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

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Agent (if used)

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Part 1 – Particulars of the application/development

Proposal: Variation of condition no. 2, 11 & 16 attached to planning application 093756/VO/2010/N2 to retain alleyway at original width and enable re-configuration of units 2-5 including garden areas.

Location: Plot 5 , Land Off Clowes Street, West Gorton, Manchester, M12 5EE

Date of application: 21 October 2011

Application number: 097647/JO/2011/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 the City Council's Unitary Development Plan (in particular Policies AB1, R1, H1.2, H2.1, H2.2, H2.7, E1.5, E1.6, E2.6, E3.5, T2.4, T2.6, T3.1, T3.7, DC7 and DC16) and with other material considerations of material weight (in particular the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Planning Policy Statement 1 (PPS1), Planning Policy Statement 3 (PPS3), and there are no material considerations of sufficient weight to indicate otherwise, in that the development would provide high quality affordable accommodation at this site, the scheme is a good quality design 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 : SSL:13289A:200:1:2topographical plan sheet 1 , SSL:13289A:200:2:2 topographical plan sheet 2 , C15163/503 - storm drainage, C15163/505 - surface and foul drainage, 10-019 Typical house sections 10-019 190, Statement of Community Consultation, Clowes Street Tree Survey Report, stamped as received on 16th July 2010;
10-019 120 rev.C, 10-019-121 rev.C, 10-019-122 rev.C , 10-019-123 rev.C, 10-019-124 rev.C, 10-019 125 rev.C, 10-019-126 rev.C, 10-019-127 rev.C, 10-019-128 rev.C, 10-019-129 rev. C,10-019-130 rev.C, 10-019 131 rev.C, 10-019 132 rev.C, 10-019 133 rev.C , 10-019 134 rev.C, , 10-019 135 rev.B, 10-019 136, 10-019 137 , 10-019 138 , 10-019 139, 10-019 140 rev.C, 10-019 141 rev.C 10-019 142 rev.C, 10-019 143 rev.C , 10-019 150 rev.C, 10-019 151 rev.C, 10-019 152 rev.C, 10-019 153 rev.D, 10-019 154 rev.C, 10-019 155 rev.C, 10-019 156 rev.C, 10-019 157 rev.C, 10-019 158 rev.C, 10-019 159 rev.C, 10-019 161 rev.B, 10-019-162 rev.B, 10-019 163 rev.B, 10-019 164 ,rev.B, 10-019-165 rev.B, 10-019-166 rev.B , stamped as received on 9th September 2010;

10-019 195 cycle shed and air sources Heat Pump, Tusk cycle storage stamped as received on 3rd August 2010;

10-019 145 rev.C 10-019 146 rev.C, , stamped as received on 10th September 2010;

Letter dated 15th September 2010; E-mail received 21st September 2010;

10-019 106 rev.A typical boundary treatments(notwithstanding the treatment of the railings), 10-019 107(notwithstanding the palisade fencing to the north eastern boundary) , 10-019-170 rev.A and 10-019 171 rev.A (as amended by 10-019 106 rev.A) stamped as received on 29th September 2010;

As amended by E-mail received 11th October 2010;

Crime Impact Statement (ref: 2010/0553/CIS/01) , Environmental Air Quality Survey Report GA09743-West Gorton BSP 170510, TPM 1154.03 - Tree Survey report (May 2010), Gorton Ecological Walkover Report (May 2010), Design and Access Statement (July 2010), Code for Sustainable Homes Pre-Assessment, stamped as received on 21st October 2011

Flood Risk Assessment ref: KM/C15163 dated 14th July 2010, Desk top Study ref: GL/C15163 dated 5th May 2010, Noise Assessment -JW222/ 10129, Transport

Assessment (May 2010), Residential Travel Plan (May 2010), Code for Sustainable Homes Pre-Assessment, stamped as received on 25th October 2011

As amended by
11-034 100 site edged red ,TPM plan ref: 1154 20 and 1154 21rev.C stamped as received on 21st October 2011;
and 11-034-200 rev.A received by e-mail 7th December 2011,

unless otherwise agreed in writing with the City Council as Local Planning Authority

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2; of the Manchester Unitary Development Plan

3) The development hereby approved shall be implemented in full accordance with the Waste Management Strategy outlined within the Design and Access Statement dated July 2010, 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 H2.2 of the adopted UDP.

4) Prior to the first occupation of the development hereby approved, a detailed Travel Plan, including particulars of its implementation and monitoring, shall be submitted to and approved by the City Council as the Local Planning Authority. The Travel Plan shall then be implemented and reviewed in accordance with those approved details unless otherwise agreed in writing by the City Council as the Local Planning Authority.

Reason - In accordance with the provisions contained within Planning Policy Guidance 13.

5) Within 3 months of the commencement of any works on site, full details of biodiversity enhancement measures for the site including a timescale for implementation should be submitted to and be agreed in writing by the Council. These measures should then be implemented as agreed, unless otherwise agreed with the City Council as Local Planning Authority

Reason -To ensure the protection of wildlife habitats in the locality , pursuant to policy E2.4 of the Unitary Development Plan for the City of Manchester, and to comply with the requirement in PPS9 for biodiversity enhancements within development sites.

6) The submitted Preliminary Risk Assessment has identified some risks associated with the historical use of the site and the surroundings.
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 policy H2.2 of the Unitary Development Plan for the City of Manchester.

7) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on TPM plan ref: 1154 20 and 1154 21, shall be implemented not later than 12 months from the date of commencement of works, unless otherwise agreed in writing by the City Council as local planning authority. 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 policies, AB1, R1, H1.2, H2.1, H2.2, H2.7, E1.5, E1.6, E2.6, E3.5 and DC16 of the Unitary Development Plan for the City of Manchester, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Planning Policy Statement 1 (PPS1), Planning Policy Statement 3 (PPS3).

8) Prior to the implementation of the landscaping shown on TPM plan ref: 1154 20 and 1154 21 a maintenance regime in respect of the apartment development ; the landscaped strip at rear of Hyde Road and two triangular sites in the north east of the site near Clowes Street ,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 approved maintenance scheme, 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 policies, AB1, R1, H1.2, H2.1, H2.2, H2.7, E1.5, E1.6, E2.6, E3.5 and DC16 of the Unitary Development Plan for the City of Manchester, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Planning Policy Statement 1 (PPS1), Planning Policy Statement 3 (PPS3).

9) 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 E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

10) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least four star sustainability rating under the code for sustainable homes for those elements of the development which are residential in nature, unless otherwise agreed with the City Council as Local Planning Authority. 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, policies ER13 and DP3 of Regional Planning Guidance for the North West (RPG13) and the principles contained within The Guide to Development in Manchester 2 SPD and Planning Policy Statement 1.

11) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the buildings 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 H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester.

12) Prior to the installation of the gates to the car park shown on plan ref: 10-019 106 rev. A and 10-019 107. Full detailed specifications of the method of gate control (closure and locking mechanisms) shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed, unless otherwise agreed with the City Council as Local Planning Authority

Reason - In the interests of vehicle and pedestrian safety in and around the development, pursuant to Policies H2.2, E3.5 and T3.1 of the Unitary Development Plan for the City of Manchester.

13) A minimum 2.4m x 2.4m pedestrian visibility splay must be maintained at the vehicular access point to the apartment development.

Reason - In the interests of vehicle and pedestrian safety in and around the development, pursuant to Policies H2.2, E3.5 and T3.1 of the Unitary Development Plan for the City of Manchester.

14)) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree along the eastern boundary 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 2.4 and 2.6 of the Unitary Development Plan for the City of Manchester.

15) 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 other structures; shall be erected other than those expressly authorised by this permission in respect of Unit nos. 1,2,3,4,5, 15, 20, 21, 22, 23, 24,and 25.

Reason - To prevent detrimental impact on the amenity and living conditions of nearby residents and in the interests of local amenity in order to comply with Policy H2.2 of the Unitary Development Plan for the City of Manchester.

16) The windows in the secondary bedroom windows in the side gable elevations to Unit nos. units 2,4, 10 (western elevation),11,13, 14,16,17,20,21, and 22, shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent ; shall be non- opening ,and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with Policy H2.2 of the 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: 14 December 2011

Signed: 

Julie Roscoe

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