Town and Country Planning Act 1990

PLANNING PERMISSION

MANCHESTER CITY COUNCIL

Name and Address of Applicant	Name and Address of Agent
Isis Waterside Regeneration Ltd And Manchester City Council C/o Agent	Drivers Jonas 26 York Street Manchester M1 4JB

Part I – Particulars of Application

Date of Application	Application ref. no.
18 February 2005	074230/OO/2004/N2

Particulars and location of development:

OUTLINE PLANNING APPLICATION for three buildings of a maximum of 7, 12 and 11 storeys in height to include a maximum of 319 residential units, class A1 units consisting of a maximum of 1,724 sq. m gross floorspace and a hotel comprising 4,385 sq.m gross floorspace, with a maximum of 230 car parking spaces including access and siting

Great Ancoats Street / Old Mill Street
Ancoats

Part II – Particulars of Decision

The Manchester City Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 of the following decision

Decision **Approved**

APPROVE on the basis that the Council has taken the environmental information (as defined in the EIA regulations) into consideration and the applications are in accordance with the Unitary Development Plan for Manchester (adopted 1995) in particular policies EM10, E1, E2.2, E2.6, E2.7, E3.1, E3.3, E3.4, S2.1, S2,4, S2,5, S2.6, R1, H1.2 and H2.7, and there are no other significant material considerations to indicate otherwise.

Date of Decision **11 May 2005**

for the carrying out of development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

Part III – Conditions and Reasons

1) Applications for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission. The development must be begun not later than whichever is the later of the following dates: - a. the expiration of five years from the date of this permission; or b. the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2) Before the development is commenced, the applicant shall submit detailed plans and particulars to the Council, and obtain their approval under the Town and Country Planning Acts, of the following reserved matters and other matters as are required under condition nos. 4 to 42 of this permission: the design of the proposal; external appearance of all buildings; and the landscaping of the site.

Reason - To ensure the satisfactory development of the site and because this application is in outline only, and to ensure that the conditions attached to the consent are complied with for each phase or contract related to the implementation to which they are relevant.

3) Development shall not begin until a phasing programme for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved phasing programme, unless otherwise agreed with the Local Planning Authority.

Reason

The applicants have indicated that the works necessary to implement the scheme fully are likely to come forward in a phased manner.

4) The landscaping scheme approved by the City Council as local planning authority shall be implemented not later than 12 months from the date of commencement of works. Any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within 3 years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted 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.

5) Construction of any building or phase of development hereby approved by this permission shall not take place unless and until samples and specifications of the materials to be used on all external elevations of that building or phase of 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 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, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

6) The car parking shall be surfaced, demarcated and made available for use as each building or phase of development is occupied, in accordance with details to be submitted to and approved in writing by the City Council as Local Planning Authority. The car parking spaces shall then be available at all times whilst the buildings are occupied, in accordance with the agreed phasing programme requried by condition no.3 of this planning permission.

Reason

To ensure that there is adequate car parking for the development proposed when the buildings are occupied, pursuant to policy E3.3 of the Unitary Development Plan for the City of Manchester.

7) The development hereby approved shall be carried out in accordance with the drawings numbered BND-02-006 rev.B, OUT-02-002 , received 16th December 2004, 512/100 rev.B, 512/101 rev.B, MAS-03-002 rev.C, 215/01 (MO) 004/P03,

215/01 (MO) 008/P03 stamped as received by the Local Planning Authority on 18th February 2005, and letter dated 28th February 2005, and lighting strategy in relation bats unless otherwise agreed in writing with the City Council as Local Planning Authority.

Reason

To ensure that the development is carried out in accordance with the approved plans.

8) The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to achieve the `Secure by Design` accreditation awarded by the Greater Manchester Police. Written confirmation of those measures are to be provided to the City Council, as the Local Planning Authority.

Reason

In pursuance of the Council`s duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area in pursuance of the Council`s powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in Circular 5/94 'Planning Out Crime'.

9) All vehicles entering and leaving the site during the construction period are to pass through a wheel wash. Details of the wheel wash shall be submitted to and approved in writing by the City Council as local planning authority prior to the development commencing. The wheelwash shall be retained on site during the construction period, and shall be positioned to allow use throughout each phase of construction; the locations of the wheelwash shall be submitted to and approved by the City Council prior to being implemented.

Reason

To ensure that the proposed development does not cause unacceptable amounts of dust in the vicinity and to ensure that local roads are kept clear of mud, pursuant to policy H2.2 of the Unitary Development

10) All contractor's vehicles entering and leaving the site during the construction period shall be sheeted.

Reason

To ensure that the proposed development is not prejudicial or a nuisance to the adjacent premises in the interests of public health and amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

11) The details of an emergency telephone contact number shall be displayed in a publicly accessible location on the site and shall remain so displayed unless otherwise agreed in writing by the City Council as local planning authority.

Reason

In the interests of local amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

12) All trees, shrubs and hedges within the site and/or trees whose root structure may extend within the site, which are to be retained as shown on the approved plan shall be fenced off before any building or other operation approved by this permission is carried out within the vicinity in accordance with British Standard 5837 (1991). Thereafter, no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence during the construction period.

Reason

In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area.

13) Details of the proposed boundary treatment, including colour, shall be submitted to and approved in writing by the City Council, as local planning authority, before the use commences. The approved details shall be implemented before the development is first brought into use.

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 H2.2, E3.3 and E3.5 of the adopted UDP.

14) Before the development hereby approved commences a report to assess the likely extent of any ground contamination and/or ground gas being present on or affecting the site shall be submitted to and approved in writing by the City Council as local planning authority. Any necessary site investigations shall then be carried out according to a scheme to be agreed in advance with the City Council as local planning authority and implemented in accordance with the approved scheme.

Reason

To ensure that the presence of or the potential for any contaminated land/ground gas is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policy H2.2 of the Unitary Development Plan.

15) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority, and in accordance with the phasing programme unless otherwise agreed in writing. These facilities shall then be retained and permanently reserved for bicycle parking, in accordance with the agreed phasing programme required by condition no.3 of this planning permission

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, pursuant to policy T3.7 of the Unitary Development Plan for the City of Manchester.

16) Full detailed designs (including specifications) of all highways works, shall be submitted to and approved in writing by the City Council as Local Planning Authority, prior to the development commencing. The development shall be implemented in accordance with the approved details, prior to the hotel, shop and residential units being brought into use, unless otherwise agreed with the local planning authority.

Reason

In the interests of highway safety, pursuant to policy T3.1 of the Unitary Development Plan for the City of Manchester.

17) Details of access proposals to each building or phase of development for mobility impaired persons including route widths, levels and gradients, shall be submitted to and approved in writing by the City Council as local planning authority before developments commences . The approved details shall be implemented before that part of the development is first brought into use.

Reason

To ensure that satisfactory disabled access is provided by reference to the provisions of the Unitary Development Plan for the City of Manchester and the Disability Discrimination Act 1995. However, in approving the relevant drawings, the City Council as the local planning authority does not hereby give any warranty that the provisions of the Disability Discrimination Act 1995 have been complied with.

18) Prior to the occupation of buildings hereby approved a scheme for the storage and disposal of refuse including storage of recyclable materials, shall be 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 amenity and public health, pursuant to policy H2.2 of the adopted UDP.

19) No loading or unloading to the operational development, shall be carried out after 8.00p.m. Mondays to Saturdays with no loading on Sundays. Loading and unloading shall be restricted to the period between 07:30 a.m. and 8:00p.m. daily.

Reason

In the interests of residential amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

20) The permitted hours of the Class A1 uses are to be submitted and agreed in writing by the City Council as Local Planning Authority, prior to the occupation of the buildings.

Reason

To safeguard the amenities of the occupiers of nearby residential accommodation when the development is complete, pursuant to H2.2 of the Unitary Development Plan for the City of Manchester.

21) Details of any roller shutters or security grilles to be installed within the development shall be submitted to and agreed in writing by the City Council as Local Planning Authority before they are in place. Roller shutters and grilles shall of an open grille construction, with the housing for the mechanism recessed behind the plane of the wall where the mechanism is to be located and be colour-coated.

Reason

In the interests of visual amenity, pursuant to policy DC14 and policy E3.3 of the Unitary Development Plan for the City of Manchester.

22) No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Panning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason

To ensure a satisfactory means of drainage.

23) This permission hereby approved relates to :-

- Class A1 uses maximum floorspace of 1,724 sq.m.

- Class C1 Hotel use - maximum floorspace 4,385 sq.m.
- 319 residential units

unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason

For the avoidance of doubt as changes to any element of the development may have consequences in terms of national and local policy considerations.

24) Details of a Green Travel Plan Strategy, implementation and monitoring of effectiveness shall be submitted to and approved in writing by the City Council as local planning authority. The strategy shall outline procedures and policies that the developer and occupants of the site will adopt to secure the objectives of the overall site's Green Travel Plan Strategy. Additionally, the strategy shall outline the monitoring procedures and review mechanisms that are to be put in place to ensure that the strategy and its implementation remains effective. The results of the monitoring and review processes shall be submitted in writing to the local planning authority and any measures that are identified that can improve the effectiveness of the Green Travel Plan Strategy shall be adopted and implemented.

Reason

In accordance with the provisions contained within Planning Policy Guidance.

25) Upon the occupation of the shop units, any proposed roller shutters on the frontage of the proposed shop units and food store shall be open/raised from 9.00 a.m. until the business closes in the evening.

Reason

In order to ensure that the appearance of the building is in keeping with the character of the area.

26) No development take place on this site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and agreed in writing tby the City Council as Local Planning Authority.

Reason

To make a record of remains of archaeological interest.

27) The applicant will provide proposals for the presentation and interpretation of the canal related industrial heritage of the site, the scheme to be submitted to and agreed in writing by the City Council as Local Planning Authority.The approved . details shall be implemented and retained in situ

Reason

To commemorate the industrial heritage of the site by means of suitable presentation and an interpretation board.

28) Before the development commences, appropriate comprehensive construction designs shall be incorporated into the scheme, and submitted to and approved in writing by the City Council, in order to alleviate any possibility of landfill gas into the building.

Reason

To ensure that the presence of or the potential for any contaminated land/ground gas is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policy H2.2 of the Unitary Development Plan.

29) The development hereby approved shall achieve a Building Research Establishment Environmental Assessment Methodology (BREEAM) rating of 'very good' , and equivalent for eco homes, unless otherwise agreed in writing by the City Council as local planning authority.

Reason

In the interests of minimising the environmental impact of the development, pursuant to Manchester Unitary Development Plan policy E1.5.

30) The development hereby approved shall include fire prevention measures, acoustic glazing and acoustically treated ventilation for all residential, hotel and commercial units in accordance with fire prevention and acoustic attenuation schemes to be submitted to and approved in writing by the City Council as local planning authority before the development commences, unless otherwise agreed by in writing by the Local Planning Authority. The fire prevention measures and acoustic attenuation schemes hereby approved shall be implemented in full before uses first commence.

Reason

To protect the amenity and safety of the occupants of the premises once the development hereby approved is occupied, pursuant to policies H2.2 and E1.4 of the Manchester Unitary Development Plan.

31) Before the development hereby approved commences a shop front and signage design strategy for the commercial units shall be submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with the approved details

Reason

To protect the visual amenity of the development, pursuant to adopted Manchester Unitary Development Plan policy H2.2.

32) Within six months of any part of the development first being occupied, a repaving strategy for the public footpaths and redundant vehicular crossings immediately adjoining the application site shall be submitted to and approved in writing by the City Council as local planning authority. The approved schmeme shall be carried out in accordance with a phasing programme to be approved by the Local Planning Authority.

Reason

In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes, pursuant to Manchester Unitary Development Plan policy H2.2.

33) The applicant shall, with regard to television reception in the area containing the application site, provide the City Council as local planning authority with studies that:

a) Identify, before the development commences, the potential impact area in which television reception is likely to be adversely affected by the development. The study shall be carried out either by the Office of Communications (Ofcom), or by a body approved by Ofcom and shall include an assessment of when in the construction process an impact on television reception might occur.

b) Measure the existing television signal reception within the potential impact area identified in (a) above before development commences. The work shall be undertaken either by an aerial installer registered with the Confederation of Aerial Industries or by a body approved by the Office of Communications, and shall include an assessment of the survey results obtained.

c) Assess the impact of the development on television signal reception within the potential impact area identified in (a) above within one month of the practical completion of the development or in accordance with the phasing programme required by condition 3 of this planning permission or before the development is first occupied, whichever is the sooner, and at any other time during the construction of the development if requested in writing by the City Council as local planning authority in response to identified television signal reception problems within the potential impact area. If the development is found to have a detrimental impact upon existing television signal reception, the study shall identify such measures necessary to maintain at least the pre-existing level and quality of signal

reception identified in the survey carried out in (b) above. The measures identified must be carried out either before the building is first occupied or in accordance with the phasing programme required by condition 3 of this planning permission or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception, as advised in Planning Policy Guidance Note 8: Telecommunications, pursuant to Manchester Unitary Development Plan policy H2.2.

34) A comprehensive Method Statement describing how any potential adverse impacts on the Site of Biological Importance are to be mitigated during the construction phase of any development shall be submitted to prior to any development commencing, unless otherwise in writing by the Local Planning Authority. This Method Statement, once agreed, shall be implemented in full.

Reason

To ensure the protection of wildlife habitats in the locality , pursuant to policy E2.4 of the Unitary Development Plan for the City of Manchester.

35) Prior to the commencement of development, details of all external lighting, including lighting on the buildings, within the site, and lighting units within the public realm works, shall be submitted to, and approved in writing by, the City Council as local planning authority, The development shall be implemented in accordance with the approved details.

Reason

To ensure adequate lighting within the development and to ensure full accessibility within the public realm works, pursuant to policies E3.3, H2.7 and E3.4 of the Unitary Development Plan for Manchester (adopted 1995)

36) No trees shall be felled, or have any works undertaken on them, during the bird nesting season (March to July inclusive), unless otherwise agreed with the City Council as Local Planning Authority.

Reason

To ensure the protection of wildlife habitats in the locality , pursuant to policy E2.4 of the Unitary Development Plan for the City of Manchester.

37) Details for the provision of feeding and nesting facilities for the Black Redstart species shall be submitted to and approved in writing by the City Council as Local Planning Authority.The development shall only be carried out in accordance with the approved details.

Reason

To ensure the protection of wildlife habitats in the locality , pursuant to policy E2.4 of the Unitary Development Plan for the City of Manchester.

38) Before development commences, full details , including scaled elevations, plans and cross-section drawings, of temporary infill panels to the ground floor commercial units shall be submitted to, and approved in writing by, the City Council as Local Planning Authority. The details submitted shall include an explanation, in drawings or text, of how the proposed works will resist fly posting and graffiti, and how they will be maintained in good condition. Any works approved in discharge of this condition shall be implemented in full before any part of the development under this planning consent is first used, or by such time as may be agreed in writing with the City Council as Local Planning Authority. The strategy for maintaining the infills in good condition shall be operational at all times until the temporary infills are removed from the site.

reason

In the interests of visual amenity and to ensure that the frontage of the units before occupation has a good appearance within the streetscene, and that this appearance is maintained, pursuant to Manchester Unitary Development Plan policies E3.3 and EM10.

39) Before development commences a scheme for the extraction of any fumes, vapours and odours from any kitchen areas within the development hereby approved shall be submitted to, and approved in writing by, the City Council as Local Planning Authority.

Reason

In the interests of the amenities of the occupiers nearby properties, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester

40) No building or structure exceeding 111.380m AGL shall be constructed within the area without further consultation with Manchester Airport.

Reason

Obstacle Limitation Surfaces (OLS) protect aircraft visual and instrument flight paths. At this location the development falls beneath the protected surface, however should the scheme change, further consultation will be required.

41) No development shall commence until a construction management strategy has been submitted to and approved by the City Council as local planning authority. Such a strategy shall include the construction scaffolding, lighting and the operation of cranes. The construction management strategy shall be implemented as approved.

Reason

Although the proposed building is beneath the Obstacle Limitation Surfaces (OLS), it is anticipated that cranes and lights will be used during its construction. Cranes and their usage will assessed in similar terms to the buildings themselves, and if deemed not to conflict with the safeguarding criteria for the Airport, will be issued with Manchester Airport Crane Permits

42) No development shall commence until an assessment of the requirement for obstacle warning lighting complies with the requirement set out in CAP 393 and CAP 168 has been submitted to and approved by the City Council as local planning authority. The obstacle warning lighting scheme hereby approved shall be implemented and approved on completion of the building and maintained thereafter. No subsequent alterations to the obstacle warning lighting shall take place unless submitted to and approved in writing by the local planning authority.

Reason

The addition of obstacle warning light is intended to reduce the hazards to aircraft operating visually at low level in the area around the proposed development.

Signed.....

Peter Babb, Head of Planning

on behalf of the Council
Town Hall,
Manchester M60 3NY

NOTES

1. Leaflets attached:

2. 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.

3. 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.

(Appeals must 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 6PN) or download from the Planning Inspectorate website www.planninginspectorate.gov.uk or 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. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.)

4. 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.

5. 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

6. 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.