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

Ryebank Homes Ltd
13 Highfield Road
Bramhall
Stockport
SK7 3BE

Agent (if used)

Mr Graham Lamb
GL Hearn
1 St James Square
Manchester
M2 6DN

Part 1 – Particulars of the application/development

Proposal: Variation of condition number 3 of planning approval reference 095815/FO/2011/N1 to allow for elevational alterations and alterations to internal access road.

Location: Land to the east of 61 Crumpsall Lane and west of the tramlink, Crumpsall Lane, Manchester, M8 5FB

Date of application: 3 May 2012

Application number: 099103/JO/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).

Reason(s) for decision

Approve on the basis that the proposal accords with policies H2.2, S2.1, I3.1,CC1 of the adopted Unitary Development Plan for the City of Manchester and policy DM1 of the emerging Core Strategy are no other material considerations to indicate otherwise.

Condition(s) attached to this decision

1) Within 2 months of the hereby approval 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 H2.2; of the Unitary Development Plan for the City of Manchester.

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:

Drawing numbers:

SK1 SW Drainage proposals date stamped as received by the local planning authority on the 16th June 2011
Drawing 654.04-P003 Rev A 1st Floor Plan date stamped as received by the local planning authority on the 2nd September 2011.

654.04-P001 Rev C Location Plan; 654.04-P004 Rev A Front and Rear Elevation; 654.04-P002 Rev A Ground Floor Plan;654.04-P005 Rev B Side elevation all date stamped as received by the local planning authority on the 3rd May 2012.

Documents:
Crime Impact Statement Prepared by GMP Design for Security date stamped as received by the local planning authority on the 26th April 2011;
Noise Assessment for Proposed Development at 61 Crumpsall Lane prepared by AVT report reference 6529/R2 date stamped as received by the local planning authority on the 22nd March 2011.
Vibration Monitoring at 61 Crumpsall Lane prepared by TEST Consult report reference No.S2734 date stamped as received by the local planning authority on the 22nd March 2011.
Delivery Management Plan prepared by Mouchel as date stamped by the local planning authority on the 13th April 2012.

Report on Trees at 63 Crumpsall Lane, prepared by Oak Leigh Consulting Ref 11.009-Report-NE.doc 05/04/2011 date stamped as received by the local planning authority on the 26th April 2011.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies H2.2 of the Unitary Development Plan for the City of Manchester.

3) 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 E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester.

4) Within two months of the date of this approval a plan indicating the positions, design, materials and type of boundary treatment, including access gates to be erected on site shall be submitted to and approved in writing by the City Council as local planning authority. The boundary treatment shall be completed before the development is first occupied. 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 H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

5) 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 S2.5 and T2.6 of the Unitary Development Plan for the City of Manchester.

6) 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 E1.3; of the Unitary Development Plan for the City of Manchester.

7) No part of the development 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 local planning authority. 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 T3.1, T3.6 and T3.7 of the Unitary Development Plan for the City of Manchester.

8) The development hereby approved shall include a building lighting scheme and a scheme for the illumination of external areas during the period between dusk and dawn, or as may be otherwise agreed in writing by the City Council as local planning authority. Full details of such a scheme shall be submitted to and approved in writing by the local planning authority before the development commences. The approved scheme shall be implemented in full before the development is first occupied unless otherwise agreed in writing by the local planning authority and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of government guidance in Planning Policy Statement 1 and Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

9) The total gross retail floorspace within the development hereby permitted shall not exceed 375sq. m and the development hereby permitted where the total net sales floorspace shall not exceed 280 sq. m

Reason - To ensure that the overall scale and nature of the retail development at this out of centre site does not lead to significant changes in retail activity which could have an unacceptable impact on nearby centres, pursuant to national and local planning policy in relation to shopping, namely policy S1.2 of the Unitary Development Plan for the City of Manchester and policy C9 of the emerging Core Strategy.

10) Within two months of this approval details of a hard and soft landscaping treatment scheme including full details of tree replacements and cross section drawings of the resident amenity space as identified on drawing reference 654.04-P001 Rev C date stamped as received by the local planning authority on the 3rd May 2012 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, 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 and protects the amenity of nearby residential properties in accordance with policies H2.2,I3.1 and E3.5 of the Unitary Development Plan for the City of Manchester and policy DM1 of the Emerging Core Strategy.

11) Within two months of the date of this approval a scheme for acoustically insulating the residential accommodation against noise from adjacent Metrolink lines, Crumpsall Lane and the ground floor retail shop 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 Metrolink lines and ground floor retail shop; in order to protect future residents from noise nuisance, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

12) The hereby approved development shall be carried out in accordance with the Waste Management Scheme contained within section 11 of the approved Design and Access statement prepared by the Cave and date stamped as received by the local planning authority on the 22nd March 2011. 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 H2.2 of the adopted Unitary Development Plan.

13) Within two months of the date of this approval details of the measures to be incorporated into the development (or phase there of) to demonstrate how secure by design accreditation will be achieved shall be 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 E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development" and The Guide to Development Supplementary Planning Document.

14) Prior to the first use of the hereby approved development the details of the opening hours for the ground floor retail premises shall be submitted to and agreed in writing by the City Council as local planning authority.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

15) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:
Monday to Fridays 0930hrs to 2000hrs
Saturdays 0730 to 2000 hrs

No deliveries/waste collections on Sundays/Bank Holidays.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

16) 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 policy H2.2 of the Manchester Unitary Development Plan.

17) Within two months of the date of this approval details shall be submitted to and approved in writing by the local planning authority a plan indicating the position, design, materials, and acoustic specifications of the boundary treatment to be erected on the western boundary of the site. The boundary treatment shall be completed before the development is first occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - In the interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

18) Within two months of the date of this approval a programme of work including detailed method statements of construction works, removal of trees, and risk assessments, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved method statements unless otherwise agreed in writing by the local planning authority.

Reason - To ensure safe methods of working are undertaken to meet the safety requirements of working adjacent to operational Metrolink lines pursuant to policy E3.5 of the Unitary Development Plan for the City of Manchester.

19) Deliveries, servicing and collections including waste collections of the ground floor retail unit shall take place in accordance with the Delivery Management Plan prepared by Mouchel as date stamped by the local planning authority on the 13th April 2012. The development shall be operated in accordance with the approved details and shall thereafter be retained unless otherwise agreed in writing by the local planning authority.

Reason - To ensure that the development is serviced in an acceptable manner in the interests of highways safety pursuant to policy E3.5 of the adopted Unitary Development Plan for the City of Manchester.

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: 9 October 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