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	Agent (if used)
Cheshire Cheese Assets Ltd C/o Agent	Steve Edgeller Edgeplan Ltd Barnett House 53 Fountain StreetManchester M2 2AN United Kingdom

Part 1 – Particulars of the application/development

Proposal: Erection of 7 storey building to form 38 apartments and ground floor retail unit (Class A1) together with associated car and cycle parking following demolition of existing building

Location: Cheshire Cheese PH & Vacant Land (Formerly Nos 32-38) , Oldham Road, Manchester, M4 5FE

Date of application: 19 April 2018

Application number: 119731/FO/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) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

Drawings numbered 502/P4, 507/P4, 608/P1, 609/P1, 610/P1, 511/P4, 512/P4, 613/P1, 614/P1, 615/P1, 516/P4, 517/P3, 518/P4, 521/P3 and 522/P3 received by the City Council as Local Planning Authority on 16 August 2018.

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.

3) No above ground development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be implemented in accordance with the agreed materials.

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, pursuant to policies SP1, EN3 and DM1 of the Core Strategy.

4) Prior to first occupation of the development hereby approved, the City Council as Local Planning Authority must acknowledge 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.

5) Prior to first occupation of the ground floor retail unit hereby approved, full details of any roller shutters to the shopfront of the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt the shutters shall be fitted internally to the premises. The approved details shall be implemented prior to the first occupation of the retail unit and thereafter retained.

Reason - To ensure that the roller shutters are appropriate in visual amenity terms, pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012) and saved policy E3.3 of the Unitary Development Plan for the City of Manchester.

6) Notwithstanding the information contained within the submitted Environmental Noise Impact Assessment Report by Hann Tucker Associated received by the City Council as Local Planning Authority on 16 April 2018, the building hereby approved shall be acoustically insulated and treated to limit the break out and break-in of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as Local Planning Authority.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

7) All externally mounted ancillary plant or equipment shall be selected and/or acoustically insulated in accordance with a scheme designed so as to achieve a rating noise level of 5dB (LAeq) below the existing background (LA90) at the nearest noise

sensitive location. Following the installation of any external equipment, a post completion report shall be submitted to and approved in writing by the City Council as Local Planning Authority to validate that the plant has been installed as per the required limits. The post completion report shall be submitted within 1 month of first use of the external equipment and the agreed limits shall remain in operation thereafter.

Reason - To safeguard the amenities of existing and future occupiers of nearby residential accommodation, pursuant to saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

8) Deliveries (except for newspapers, mail and associated items) servicing and collections (including waste collections) relating to the ground floor retail unit only, shall not take place outside of the following hours:

07.30 to 20.00 hrs Monday to Saturday.
10.00 to 18.00 hrs Sundays and Bank Holidays

Reason - To safeguard the amenities of nearby residential occupiers, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

9) The ground floor retail unit shall not be open outside the following hours:-

07.00 - 23.00 hrs daily.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

10) Notwithstanding details submitted, no part of the development hereby approved shall be occupied until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. 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 public health and residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

11) The car parking area indicated on drawings numbered 507/P4, 512/P4 and 502/P4 received by the City Council as Local Planning Authority on 16 August 2018, shall be surfaced, demarcated and made available for use prior to any of the residential units hereby approved being occupied. The parking area shall be for the sole use of residential occupants of the development and shall be available for use at all times whilst the apartments are occupied.

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

12) The bicycle storage area indicated on drawing numbered 507/P4 and 512/P4 received by the City Council as Local Planning Authority on 16 August 2018 shall be

implemented in full and made available for use prior to first occupation of the development hereby approved. The approved scheme shall remain available for use whilst the apartments are occupied and retained thereafter.

Reason - To ensure there is adequate bicycle parking provision, pursuant to policies DM1, T1 and SP1 of the Manchester Core Strategy.

13) Prior to the first occupation of the residential development hereby approved, details of electric car charging points shall be submitted for approval in writing by the City Council, as 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 any of the residential units and be retained thereafter.

Reason - In the interest of air quality, pursuant to policy EN16 of the Manchester Core Strategy.

14) The development hereby approved shall be carried out in accordance with the Residential Travel Plan prepared by prepared by WSP dated March 2018 received by the City Council as Local Planning Authority on 28 August 2018.

In this condition a Travel Plan means a document which includes:

i) the measures proposed to be taken to reduce dependency on the private car by those living at the development;
ii) a commitment to surveying the travel patterns of patient/visitors/staff during the first three months of the first use of the building and thereafter from time to time
iii) mechanisms for the implementation of the measures to reduce dependency on the private car
iv) measures for the delivery of specified travel plan services
v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first use of the building, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted for approval in writing by the City Council as Local Planning Authority. Any Travel Plan which has been approved by the City Council as Local Planning Authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel for residents, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy.

15) Notwithstanding the submitted Flood Risk Assessment and Drainage Strategy produced by Waterman Structures Ltd, no development with the exception of demolition and any necessary remedial works shall take place until surface water drainage works, designed in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards, have been submitted to and approved in writing by the City Council as Local Planning Authority.

The following additional information should be provided:

- Details of surface water attenuation that offers a reduction in surface water runoff rate in line with the Manchester Trafford and Salford Strategic Flood Risk Assessment, i.e. i.e. at least a 50% reduction in runoff rate compared to the existing rates, as the site is located within a Critical Drainage Area;

- Runoff volume in the 1 in 100 year, 6 hours rainfall shall be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event, but never to exceed the runoff volume from the development site prior to redevelopment;

- Evidence that the drainage system has been designed (unless an area is designated to hold and/or convey water as part of the design) so that flooding does not occur during a 1 in 100 year rainfall event with allowance for climate change in any part of a building;

- Assessment of overland flow routes for extreme events that is diverted away from buildings (including basements). Overland flow routes need to be designed to convey the flood water in a safe manner in the event of a blockage or exceedance of the proposed drainage system capacity including inlet structures. The flood water should be routed away from the buildings and towards the less vulnerable areas i.e. open spaces, car parks and roads. A layout with overland flow routes needs to be presented with appreciation of these overland flow routes with regards to the properties on site and adjacent properties off site.

- Hydraulic calculation of the existing and proposed drainage system;

- Construction details of flow control and SuDS elements.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to policies EN8 and EN14 of the Manchester Core Strategy.

16) The development hereby approved shall not be occupied until details of the implementation, maintenance and management of a sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- A verification report providing photographic evidence of construction as per design drawings;
-As built construction drawings if different from design construction drawings;
-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.

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.

17) Prior to the commencement of development, if any invasive species are detected, an invasive non-native species protocol shall be submitted to and approved by the City Council as Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed and Himalayan Balsam on site. The measures shall be carried out

strictly in accordance with the approved scheme and implemented prior to the commencement of the development hereby approved.

Reason - To control the spread of invasive species, pursuant to policy EN15 of the Manchester Core Strategy (2012).

18) The demolition of building is likely to cause harm to Common Pipistrelle bats and shall not in any circumstances commence unless the City Council as Local Planning Authority has been provided with either:

a) a license issued by Natural England pursuant to Regulation 53, of the Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development go ahead: or
b):a reasonable avoidance method statement to be carried out under a low impact licence (bat mitigation licence CL21) : or
b) a statement in writing form the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a license.

If the demolition hereby approved does not commence before 30th April 2019, further emergence surveys will be carried out for bat roosts and the finding supplied to and agreed in writing by the LPA.

Reason - To protect bats should they be found at the application site, pursuant to policy EN15 of the Manchester Core Strategy.

19) Prior to any part of the development hereby approved being occupied, a scheme of highway works and details of footpath reinstatement/resurfacing in relation to the footpaths and for the areas between the pavement and building line shall be submitted for approval in writing by the City Council, as Local Planning Authority.

For the avoidance of doubt this shall include the following:

- Details of materials, including natural stone or other high quality materials to be used for the footpaths and for the areas between the pavement and the line of the proposed building/public realm

The approved scheme shall be implemented and be in place prior to the first occupation of the flats hereby approved and retained thereafter.

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

20) The development hereby approved shall only be carried out in accordance with mitigation measures detailed within the submitted Air Quality Assessment produced by Temple dated 5 April 2018 received by the City Council, as Local Planning Authority on 16 April 2018.

Reason - To minimise the impact upon air quality and In order to minimise the environmental impact of the development, pursuant to policy EN16 of the Core Strategy, National Planning Guidance and National Planning Policy Framework (NPPF).

21) Prior to the commencement of development, a construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;

- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Detail of an emergency contact telephone number;
- Parking of construction vehicles; and
- Sheeting over of construction vehicles.

The development shall only be carried out in accordance with the approved construction management plan.

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

22) Prior to any above ground works commencing, an Environmental Standards report shall be submitted to and approved in writing by the City Council as Local Planning Authority. 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.

23) No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Manchester Planning Authority. The WSI shall cover the following:

1. A phased programme and methodology of investigation and recording to include:
- a desk-based documentary assessment;
- a Historic England Level 3 archaeological building survey;
- targeted evaluation trenching;
- targeted open area excavation.

2. A programme for post investigation assessment to include:
- analysis of the site investigation records and finds;
- production of a final report on the significance of the archaeological and historical interest represented.

3. Dissemination of the results commensurate with their significance.

4. Provision for archive deposition of the report and records of the site investigation.

5. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason - To record and advance understanding of heritage assets impacted on by the development and to make information about the archaeological heritage interest publicly accessible, pursuant to saved policy DC20 of the Unitary Development Plan for the City of Manchester and Section 16 of the National Planning Policy Framework (NPPF).

24) Notwithstanding the details outlined in the submitted Phase I Geo-environmental Investigation report produced by Subadra and received by the City Council as Local Planning Authority on 16 April 2018, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out in accordance with a detailed schedule and a report prepared outlining what measures, if any, are required to remediate the land shall be submitted to and approved in writing by the City Council as local planning authority. The development shall only be implemented in accordance with the agreed details.

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 EN18 of the Core Strategy.

25) 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 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 EN18 of the Core Strategy.

26) Prior to above ground works commencing, full details of the proposed window design of the building hereby approved (including section drawings), shall be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall only be implemented in accordance with the agreed 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, pursuant to policies SP1, EN3 and DM1 of the Core Strategy.

27) 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) none of the apartments hereby approved 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.

28) 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) the ground floor retail unit hereby approved shall not be used for any other purpose other than Class A1 as set out within 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 A1.

Reason - In the interests of residential amenity, pursuant to policies DM1 and SP1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

29) No demolition or alteration by way of substantial partial demolition shall take place until arrangements have been put in place to secure the implementation of the development hereby approved. These details shall be submitted to and approved in writing by the City Council as Local Planning Authority and shall include details of the timescale for carrying out the redevelopment.

Reason - To prevent unnecessary demolition and to ensure redevelopment take place following demolition of the existing building, pursuant to saved policy DC18.1 of the Unitary Development Plan for the City of Manchester and policies EN3 and SP1 of the Manchester Core Strategy.

30) Prior to first occupation of the development hereby approved, full details of the disabled parking provision including that of mobility vehicles, shall be submitted to and approved in writing by the City Council as local planning authority, and thereafter implemented in accordance with the agreed details.

Reason To ensure that there is adequate disabled parking provision for future occupants of the development pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

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.

Any signage is likely to require separate advertisement consent. Please contact the City Council as Local Planning Authority prior to any signage or advertisement works for further advice.

Date: 15 November 2018

Signed: 

Julie Roscoe
Head 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/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority of the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his 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.

Appendix A

The Coal Authority

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Telephone: 01623 637 119
Email: planningconsultation@coal.gov.uk
Website: www.gov.uk/government/organisations/the-coal-authority

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

This Standing Advice is valid from 1st January 2017 until 31st December 2018