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 of £85 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

Edward Mayes Trust
Mayes Gardens
Harrison Street
Manchester
M4 7FN

Agent (if used)

Mr David James
Bernard Taylor Partnership
486 Didsbury Road
Heaton Mersey
Stockport
SK4 3BS

Part 1 – Particulars of the application/development

Proposal: Erection of a 2-storey building comprising 4 self-contained flats and associated boundary treatment.

Location: Vacant Site, Corner Of Tame Street And Snell Street, Ancoats, Manchester

Date of application: 24 April 2012

Application number: 099169/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).

Reason(s) for decision

On the basis that the proposal is in accord with policies DM1 and EN8 of the Manchester's Local Development Framework: Core Strategy, including saved policies: DC26.1, DC26.4 and DC26.5, the guidance within the Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance; National Planning Policy Framework and policies DP 1; DP 2 EM16 and DP9 of The Regional Spatial Strategy (RSS) for North West England and the principles contained within the National Planning Policy Framework in that the development would: positively contribute to the local environment through the quality of its design; secure an active use for the site to the benefit of the visual and residential amenities of the area; improve the diversity of housing tenure in the local area; improve the availability of accommodation within existing supported accommodation and help to secure its future viability and provide a sustainable development which would be beneficial to the broader community thereby promoting the continuing regeneration of the locality.

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) 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. 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 as specified in policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

3) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: site plan edged in red received 24th April 2012; 2453/01 REV.A; 2453/02 REV.C; 2453/03 REV.A; 2453/04 REV. A and 2453/05 REV. A as received on 24th April 2012 and the Design and Access Statement (Ref: Job No. 2453) received 24th April 2012.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

4) 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 unless otherwise agreed in writing. 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 order to minimise the environmental impact of the development pursuant to policies EN8 and DM1 of the Core Strategy for Manchester, policies EM16 and DP9 of The Regional Spatial Strategy (RSS) for North West England, the guidance contained within the National Planning Policy Framework.

5) Before the development commences an acoustic attenuation scheme including particulars of the acoustic glazing and acoustically treated ventilation to be installed as part of the development shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented in full before use of the residential premises first commences.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policy DM1 and saved policies DC26.1, DC26.4 and DC26.5 within the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

6) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secured 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 and protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

7) 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 EN8 and DM1 of the Core Strategy for Manchester, policies EM16 and DP9 of The Regional Spatial Strategy (RSS) for North West England policies and the guidance contained within the National Planning Policy Framework.

8) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref 2453/02 Rev C, 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, 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 that respects the character and visual amenities of the area, in accordance with policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

9) Before the first occupation of the residential units hereby authorised, a detailed scheme shall be submitted to and approved by the City Council as local planning authority relating to the maintenance of the approved landscaping. The scheme shall be implemented in full and remain in place whilst the use is undertaken.

Reason - In the interests of residential amenity pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

10) The hard surfacing areas, as detailed on approved drawing 2453/02 REV.C shall be implemented in full prior to the first occupation of the authorised residential units and remain in place whilst the use continues.

Reason - In the interests of residential amenity pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

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

Reason - In the interest of pedestrian and highway safety pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

12) The details of an emergency telephone contact number for the site manager shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete unless otherwise agreed in writing by the City Council as local planning authority.

Reason - In the interest of pedestrian and highway safety pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

13) All first floor windows to side (south-west) elevation to Snell Street as shown on the approved drawings 2453/02 REV.C; 2453/03 REV.A and 2453/04 REV. A as received on 24th April 2012 shall be obscurely 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 unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

14) The arrangements for the storage of refuse bins and recycling containers as shown on drawing 2453/02 REV. C shall be fully implemented and available for use prior to the first occupation of the residential units hereby approved.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

15) No development shall take place until details of the proposed off-site highways works to Tame Street have been approved in writing by the City Council as local planning authority. The development shall not be occupied until the works have been constructed in accordance with the approved details.

Reason - In the interest of pedestrian and highway safety and in the interests of local amenity as specified in policy DM1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

16) Before the first occupation of the residential units hereby approved a scheme shall be submitted to and approved in writing by the City Council as local planning authority detailing the arrangement for advising visitors of the limited car parking facilities within the site and providing information to encourage the use of public transport by staff and visitors when travelling to and form the site. The approved scheme shall be fully implemented upon before the first occupation of the residential units hereby authorised unless otherwise agreed in writing.

Reason - In the interests of residential amenity and to promote measures to promote alternatives to the use of private transport pursuant to policies DM1 and T1 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

Informatives

This permission does not grant approval under Building Regulations.

Date: 31 July 2012

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