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.
- 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

# Planning (Listed Building & Conservation Area) Act 1990 (as amended)

## Listed Building Consent

**Applicant**

Mr Michael Cayton
Redrow Homes Ltd Lancashire
Redrow House
14 Eaton Avenue
Matrix Office Park
Buckshaw Village
Chorley
Lancashire
PR7 7NA

**Agent (if used)**

## Part 1 – Particulars of the application/development

**Proposal**: Variation of condition No. 20 of previous planning approval 096995/FO/2011/N1 to request opaque glazing in the first floor gable windows only to plots 1, 14, 15, 30 and 31 and the removal of Plot 10 from the previous list

**Location**: Bute Street, Moston, Manchester, M40 9NN

**Date of application**: 2 September 2013

**Application number**: 103508/JO/2013/N1

## Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **granted** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

## Article 31 Declaration

The local planning authority has worked with the applicant in a positive and proactive manner when dealing with this planning application. As the proposal is deemed to be acceptable and in compliance with planning policy, no problems have arisen in this case.

## Condition(s) attached to this decision

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

The application forms, the Design and Access Statement ( ref:RED/M/DAA/S4), and the drawings numbered RED/M/S4/LP01, RED/M/S4/01/Rev. L, RED/M/S4/02/Rev.E RED/M/S4/03/Rev.E , RED/M/S4/04/Rev.C, RED/M/S4/05/Rev.G, RED/M/S4/06/Rev.

C, RED/M/S4/10/Rev. C, 3739.04/Rev.C and 3739.05/RevC,Flood Risk Assessment (FRA) from Waterco Ltd. (Ref w678-Moston 4-T5-100422-FRA) dated 22/04/2010 as amended by letter dated 18th August 2011, stamped as received by the Local Planning Authority on the 5th August 2011;

The Geo- Environmental Assessment Moston Site 4 - Oakville Terrace, Moston; the WYG Site 4 Noise Assessment; the Breglobal pre-estimator Code Level 3 Revision# 2 Assessment ; Crime Impact Statement Addendum 1;the Denis Wilson Transport Assessment; the Denis Wilson Residential Travel Plan; Planning Statement (dated February 2010), stamped as received by the Local Planning Authority on the 18th August 2011;

M-DG3-01 ( Derwent), M-DG3-02 ( Derwent), M-BG3-03(Buttermere), M-BG3-04 (Buttermere), M-TG3-06( Thirlmere) , M-TG3-07(Thirlmere), M-EG3-08/Rev.U (Ennerdale), M-TG3-13 ( Tarn), M-WG3- 09( Windermere), M-WG3-10/Rev.A (Windermere), M-WG3-11 ( Windermere), and M-WG3-12( Windermere), stamped as received by the Local Planning Authority on the 5th August 2011;

M-DFA-01/RevF( Derwent), M-DFA-16/RevF ( Derwent), M-DFA-02/RevG (Buttermere), M-DFA-17/RevH ( Buttermere), M-DFA-03/Rev.F (Ullswater), M-DFA-20/Rev.G ( Ullswater), M-DFA-08/Rev.G ( Thirlmere) , M-DFA-18/Rev. G (Thirlmere), M-DFA-12/Rev.U (Ennerdale), M-DFA-20/Rev.A ( Windermere), M-DFA-21/Rev.A (Windermere), M-DFA-22/Rev.A ( Windermere), and M-DFA-23/Rev.A ( Windermere), stamped as received by the Local Planning Authority on the 19th September 2011 plan ref: SDL 1718/1( drainage to be removed) received by e-mail 28th October 2011.

Ullswater Gen 3 drwg 901, (Ullswater), and plan ref: T-DFA-01 (Tarn Generation3 ) received by e-mail 1st December 2011,
RED/M/JD/01 revA, and RED/M/BD/01/Rev received by e-mail on 2nd December 2011.

The site layout drawing ref RED/M/S4/01/RevY, and the house type drawings The Brecon (Cnr) D Series Render Dated July 2012, Buttermere 3 drawing 901, Tarn Gen 3 drawing 901/RevA, Thirlmere Gen 3 drawing 901, and Ullswater Gen 3 drawing 901, stamped as received by the Local Planning Authority on the 2nd September 2013.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, H1, H3, EN1, EN18, T2 and DM1 of the Core Strategy, the saved policy DC7 within the Unitary Development Plan, and the guidelines within the National Planning Policy Framework.

2) The development hereby approved shall be constructed in the following materials to be used on the external elevations of the development, as outlined within Section 8.0 `Appearance' within the Design and Access Statement and as shown on the drawing numbered RED/M/S4/03/Rev.E, stamped as received by the Local Planning Authority on the 5th August 2011: Ibstock Weston Red Multi Stock brick, Ibstock New Cavendish Stock brick, Ibstock New Sandhurst Stock brick and Ibstock Leicester Red Stock detail brick, Rough cast render in Cream, and Redland Mini Stonewold Slate Grey roof tile, subject to the submission of samples and specifications of the materials to be used prior to the use of the materials on site.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area

within which the site is located, as specified in policies SP1, EN1 and DM1 of the Core Strategy.

3) The hard and soft landscaping scheme hereby approved by the City Council as local planning authority as described in Section 9.0 `Landscaping' in the Design and Access Statement and as shown on the plan refs: 3739.04/Rev.C and 3739.05/Rev.C submitted to the Local Planning Authority on the 3rd March 2010, 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.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN1 and DM1 of the Core Strategy.

4) The development hereby approved shall be constructed in strict accordance with Secure by Design measures in the Crime Impact Statement and Crime Impact Statement Addendum 1, which includes measures to be incorporated into the development to demonstrate how secure by design accreditation will be achieved. 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 SP1 and DM1 of the Core Strategy.

5) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least three star sustainability rating under the code for sustainable homes for those elements of the development which are residential in nature, in accordance with the Code Level 3 Assessment Revision#2 dated 25 January 2010. A post construction review certificate 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 the interests of minimising the impact on the environment of the development pursuant to policies SP1 and DM1 of the Core Strategy.

6) a) The proposed development hereby approved shall only be constructed in strict accordance with the desk top study, site investigations, final risk assessment and proposed remediation strategy, as included within the following documents: i) Geo-environmental Assessment, Moston Site 4 Oakville Terrace, WSP Environmental Limited, Reference: 12121870/002, File Reference: 9123(3), Dated: March 2010, ii) Letter from the Environment Agency, regarding the controlled waters risk assessment, Reference: SO/2010/106897/01-L01, Dated: 25 March 2010, iii) Phase 1 Pre Acquisition Survey Moston Site 4 - Oakville Terrace, WSP Environmental Ltd, Reference: 12121870/001, Dated: October 2009, iv) Email from Michael Nedan from WSP containing site investigation information, Dated: 20 January 2010, v) Geo-environmental Assessment, Moston Site 4 - Oakville Terrace, Moston, WSP Environmental Ltd, Reference: 12121870/002, File Reference: 9123(2), Dated: February 2010, vi) Letter Report, Recommendations for Gas Measures - Six Sites at

Moston, Manchester, WSP Environmental Ltd, Reference: 12121870/002/9132, Dated: 15 February 2010.

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.

c) 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 Policy EN18 of the Core Strategy.

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 Policies SP1, T2 and DM1 of the Core Strategy.

8) 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 ensure that the density of the development is not further increased by extensions and outbuildings and 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 Core Strategy.

9) The development hereby approved shall be implemented in full accordance with the Waste Management Strategy outlined within Section 4.0 `Design Guidance' of the Design and Access Statement and on the drawing numbered RED/M/S4/04/RevC, submitted to the Local Planning Authority on the 5th August 2011 , which includes a scheme for the disposal of refuse including segregated waste for recycling. The details of this 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 policies SP1 and DM1 of the Core Strategy.

10) The development hereby approved shall be constructed in strict accordance with the scheme for acoustically insulating the residential accommodation against noise included in the Noise Assessment dated February 2010 completed by WYG

Environment, submitted to the Local Planning Authority on the 18th August 2011. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy.

11) The positions, design, materials and type of boundary treatment around the development hereby approved shall be erected in accordance with the drawings RED/M/S4/02/Rev. E stamped as received by the Local Planning Authority on 5th August 2011. The approved scheme shall be implemented in full before the residential properties are first occupied and retained as such thereafter.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located in order to comply with Policies SP1 and DM1 of the Core Strategy.

12) The development hereby approved shall be constructed in accordance with the scheme previously approved for wheel washing construction vehicles outlined within the email from Redrow dated 19th April 2010. All vehicles entering and leaving the site during the construction period shall be assessed for mud, and any deposited on the surrounding highways, must be cleaned with a street sweeper on a daily basis.

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 SP1 and DM1 of the Core Strategy.

13) All contractors' 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 policies SP1 and DM1 of the Core Strategy.

14) The details of an emergency telephone contact number for site contractors shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with Policies SP1 and DM1 of the Core Strategy.

15) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from Waterco Ltd. (Ref w678-Moston 4-T5-100422-FRA) dated 22/04/2010 and the following mitigation measure detailed within the FRA: Finished floor levels are set no lower than 150 mm above surrounding ground levels. Where threshold levels are below the adjacent footpath, a drainage channel will be provided to direct any surface water away from the threshold.

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 SP1, EN14 and DM1 of the Core Strategy.

16) The sewers within the site are to be abandoned as shown on plan ref: SDL 1718/1 received by e-mail 28th October 2011.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, EN14 and DM1 of the Core Strategy.

17) Any gable windows to the first floor in Plot nos: 1, 14, 15, 30 and 31 shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with Policies SP1 and DM1 of the Core Strategy for the City of Manchester.

## Informatives

This permission does not grant approval under Building Regulations.

Date: 6 November 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 Planning (Listed Buildings and Conservation Areas) 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