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 £97 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 (Listed Building & Conservation Area) Act 1990 (as amended)

## Planning Permission

**Applicant**

Mr Kevin Barry
Litherhand Ltd
19 Rullion Green Crescent
Penicuik
Mid Lothian
EH26 ORU

**Agent (if used)**

Helen Brierley
Commercial Property
3 St Marys Parsonage
Manchester
M3 2RD

### Part 1 Particulars of the application/development

**Proposal**: Extension of time limit for implementation of planning permission previously approved under 091026/FO/2009/N1 for residential development comprising 36no. 2 and 3 storey terraced and semi-detached houses with associated new access road off Crescent Road, car parking and landscaping

**Location**: The Woodlands, Crescent Road, Manchester, M8 5UF

**Date of application**: 11 October 2012

**Application number**: 100612/REP/2012/N1

### 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 and no problems have arisen in relation to dealing with the planning application.

### Reason(s) for decision

On the basis that the proposal is in accordance with the City Council's planning policies contained within the Core Strategy (in particular SP1, H1, H3, EN1, EN9, EN15, EN18, T2 and DM1) and the saved policies within the Unitary Development Plan (in particular DC7) and with other considerations of material weight (in particular the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance and National Planning Policy Framework) and there are no material considerations of sufficient weight to indicate otherwise, in that the development would

provide residential accommodation in a predominantly residential area, provide high quality affordable accommodation at this site, a scheme that does not harm the character of the area, there would not be any significant impacts on the residential amenities of adjoining occupiers; and generally the proposal would provide a good quality affordable development within the area to the benefit of 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) 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:

The application form, Design and Access Statement, and the drawings numbered P(002), E(900), P(300), P(130), P(230), P(131), P(231), P(132)RevA, P(232), P(133)RevA, P(233)RevA, P(134)RevA, P(234)RevA, P(135)RevA, P(235)RevA, P(202), P(201), P(410), P(411), P(900), EW01 RevP2, EW02 RevP2, EW03 RevP2 and EW11 RevP1, the Code for Sustainable Homes Pre-Assessment Appraisal June 2009, the Carbon and Energy Strategy June 2009, the Bat Survey 29/06/2006, stamped as received by the Local Planning Authority on the 13th August 2009, the Updated Tree Survey Plan numbered 619.1A, the updated Bat Survey, the DFA2 Compliance spreadsheet, and the Crime Impact Statement, stamped as received by the Local Planning Authority on the 14th September 2009, and the additional and amended drawings numbered P(101) RevF, Figure A/RevA, Figure B/RevA, Figure C/RevA, Figure D/RevA and Figure E/RevA, stamped as received by the Local Planning Authority on the 14th October 2009.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, H1, H3, EN1, EN9, EN15, EN18, T2 and DM1 of the City Council's Core Strategy, saved Policy DC7 of the Unitary Development Plan, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance and the National Planning Policy Framework.

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 and boundary treatments 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 policies SP1, H1, H3, EN1 and DM1 of the City Council's Core Strategy, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance and the National Planning Policy Framework.

4) Notwithstanding the submitted draft landscaping plan, no development shall commence until a hard and soft landscaping treatment scheme has been 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, unless otherwise agree 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 policies SP1, H1, H3, EN1, EN9, EN15 and DM1 of the City Council's Core Strategy, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance and the National Planning Policy Framework.

5) 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 secure by design accreditation.

Reason - To reduce the risk of crime pursuant to Policy SP1 and DM1 of the Core Strategy for the City of Manchester.

6) 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. 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 SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

7) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the drawing numbered 619.1A Updated Tree Survey received on the 13th August 2009 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 EN1, EN9 and EN15 of the Core Strategy for the City of Manchester.

8) All tree work carried out during the construction of the development hereby approved should be carried out 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, pursuant to Policy EN9 of the Core Strategy for the City of Manchester.

9) No trees shall be felled, or have any works undertaken on them, during the bird nesting and bat breeding seasons (March to September inclusive), unless otherwise agreed in writing with the City Council as Local Planning Authority.

Reason - To ensure the protection of wildlife habitats in the locality, pursuant to policy EN15 of the Core Strategy for the City of Manchester and National Planning Policy Framework.

10) No excavation or other building or engineering operations shall take place and no plant, machinery, fuels or materials (including excavated material) shall be placed, deposited, stored or stacked within close proximity of any trees, shrubs and hedges located within or around the site and/or trees whose root structure may extend within the site, which are to be retained as shown on the drawing numbered 619.1A Updated Tree Survey received on the 13th August 2009. These trees shall be fenced off before any building or other operation approved by this permission is carried out within the vicinity in accordance with British Standard 5837 (1991).

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area, pursuant to Policy EN15 of the Core Strategy for the City of Manchester and National Planning Policy Framework.

11) No part of the development hereby granted permission shall be commenced unless and until a survey of the site in a form and carried out by a person previously approved in writing by the local planning authority has been carried out and demonstrates to the local planning authority's written satisfaction that no protected species inhabit the site. Should the survey reveal the presence of any protected species, a scheme for the protection of their habitat shall be submitted to and agreed in writing by the City Council as local planning authority before the development commences, and implemented in full

in accordance with the approved details and to a timetable agreed in writing by the local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Core Strategy.

12) Prior to the commencement of the development on site, a comprehensive Ecological Enhancement scheme shall be submitted to and approved in writing by the City Council as the local planning authority. The development shall then be implemented in accordance with the approved scheme, unless otherwise agreed in writing with 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.

Reason - To ensure the enhancement and protection of wildlife habitats in the locality, pursuant to policy EN15 of the Core Strategy for the City of Manchester and National Planning Policy Framework.

13) 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.

14) 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, DM1 and T2 of the Core Strategy for the City of Manchester.

15) The proposed new access road to the development hereby approved, shall be constructed in full accordance with the following:

The drawings numbered EW01 RevP2, EW02 RevP2, EW03 RevP2 and EW11 RevP1, stamped as received by the Local Planning Authority on the 13th August 2009, the email from the agent in relation to highways issues received by the Local Planning Authority on the 7th October, and the additional swept path drawings numbered P(101) RevF, Figure A/RevA, Figure B/RevA, Figure C/RevA, Figure D/RevA and Figure E/RevA, stamped as received by the Local Planning Authority on the 14th October 2009.

Reason - To ensure that the development is carried out in accordance with the approved plans and in the interests of pedestrian and highway safety, pursuant to Policies SP1, DM1 and T2 of the Core Strategy for the City of Manchester.

16) Prior to the commencement of any works associated with the construction of the new vehicular access point onto Crescent Road hereby approved, full engineering details of the new junction design including dropped kerbs, tactile paving, surface materials and white lining, shall be submitted to and 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, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - In the interests of pedestrian and highway safety pursuant to Policies SP1, DM1 and T2 of the Core Strategy for the City of Manchester.

17) A minimum 2.4m x 2.4m pedestrian visibility splay must be maintained at all the vehicular access points around the site and to the new dwellings hereby approved.

Reason - In the interests of vehicle and pedestrian safety in and around the development, pursuant to Policies SP1 and DM1 of the Core Strategy for the City of Manchester.

18) No part of the development hereby approved shall be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as the Local Planning Authority. These facilities shall then be retained and reserved for bicycle parking and shall not be used for any other purposes other than the parking of bicycles.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport, pursuant to policies T1 and DM1 of the Core Strategy for the City of Manchester.

19) Unless otherwise agreed in writing with the Local Planning Authority, prior to any of the dwellings hereby approved first being occupied the existing vehicular access from Abraham Moss to the site shall be closed and made good in accordance with a scheme to be submitted to and approved in writing by the City Council as Local Planning Authority.

Reason - In the interests of pedestrian and highway safety pursuant to Policies SP1 and DM1 of the Core Strategy for the City of Manchester.

20) 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 DM1, H1 and SP1 of the Core Strategy for the City of Manchester.

21) Notwithstanding the provisions of Article 3 of, and Class A of Part 1 of Schedule 2 to, the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), any garage accommodation as part of this development shall not be converted into living accommodation without the express written permission of the City Council as local planning authority.

Reason - The loss of garage parking space would result in an unacceptable increase in on-street parking and would thereby be detrimental to highway and pedestrian safety, pursuant to Policies DM1 and SP1 of the Core Strategy for the City of Manchester.

22) 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 garage shall be used for any purpose which would preclude its use for the parking or a motor vehicle and no development shall be undertaken that would preclude vehicular access to the garage.

Reason - The loss of garage parking space could result in an unacceptable increase in on-street parking and would thereby be detrimental to highway and pedestrian safety in order to comply with policies DM1 and SP1 of the Core Strategy for the City of Manchester.

23) The development hereby approved shall be implemented in full accordance with the Refuse Strategy outlined within Section 9.0 of the Design and Access Statement submitted to the Local Planning Authority on the 13th August 2009, 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 policy DM1 of the Core Strategy for the City of Manchester.

24) Before the development commences a scheme for acoustically insulating the residential accommodation against noise from the adjacent Abraham Moss school shall

be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Reason - To secure a reduction in noise from the adjacent school in order to protect future residents from noise nuisance, pursuant to policy DM1 of the Core Strategy for the City of Manchester.

25) The boundary treatment around the development hereby approved shall be erected in accordance with the site layout drawings numbered P(101) RevF and P(901) and the boundary treatment elevation drawing numbered P(114), received by the City Council as Local Planning Authority on the 27th October 2009, which includes the positions, locations, heights, design, materials and type of boundary treatment to be erected as part of the development. The approved scheme shall be implemented in full before the residential properties are first occupied, unless otherwise agreed in writing by the City Council as the 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 in order to comply with Policies SP1 and DM1 of the Core Strategy for the City of Manchester and the Guide to Development in Manchester Supplementary Planning Document.

26) 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, as specified in policy DM1 of the Core Strategy for the City of Manchester.

27) 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 policy DM1 of the Core Strategy for the City of Manchester.

28) The details of an emergency telephone contact number for the contractor 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.

**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.

Date: 8 January 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