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 Pete McCabe
PP Plasma
Vere Street
Salford
M50 2GQ

Agent (if used)

Mr James Pass
Bradshaw Gass and Hope LLP
19 Silverwell Street
Bolton
BL1 1PR

Part 1 – Particulars of the application/development

Proposal: Erection of detached Factory building (B2 use class) with associated car parking, landscaping and boundary treatments with access from Ashton Old Road and Wolverton Street.

Location: Land At The Corner Of Pottery Lane / Ashton Old Road, Gorton, Manchester, M11 3AA

Date of application: 8 April 2013

Application number: 101253/FO/2012/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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

Reason(s) for decision

Approve on the basis that the proposal will provide employment opportunities and provide a positive built form on an important arterial road and therefore accords with policy EC5 and DM1 of the Core Strategy and saved policy E3.3 of the Unitary Development Plan and there are no other material reasons to indicate otherwise

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
1941.04.P502; 1941.04.P306 Rev P1; 1941.04.401 Rev P2; E(69)SP-02 Rev P2 all date stamped as received by the local planning authority on the 21st December 2012 1941.04.P203 Rev P5; 1941.04.P230' Proposed Volatile Organic Chemical Delivery Route'; date stamped as received by the local planning authority on the 15th March 2013.

1941.04.P306 Rev P2; 1941.04.P303 Rev P7; 1941.04.P302 Rev P7; 1941.04.P301 Rev P5 all date stamped as received by the local planning authority on the 8th April 2013.

Documents
Design and Access Statement prepared by Bradshaw Gass and Hope; Planning and Regeneration Statement prepared by Dickman Associates Ltd; Archaeological Desk Based Appraisal prepared by Paul Butler Associates; Walkover Survey and Desk Study at Ashton Old Road (Desk Study No. 5637) prepared by Sub Surface North West Limited dated September 2012; Ground Investigation (Report No. 5637A dated December 2012) prepared by Sub Surface North West Limited; Transport Statement (Report No. J217/TS dated October 2012) prepared by DTPC; Access Statement prepared by Bradshaw Gass and Hope; Flood Risk Assessment (Report No:5527/R1 Rev A dated October 2012); Extended Phase 1 Habitat Survey and Baseline Ecological Impact Assessment (October 2012) prepared by Cameron S Crook and Associates; BREEAM Pre-Assessment Summary Report Dated 4 October 2012 prepared by Ecoteric Ltd all date stamped as received by the local planning authority on the 21st December 2012.

Noise Assessment prepared by Environoise Consulting Limited REF: 20265R03RMWmw date stamped as received by the local planning authority on the 28th January 2013.

Crime Impact Statement prepared by Greater Manchester Police Design for Security date stamped as received by the local planning authority on the 31st January 2013.

Transport Statement Addendum (Report No. J217/TS addendum dated February 2013) prepared by DTPC; Framework Travel Plan (Report No. J217/FTP rev A dated October 2012) prepared by DTPC both date stamped as received by the local planning authority on the 7th February 2013.

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

3) Within 6 months of first occupation of the development hereby approved a Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a Travel Plan means a document which includes:

i) the measures proposed to be taken to reduce dependency on the private car by those [attending or] employed in the development
ii) a commitment to surveying the travel patterns of staff during the first three months of use of the development 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

The 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 school, pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD

4) Prior to the commencement of development full details of the amended vehicular access in to the site from Ashton Old Road including details of tactile paving and provision of dropped kerbs shall be submitted to and agreed in writing by the local planning authority. The development shall subsequently carried out in accordance with the agreed details.

Reason - In the interests of pedestrian and highway safety and to ensure the provision of an appropriate vehicular access into the site pursuant to policy DM1 of the Core Strategy.

5) Prior to the commencement of the hereby approved works a Construction Management Plan 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 agreed Construction Management Plan which shall include:
- The routing of construction traffic;
- Identify measures to control dust and mud on the surrounding public highway including: details of how the wheels of contractors vehicles are to be cleaned; and the sheeting of vehicles entering and leaving the site during the construction period;
- Specify the working hours for the site;
- Identify advisory routes to and from the site for staff and HGVs.

Reason - In the interest of pedestrian and highway safety, and to ensure that the proposed development is not prejudicial or a nuisance to adjacent dwellings pursuant to policy DM1 of the Core Strategy.

6) 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 amenities of the occupiers nearby properties in order to comply with policies SP1 and DM1 of the Core Strategy.

7) Deliveries , servicing and collections, including waste collections shall not take place outside of the following hours:
Monday to Saturday 07:30hrs - 20:00

No deliveries/waste collections on Sundays/Bank Holidays

Reason - In order to protect the amenity of local residents in accordance with policies SP1 and DM1 of the Core Strategy.

8) The premises shall not be open outside the following hours:-
Monday - Friday 06:00hrs - 22:00 hrs
Saturday 06:00hrs -14:00hrs

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

9) Before any use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall include:
- the specifications for the proposed acoustic fence as identified on the approved plans;
- a methodology for deliveries to the premises;
- confirmation that delivery doors will be kept closed before 8am.

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

10) Before first occupation of the development 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.

11) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been 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 DM1 of the Core Strategy.

12) No development related groundworks shall take place until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological works to be undertaken in accordance with a Written Scheme of Investigation, prepared by the appointed archaeological contractor. The Wintertree Software Inc. should be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the site investigation has been completed in accordance with the approved Wintertree Software Inc.. The Wintertree Software Inc. shall cover the following:

1. A phased programme and methodology of site investigation and recording to include:
- targeted field evaluation trenching
- (depending upon the evaluation results) detailed open area excavation
2. A programme for post investigation assessment to include:
- analysis of the site investigation records and finds
- production of a final report on the significance of the archaeological and historical interest represented.
3. Provision for publication and dissemination of the analysis and report on the site investigation.
4. Provision for archive deposition of the report, finds and records of the site investigation.
5. Nomination of a competent person or persons/organisation to undertake the works set out within the approved Wintertree Software Inc..

Reason - To investigate the archaeological interest of the site and record and preserve any remains of archaeological interest, pursuant to Policy EN3 of the Core Strategy, saved Policy DC20.1 of the Unitary Development Plan for the City of Manchester and guidance in the National Planning Policy Framework.

13) Notwithstanding the approved plans no development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and the Flood Risk Assessment (FRA) from Lees Roxburgh Ltd (Ref 5527/R1 Rev A dated October 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall be subsequently be implemented in accordance with the approved details and be retained thereafter. The scheme shall include:
-Details of surface water attenuation to provide between 30% and 50% reduction in runoff rate compared to the existing rate of 72 l/s.
- Details of exceedence event up to a 1 in 100 year including climate change allowance.
- Details of how the scheme shall be maintained and managed after completion.

Reason - To prevent the risk of flooding as the site is located within a Critical Drainage Area as identified within the Manchester City Council Strategic Flood Risk Assessment and ensure future maintenance of surface water drainage system pursuant to policy EN8 of the Manchester Core Strategy Development Plan Document.

14) 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.

15) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policy DM1 of the Core Strategy.

16) 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 have been submitted to and approved in writing by the City Council as local planning authority.

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

17) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development first comes in to use. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

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

18) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

19) Prior to the development first coming into operation a scheme for the provision of a 9 metre deep no HGV parking zone along the southern boundary of the site as identified on drawing reference 1941.04.P230 date stamped as received by the local planning authority on the 15th March 2013 shall be submitted to and approved in writing by the local planning authority. The scheme shall include for floor markers and signage indicating the no parking zone. The development shall be carried out in accordance with the agreed details and be retained whilst the use is in operation.

Reason - In the interests of the safe operation of the application site and neighbouring businesses pursuant to policy DM1 of the Core Strategy.

20) The buildings within the development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least Very Good. A post construction review certificate shall be submitted for approval by the City Council as local planning authority within a timescale to be previously agreed in writing.

Reason - In order to minimise the environmental impact of the development by securing a reduction in CO2 emissions and by incorporating sustainable construction techniques pursuant to policies EN6 and DM1 of the Core Strategy.

21) The facilities for bicycle parking as identified on drawing reference 1941.04.P301 Rev P5 shall be made available for use from the first use of the building. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with Policies SP1, T1 and DM1 of the Core Strategy

22) Notwithstanding the appropved plans, prior to the commencement of construction of the development a hard and soft landscaping treatment scheme shall be 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. 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,and DM1 of the Core Strategy.

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.

Manchester City Council guidelines state that construction work should normally take place only between the following hours:
Monday - Friday*: 7.30 - 18.00
Saturday*: 8.30 - 14.00
Sunday / Bank holidays: No work

*Workforce may arrive on site 30 minutes prior but no working outside these times, unless changed by prior agreement. Noise to be kept to a minimum in the first hour.

If the development is to involve noisy construction works for a prolonged period the applicant is requested to contact Environmental Health (Public Protection Team) to discuss the nature of the construction phase. The reasoning behind this is to establish a site contact and discuss appropriate working times etc.
Contact: Manchester City Council, Environmental Health, Hammerstone Road, Gorton, Manchester, M18 8EQ Tel: 0161 234 5004, email: EnvHealth@ manchester.gov.uk

The applicants attention is drawn to the need to contact Environmental Health (Public Protection Team) where any noise related conditions have been attached to this Planning Approval, in order to discuss specific and technical requirements.
Contact: Manchester City Council, Environmental Health, Hammerstone Road, Gorton, Manchester, M18 8EQ, Tel: 0161 234 5004, E-mail: EnvHealth@ manchester.gov.uk

Defra have published a document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. It describes a method of risk assessment for odour, guidance on minimum requirements for odour and noise control, and advice on equipment selection. It is recommended that any scheme should make reference to this document.

Date: 1 May 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.

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