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

Ms Emma Trinder
MREFII Towers Property Company Limited C/o Moorfield Grou...
Nightingale House
65 Curzon Street
London
W1J 8PE

Agent (if used)

Mr Craig Welsh
Leach Rhodes Walker
Riverside
New Bailey Street
Manchester
M3 5AA

Part 1 Particulars of the application/development

Proposal: Erection of single storey building to form coffee shop (A1) including installation of canopy between Ocean House and Adamson House, erection of single storey parking deck over existing surface car park at Scotscroft House, removal of balconies to Kingston House and Honeyweel House including associated elevational alterations and hard and soft landscaping improvements and car parking reconfiguration including new lighting and seating to Wilmslow Road entrance, Pioneer House, Crescent House, Ocean House and Adamson House

Location: The Towers, Towers Business Park, Wilmslow Road, Didsbury, Manchester, M20 2FZ

Date of application: 29 May 2013

Application number: 101468/FO/2013/S2

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 this planning application. Officer have held detailed discussions with the applicant with regards to the extent of the tree removal at the site and the detailed proposals for each feature area to ensure an appropriate scheme is produced for the site. The scheme is considered to be in accordance with the development plan and therefore recommended for approval.

Reason(s) for decision

Approve on the basis that the proposal is in accordance with the City Council's Core Strategy (2012), in particular the following policies SP1, EC1, EC2, EC9, T2, EN1, EN3,

EN18 and DM1 of the Manchester Core Strategy (2012) and extant policies DB12, DC10, DC18 and DC26 of the Unitary Development Plan for the City of Manchester (1995), the Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework and there are no material considerations of sufficient weight to indicate otherwise. In coming to this conclusion the Head of Planning has taken into account the Information provided with the application.

Condition(s) attached to this decision

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

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

Drawings 7116-L(00)18 Rev A, 7116-L(00)201B, 7116-L(00)162B, 7116-L(00)163 REV B and 7116-L(00)128 REV B, stamped as received by the City Council, as Local Planning Authority, on the 25 January 2013.

Drawings 7116-L(00)183 Rev B, 7116-L(00)86 REV H, 7116-L(00)214 REVA, 7116-L(00)196 REV E, 7116-L(00)195 REV E, 7116-L(00)92 REV J, 11_048_PL_02 REV D, 11_048_PL_12 REV B, 11_048_PL_01 REV F, 11_048_PL_09 REV F, 11_048_PL_04 REV B, 11_048_PL_07 REV B, 11_048_PL_11 REV C, 11_048_PL_10 REV D, 11_048_PL_06 REV E, 11_048_PL_05 REV E, 7116-L(00)113 REV F, 11_048_PL_03 REV E and 11_048_PL_08 REV F stamped as received by the City Council, as Local Planning Authority, on the 3 June 2013

Drawing 7116-L(00)129 REV F stamped as received by the City Council, as Local Planning Authority, on the 13 June 2013.

Arboricultural Impact Assessment (04 04 2013. Updated 23 05 13) prepared by Amenity tree care Ltd stamped as received by the City Council, as Local Planning Authority, on the 3 June 2013

Arboricultural Impact Assessment (24 05 13) prepared by Amenity tree care Ltd stamped as received by the City Council, as Local Planning Authority, on the 3 June 2013

Supplementary Planning Application report prepared by Leach Rhodes Walker (Rev A) stamped as received by the City Council, as Local Planning Authority, on the 3 June 2013

Heritage statement (Feb 2013) prepared by Leach Rhodes Walker (Rev A) stamped as received by the City Council, as Local Planning Authority, on the 19 February 2013

Design and Access statement prepared by Leach Rhodes Walker (January 2013) stamped as received by the City Council, as Local Planning Authority, on the 25 January 2013

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to policies SP1 and DM1 of the Manchester Core Strategy, and the principles contained within The Guide to Development in Manchester SPD.

3) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development and hard landscaping (including paving details, benches, bins and railings) 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 SP1 and DM1 of the Manchester Core Strategy, and the principles contained within The Guide to Development in Manchester SPD.

4) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawings 11_048_PL_02 REV D, 11_048_PL_12 REV B, 11_048_PL_01 REV F, 11_048_PL_09 REV F, 11_048_PL_04 REV B, 11_048_PL_07 REV B, 11_048_PL_11 REV C, 11_048_PL_10 REV D, 11_048_PL_06 REV E, 11_048_PL_05 REV E, 11_048_PL_03 REV E and 11_048_PL_08 REV F stamped as received by the City Council, as Local Planning Authority, on the 3 June 2013 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, EN9 and DM1 of the Core Strategy.

5) The development hereby approved shall be carried out in accordance with the Arboricultural Impact Assessment (04 04 2013. Updated 23 05 13) and (24 05 13) prepared by Amenity tree care Ltd stamped as received by the City Council, as Local Planning Authority, on the 3 June 2013

Reason - To ensure that works to trees are carried in accordance with the previously agreed strategy pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

6) No clearance of vegetation or trees from the site should be carried out in the bird nesting season (March to July). If clearance during the nesting season is unavoidable then a survey for nesting birds must be undertaken prior to work commencing and submitted to and approved in writing by the City Council as Local Planning Authority. If nesting birds are found by the survey and are likely to be disturbed by clearance works then clearance should be delayed until after the young have fledged.

Reason - To protect existing habitats for birds, pursuant policies EN15 and DM1 of the Manchester Core Strategy (July 2012).

7) In this condition "retained tree" means an existing tree, 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 EN9 and EN15 of the Core Strategy.

8) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

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 EN9 and EN15 of the Core Strategy.

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

- Hours of working;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Parking of construction vehicles; and
- Sheeting over of construction vehicles.

Development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy (July 2012).

10) 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 policies DM1 and EN18 of the Core Strategy.

11) The car parking deck and surface car parking, indicated on the approved plans, shall be surfaced, demarcated and made available for use within 18 months of the commencement of the development. The car park areas 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 H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester.

12) The coffee shop hereby approved shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

Monday to Friday 06:30 to 20:00
Saturday and Sunday 08:00 to 18:00

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Manchester Core Strategy and extant policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

13) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the policies SP1 and DM1 of the Core Strategy and extant policy DC10 of the Unitary Development Plan for the City of Manchester (1995).

14) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

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

15) Within six months of the date of this approval a Travel Plan Framework shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a Travel Plan Framework means a document which includes:

i) the measures proposed to be taken to reduce dependency on the private car by those [attending or] employed at the Towers Business Park;
ii) a commitment to surveying the travel patterns of staff during the first three months of this approval and thereafter from time to time;
iii) mechanisms for the implementation of the measures to reduce dependency on the private car
iv) measures for the delivery of specified travel plan services
v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the agreement of the Travel Plan Framework, a Travel Plan, which takes into account the information about travel patterns gathered pursuant to item (ii) above, shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel to the business park, pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

Informatives

This permission does not grant approval under Building Regulations.

Date: 10 July 2013

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.