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 of £85 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

Mrs Karen Fenton
Great Places Housing Association
Southern Gate
729 Princess Road
Manchester
M20 2LT

Agent (if used)

Mr Daniel Fan
MAE
1 Naoroji Street
London
WC1X 0GB

Part 1 – Particulars of the application/development

Proposal: Application for the removal of condition number 6 from Planning permission reference 092088/FO/2009/N1 to obtain Code for Sustainable Homes Level 3.

Location: Land Opposite 7-33 Cardroom Road, Ancoats, Manchester

Date of application: 1 February 2012

Application number: 098464/JO/2012/N1

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).

Reason(s) for decision

Approve on the basis that the proposed variation of condition 6 of planning approval 092088/FO/2009/N1 is acceptable subject to the imposition of a varied condition to ensure that the scheme achieves a Code for Sustainable Homes score equivalent to a level 3 rating pursuant to policy E1.5 of the adopted Unitary Development Plan for the City of Manchester and policy DM1 of the emerging Core Strategy Development Plan Document and there are no other material reasons to indicate otherwise.

Condition(s) attached to this decision

1) The development that is hereby approved shall be carried out in accordance with drawing references 0924-SK07/RevA; 0924-SK08/RevA; 0924-SK09/RevA and the following materials submitted comprising:
Brickwork
Dark Brown (Dar Moroccan Smooth)
Red (Hadley Deep Red Smooth)
White (Smooth Pearl White)

Red multi stock (Arden Special Reserve)

Roof
Sandtoft Rivius slate tile effect (antique slate colour)
Sandtoft Ridge tile (dark grey)
Sandtoft dry verge (dark grey)

Windows
Timber windows (dark grey RAL 7015)

Doors
PDS-GRP 21(black or light oak)

Gutters and Downpipes
Square sectioned UPVC to match other roof/rainwater goods

Any additional materials to be used on the development should be submitted to and approved in writing by the City Council as local planning authority prior to development commencing. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

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 EM9, R1.1, H1.2, H2.1, H2.2, H2.7, E1.5, E1.6 and E3.5 of the Unitary Development Plan for the City of Manchester, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, and policy DM1 of the emerging Core Strategy.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority:

The application form, the Design and Access Statement, the Crime Impact Statement and the drawings numbered PG101, PG102, PG103, PG104, PG105, PG201, PG202, PG203, PG204 and PG301, stamped as received by the Local Planning Authority on the 23rd December 2010.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies EM1, EM2, EM9, DC7, DC16, R1.1, H1.2, H2.1, H2.2, H2.7, E1.5, E1.6, E2.4, E2.6, E3.1, E3.5, T2.4, T2.6, T3.1 and T3.7 of the Unitary Development Plan for the City of Manchester, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance and policy DM1 of the emerging Core Strategy.

3) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref 735-568 Rev C received by the local planning authority on the 24th February 2012 shall be implemented not later than 12 months from the date of commencement of works. 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, unless otherwise agreed in writing by the City Council as local planning authority.

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 policy H2.2 of the Unitary Development Plan for the City of Manchester.

4) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. 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 secure by design accreditation.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and policy DM1 of the Emerging Core Strategy.

5) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) score of at least three star sustainability rating under the code for sustainable homes for those elements of the development which are residential in nature. A post construction review including input data sheets shall be submitted to and approved in writing by the City Council as local planning authority within 6 months of practical completion of the buildings hereby approved.

Reason - In order to minimise the environmental impact of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, and policy DM1 of the emerging Core Strategy.

6) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, 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, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

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 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 of the Unitary Development Plan for the City of Manchester.

7) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building 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 parking for the development proposed when the building is occupied in order to comply with policy T2.6 of the Unitary Development Plan for the City of Manchester.

8) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details shown on the plan numbered PG103, stamped as received by the Local Planning Authority on the 23rd December 2009. The approved space and facilities shall then be retained and permanently reserved for bicycle parking, unless otherwise agreed in writing with the City Council as the Local Planning Authority.

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 T3.1, T3.6 and T3.7 of the Unitary Development Plan for the City of Manchester and policy DM1 of the emerging Core Strategy.

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or extensions or outbuildings shall be erected other than those expressly authorised by this permission.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with Policy H2.2 of the Unitary Development Plan for the City of Manchester and policy DM1 of the emerging Core Strategy.

10) The development shall include for the storage (including segregated waste recycling) and disposal of refuse in accordance with the details as set out on drawing reference 0924-PG-400B and 0924-PG-401B as received by the local planning authority on the 31st May 2011. The approved details 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 amenity and public health, pursuant to policy H2.2 of the adopted UDP and policy DM1 of the emerging Core Strategy.

11) In this condition "retained tree" means an existing tree, street trees, 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 2.4 and 2.6 of the Unitary Development Plan for the City of Manchester.

12) The hereby approved development shall incorporate the air source heat pump proposals as set out in the information received by the local planning authority on the 31st May 2011. The approved details shall be implemented in full before use of the residential premises first commences.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester and policy DM1 of the emerging Core Strategy.

13) The hereby approved development shall incorporate the noise insulation and ventilation proposals as detailed within the Philip Dunbavin Acoustic Ltd Acoustic Report dated 10th May 2011 as received by the local planning authority on the 31st May 2011. The approved acoustic and ventilation scheme shall be implemented in full before use of the residential premises first commences.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester and policy DM1 of the emerging Core Strategy.

14) The development hereby approved shall be implemented in full accordance with the recommendations outlined within the Biodiversity Enhancement Measures report documented within Section 1.11 of the Design and Access Statement stamped as

received by the Local Planning Authority by email on the 23rd December 2009; drawing references PG/SK-08 and PG/SK-09 received by the local planning authority on the 16th February 2012; and incorporating bird box type A03004 as detailed within Appendix 4 of the Ecological Assessment report Final December 2011date stamped as received by the local planning authority on 13th January 2012. The details of the approved report shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - To ensure the protection and enhancement of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with Policies E2.2, E2.3 and E2.4 of the adopted Manchester Unitary Development Plan and policy DM1 of the emerging Core Strategy.

15) No development shall commence until the following have been submitted to and approved in writing by the City Council as local planning authority:
(a) A desk based archaeological assessment of the site;
(b) A scheme for digging archaeological trial trenches on site (including timetables and particulars of the persons supervising the digging);
(c) A scheme for investigating, evaluating and archiving any finds and for publishing details thereof (including timetables and particulars of the persons who will carry out said tasks).

The schemes approved under (b) and (c) above shall be implemented in accordance with the timetables contained therein and no development shall take place on site until written confirmation of completion of the said schemes has been received by the City Council, unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To investigate the archaeological interest of the site and record and preserve any remains of archaeological interest, pursuant to Policy DC20.1 of the Unitary Development Plan for the City of Manchester and guidance in PPG16.

16) The boundary treatments as set out on drawing references 0924-PG-196, 0924-PG-197, and 0924-PG-198 rev B as received by email on the 5th December 2011 shall be completed before the development is first occupied. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

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 H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

Informatives

This permission does not grant approval under Building Regulations.

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: 31 May 2012

Signed: 

Julie Roscoe
Head of Planning
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, he may appeal to the First 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 Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

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 First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he 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 First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he 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 First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix A – Standing Advice Regarding Coalfield Area

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.
Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com