev P10 and 0622-P3A-XX-XX-DR-A-SK018 rev P09, stamped as received by the City Council, as Local Planning Authority on 21 July 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.

3) The development shall only be constructed in accordance with the approved materials schedule indicated in the document titled 'Condition 3 - Materials Palette' dated 1 November 2020 and stamped as received by the City Council, as Local Planning Authority on 18 November 2020.

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.

4) When the development commences, the development shall be carried out in accordance with the Tier 1 Contaminated Land Assessment dated 10 November 2020 (ref: 13-826-L3-1) and stamped as received by the City Council, as Local Planning Authority on 18 November 2020 and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority. No occupation of the development shall take place until the completion/verification report is submitted to and approved by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be

carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and SP1 of the Manchester Core Strategy

5) The development shall only be carried out in accordance with the approved construction management plan, as indicated on drawing numbered 0622-P3A-XX-XX-DR-A-00310 rev T02, stamped as received by the City Council, as Local Planning Authority on 15 January 2021 and the Construction Method Statement stamped as received by the City Council, as Local Planning Authority on 29 January 2021.

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

6) The development shall only be carried out in accordance with the details contained in the Environmental Standards Statement, dated 11 November 2020 and Sustainability Statement, dated 10 November 2020, stamped as received by the City Council, as Local Planning Authority on 18 November 2020 and the email from James Litherland dated 15 January 2021 and Energy Statement dated November 2020, stamped as received by the City Council, as Local Planning Authority on 15 January 2021. Prior to occupation of any of the residential units, a post construction review certificate/statement being submitted and approved by 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 Manchester's Core Strategy, policy DP3 of Regional Spatial Strategy for the North West (RSS), and the principles contained within The Guide to Development in Manchester SPD (2007), and the National Planning Policy Framework.

7) The premises shall be acoustically insulated in accordance with the details contained within the following documents:

Hann Tucker Associates Stage 2 Acoustic Report dated 8 April 2020 and stamped as received by the City Council, as Local Planning Authority on 18 November 2020.

Email from James Litherland, dated 29 January 2021 and Noise Impact Report dated 29 January 2021 (ref:27807/NIA1), stamped as received by the City Council, as Local Planning Authority on 29 January 2021.

Email from Jake Howarth, and associated acoustic calculations, dated 16 February 2021.

Thermal Comfort Analysis - TM59, dated 3 March 2021 (ref CSS 4410), stamped as received by the City Council, as Local Planning Authority on 4 March 2021

Addendum to report CSS 4410 TM59, dated 9 March 2012, stamped as received by the City Council, as Local Planning Authority on 9 March 2021

Email from Ray Liu, dated 10 March 2021, with associated acoustic consultations.

Hann Tucker Associates Overheating and Noise Assessment dated 12 March 2021 (ref:27807), stamped as received by the City Council, as Local Planning Authority on 12 March 2021

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 these approved specifications. 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

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 Core Strategy.

8) The development hereby permitted shall only be carried out only in accordance with the approved drainage scheme as indicated in the following drawings and documents:

Email from James Litherland dated 29 January 2021 and the Roscoe Drainage Maintenance Manual dated January 2021 Revision 3, stamped as received by the City Council, as Local Planning Authority on 29 January 2021

Email from James Litherland, dated 4 February 2021 and drawing numbered 992-ROS-00-00-GA-C-09121 rev P1, the Roscoe Foul and Surface Water and Flood Risk Assessment, dated February 2021 Revision 2 and the Topographical Survey dated July 2019, stamped as received by the City Council, as Local Planning Authority on 4 February 2021

Email from James Stockdale, dated 12 February 2021, and drawings numbered 992-ROS-00-00-GA-C-09101 rev C7, 992-ROS-00-00-SD-C-09201 rev C1, the Polypine Underground Drain document and the Existing Manhole Photographic Survey, stamped as received by the City Council, as Local Planning Authority on 12 February 2021.

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 national policies within the NPPF and NPPG and local policies EN08 and EN14.

9) .The development shall be maintained and managed in accordance with the drainage management and maintenance plan, for the lifetime of the development, as indicated in the following drawing and documents:

Email from James Litherland dated 29 January 2021 and the Roscoe Drainage Maintenance Manual dated January 2021 Revision 3, stamped as received by the City Council, as Local Planning Authority on 29 January 2021

Email from James Litherland, dated 4 February 2021 and drawing numbered 992-ROS-00-00-GA-C-09121 rev P1, the Roscoe Foul and Surface Water and Flood Risk Assessment, dated February 2021 Revision 2 and the Topographical Survey dated July 2019, stamped as received by the City Council, as Local Planning Authority on 4 February 2021

Email from James Stockdale, dated 12 February 2021, and drawings numbered 992-ROS-00-00-GA-C-09101 rev C7, 992-ROS-00-00-SD-C-09201 rev C1, the Polypine

Underground Drain document and the Existing Manhole Photographic Survey, stamped as received by the City Council, as Local Planning Authority on 12 February 2021.

Reason- To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, pursuant to policies within the NPPF and NPPG and policies EN08 and EN14 of the Manchester Core Strategy.

10) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the new dwelling units hereby approved being occupied. The car park shall then be available at all times whilst the site is 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.

11) The proposed electric vehicle charging points indicated on drawing number 0622-3PA-XX-XX-DR-A-SK022 rev P13, stamped as received by the City Council, as Local Planning Authority on 13 May 2021., shall be fully implemented prior to the first occupation of the development, and the facilities retained on a permanent basis.

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 to policies SP1, EN16 and DM1 of the Manchester Core Strategy and Greater Manchester Air Quality action plan 2016

12) The development hereby approved shall be completed in accordance with the scheme for the provision of space and facilities for bicycle parking as shown on drawing number 0622-P3A-XX-XX-DR-A-SK041 rev P1, stamped as received by the City Council, as Local Planning Authority on 8 June 2020 and drawing number 0622-3PA-XX-XX-DR-A-SK022 rev P13, stamped as received by the City Council, as Local Planning Authority on 13 May 2021. The approved space and 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 and DM1 of the Manchester Core Strategy.

13) The development hereby approved shall only be carried out in accordance with the submitted security measures identified in the Design and Access Statement rev P01 dated 5 June 2020, stamped as received by the City Council, as Local Planning Authority, on 8 June 2020, which shall be to secured by design standards.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Manchester Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

14) The boundary treatment hereby approved shall be carried out in accordance with the details indicated on drawing number 0622-P3A-XX-XX-DR-A-SK039 rev P01, stamped as received by the City Council, as Local Planning Authority on 11 June 2020 and drawing number 0622-3PA-XX-XX-DR-A-SK022 rev P13, stamped as received by the City Council, as Local Planning Authority on 13 May 2021. The boundary treatment

shall be completed before the approved residential units are occupied. Development shall be carried out in accordance with the approved details 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 policies SP1 and DM1 of the Manchester Core Strategy.

15) Prior to the first occupation of any of the residential units, a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. This shall include details of refuse storage space for segregated waste collection and recycling and details of internal and external storage areas. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of residential and visual amenity and public health pursuant to policy DM1 of the Manchester Core Strategy Development Plan Document.

16) Notwithstanding the submitted landscaping scheme, prior to the first occupation of any of the residential units, a detailed hard and soft landscaping treatment scheme (including details/species of new tree planting) shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the apartments 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 and DM1 of the Manchester Core Strategy.

17) 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.

18) 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.

19) 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 any resulting residential unit shall be used for any other purpose than 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.

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.

20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 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) the apartments hereby approved shall be used only as private dwellings (which description shall not include serviced apartments/apart hotels or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3(a) 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 - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as serviced apartments/apart hotels do not commence without prior approval; 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.

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: 28 July 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.