MANCHESTER CITY COUNCIL

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr John Yeo
Lovell Partnerships
Nelson House
Park Road
Altrincham
WA14 5DL

Agent (if used)

Ms Alexandra Williams
DK-Architects
26 Old Haymarket
Liverpool
L1 6ER

Part 1 – Particulars of the application/development

Proposal: Erection of 125 no. x two and three storey terraced, semi-detached and detached properties with associated car parking and landscaping

Location: Land Bounded By Rylance Street, Myrtle Street, Blackrock Street And Bell Crescent, Bradford, Manchester, M11 3NA

Date of application: 11 September 2013

Application number: 103550/FO/2013/N2

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 31 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.

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:

Beswick Phase III Zone III Design and Access statement dated September 2013
Rylance Street Crime Impact Statement dated 6 August 2013
Beswick Phase 3 Ecological assessment dated August 2013

Beswick Phase 3 Arboricultural Impact Assessment dated August 2013
Drawing numbers 1076-PL-0.2A, 1076-PL-2.1, 1076-PL-2.2, 1076-PL-2.5, 1076-PL-2.6, 1076-PL-2.7, 1076-PL-2.8, 1076-PL-6.1 and 1076-PL-6.2
All stamped as received by the City Council, as Local Planning Authority, on 9 September 2013.

Drawing numbers 4086.01A, 4086.02A, 213-210-101 and 213-210-102.
All stamped as received by the City Council, as Local Planning Authority, on 9 September 2013

Drawing numbers 1076-PL-0.1H, 1076-PL-0.3A, 1076-PL-0.4A, 1076-PL-0.5A, 1076-PL-0.6A, 1076-PL-0.7B, 1076-PL-2.3A, 1076-PL-2.4A, 1076-PL-6.3B and 1076-PL-6.4 B.
All stamped as received by the City Council, as Local Planning Authority, on 9 December 2013

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies DM1 and SP1 of Manchester's Core Strategy.

3) No development works above ground shall take place 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 be constructed only using the approved 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 of the area within which the site is located, pursuant to policies DM1 and SP1 of Manchester's Core Strategy.

4) The development shall be carried out in accordance with the following documents:
Phase II Site Appraisal, Beswick Phase 3, Manchester, GRM UK, Reference: GRM/P6267/F.1, Dated: September 2013.
Letter Report - Rotary Boreholes, Beswick Phase 3, GRM, Reference: P6267-AJP-1, Dated: 11 October 2013, subject to the provision of an addendum report for the gas monitoring, on completion of the monitoring, including the calibration certificate for the equipment used and risk assessment and, after the completion of site works, the submission of a verification report to validate that the work undertaken conforms to the agreed remediation proposals. No occupation of the development shall take place until the addendum report for gas monitoring and verification report have been 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 SP1 of Manchester's Core Strategy.

5) The development hereby approved shall achieve at least 57 points (including all mandatory points other than SUR1) in the post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating under the code for sustainable homes. A post construction review document shall be submitted to and approved in writing by the City Council as local planning authority before any of the buildings hereby approved are first occupied.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy, policies ER13 and DP3 of Regional Spatial Strategy for the North West (RSS13) and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

6) The development hereby approved shall only be carried out in accordance with the submitted Crime Impact Statement, stamped as received by the City Council, as Local Planning Authority, on 9 September 2013, and its associated recommendations. 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 and to reflect the guidance contained in the National Planning Policy Framework.

7) No development works above ground shall take place unless and until a scheme for acoustically insulating the proposed residential accommodation, against noise from surrounding noise sources shall be submitted to and approved in writing by the City Council as local planning authority.

The approved acoustic insulation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data must include measurements taken during early morning rush-hour periods and night time to determine the appropriate sound insulation measures necessary. The internal noise criterion are as follows:

- Bedrooms (night time 23.00-7.00) 30 dB LAeq
- Individual noise events should not normally exceed 45 dB LAmax (BS 8233:1999)
- Living Rooms (daytime 07.00-23.00) 40 DB LAeq

Reason - To secure a reduction in noise from surrounding uses, and traffic sources, in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of the Manchester Core Strategy Development Plan Document.

8) Notwithstanding the approved plans no above ground construction works shall commence until there has been submitted to and approved in writing an indication of the colour of the prosed railings. The boundary treatment shall be completed before the approved housing 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 1995 (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, pursuant to policies SP1 and DM1 of the Manchester Core Strategy Development Plan Document.

9) Notwithstanding the approved plans no above ground construction works shall commence until a hard and soft landscaping treatment scheme and landscape management and maintenance details, including details of the proposed hedges between property driveways, has been 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 buildings are first occupied, and 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, pursuant to policy DM1 of Manchester's Core Strategy Development Plan Document and policy E3.3 of the Unitary Development Plan for the City of Manchester.

10) Prior to the occupation of the hereby approved development details of a Residential Travel Plan with the objective of reducing the dependency on the private car by future occupiers of the site and including particulars of its implementation and monitoring of its effectiveness and how measures to improve effectiveness shall be implemented, shall be submitted to and approved in writing by the City Council as local planning authority and shall thereafter be operated.

Reason - In accordance with the provisions contained within the National Planning Policy Framework and pursuant to policies DM1 and SP1 of Manchester's Core Strategy.

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any order revoking and re-enacting that Order with or without modification), no dwelling, or living unit, if the property operates as a dwelling shared by two households, 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 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 Development Plan Document.

12) No surface water from this development is discharged directly to the combined sewer network. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the 450mm diameter surface water sewer located in the site at a rate not exceeding 80 litres per second to meet the requirements of the National Planning Policy Framework (PPS 1 (22) and PPS 25 (F8) and part H3 of the Building Regulations.

Reason - To reduce the increased risk of flooding, pursuant to policies DM1 and SP1 of Manchester's Core Strategy and the National Planning Policy Framework.

13) No clearance of any vegetation, shall be carried out during the optimal period for bird nesting (March to July inclusive), unless nesting birds have been shown to be absent in accordance with details which have been submitted to, and approved in writing by, the City Council, as Local Planning Authority.

Reason - To provide and ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and in order to comply with policies DM1 and SP1 of Manchester's Core Strategy.

14) Prior to the commencement of development or phase of development on site (including site clearance), method statements for the control/eradication of Japanese Knotweed and monbretia shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved works shall be implemented in full prior to any earthworks on site.

Reason - To prevent the spread of Japanese Knotweed and in order to safeguard important wildlife habitats in the area, pursuant to policies DM1 and SP1 of Manchester's Core Strategy

15) No residential units shall be occupied until details have been submitted to, and approved in writing by, the City Council, as Local Planning Authority which indicates the provision of new nest boxes for birds and new wildlife habitat on site and a scheme for the future protection of this habitat. The new nest boxes and habitat shall be implemented in full in accordance with the approved details and to a timetable agreed in writing by the local planning authority.

Reason - To provide and ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and in order to comply with policies DM1 and SP1 of Manchester's Core Strategy.

16) Prior to any works taking place to the two trees identified as having roosting bat potential, in the Beswick Phase 3 Ecological Assessment, stamped as received by the City Council, as Local Planning Authority, on 9 September 2013, details of a bat inspection and/or bat activity survey, by a suitably qualified ecologist, shall be submitted to and approved in writing by the City Council, as Local Planning Authority.

To provide and ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and in order to comply with policies DM1 and SP1 of Manchester's Core Strategy.

17) The wheels of contractors vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site.

Reason - In the interest of pedestrian and highway safety, pursuant to policies SP1 and DM1 of Manchester's Core Strategy.

18) All contractors vehicles entering and leaving the site during the construction period shall be properly sheeted.

Reason - To ensure that the proposed development is not prejudicial or a nuisance to adjacent dwellings, and in the interests of public health and amenity, pursuant to policies DM1 and SP1 of Manchester's Core Strategy.

19) Prior to the commencement of works on site, a strategy for the management of construction traffic, including information regarding site approach routes, hours of deliveries, the location of parking for contractors' vehicles and directional signage, shall be submitted to and approved in writing by the City Council as local planning authority. The agreed strategy shall be implemented for the duration of the construction period

Reason - To safeguard the amenity so of nearby residents, pursuant to policies DM1 and SP1 of Manchester's Core Strategy

20) Prior to the occupation of any of the residential units any necessary on-site and off-site highway works including any required Traffic Regulation Orders shall be completed in accordance with details which shall be submitted to and approved in writing by the City Council as Local Planning Authority, The development shall be carried out in accordance with the approved details and shall thereafter be retained .

Reason - In the interests of highway safety, pursuant to policies SP1, T2 and DM1 of Manchester's Core Strategy and the Guide to Development in Manchester SPD (2007).

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: 11 December 2013

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, 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