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

Mr Kevin Pearson
Gemstone Land and New Homes Ltd
Sanctuary View
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Alkrington
Middleton
Manchester
M24 1NE

Agent (if used)

Mr Andrew Lockyer
Kirkman Architects
39 Ellesmere Road
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Part 1 – Particulars of the application/development

Proposal: Variation of Condition Application to vary condition 2 (specified plans) and condition 18 (glazing) of Planning Approval 097488/FO/2011/N1 to allow for the repositioning of windows to be clear glazed

Location: Land Off Crescent Road At Junction With Charminster Drive, Crumpsall

Date of application: 29 August 2012

Application number: 100213/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

On the basis that the proposal is, subject to compliance with the conditions below, generally in accordance with the policies contained within the National Planning Policy Framework, in particular sections Policy 1(Building a strong, competitive economy by securing economic growth in order to create jobs and prosperity) by creating jobs in the construction, commercial and retail sectors within Crumpsall ; Policy 6 (Delivering a wide choice of high quality homes by delivering a wide range of high quality homes) by the development providing a range of quality residential accommodation; Policy 7: (Requiring good design by contributing to sustainable development and making places better for people sustainability criteria through) by controlling the quantum of development and the Code Level 3 requirement;
and Core Strategy policies -Policy SP1 (Spatial Principles)by making a positive contribution to the neighbourhood, Policy H1(Overall Housing Provision) and Policy H2 (Strategic Housing Location) by being located within an area identified as being a strategic location for new housing; Policy H8 (Affordable Housing) by seeking to deliver

affordable housing by provision to a registered housing Policy EN14 (Flood Risk) by mitigation measures to reduce the risk from flooding to future occupiers; Policy DM1 (Development Management) by according with the design principles in the policy in terms of access;
and saved Unitary Development Plan Policies Policy DC7 by the provision of housing which is accessible , and Policy DC16 by retaining exiting trees wherever possible; and there are no material considerations of sufficient weight to indicate otherwise.

Condition(s) attached to this decision

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority :
1372 -E01 (existing site survey), 1372-P02 Street scenes and site section, 1372- P03 House type A, 1372-P04- House type B, 1372-P05- House type D,
1372-P06 House type C, 1372/FUI- Design and Access Statement (notwithstanding boundary treatment shown on Streetscenes), Tree Survey Schedule , Crime Impact Statement Version A (dated 16/09/11) , Planning Statement (ref: PS1-8460-RG-jc June 2011), Phase 1 & Phase 2 Site Investigation Report ref: 1355/01 December 2010, stamped as received on 30th September 2011;

Tree Survey location plan ref: CW/6065-P1 received by e-mail on 2nd November 2011;
Plan ref: 1372 - E02 rev.B received by e-mail on 16th November 2011;
Plan ref: 1390 P01 rev.B received by e-mail on 25th November 2011;

Phase 1 & Phase 2 Site Investigation Report ref: 1355/02 issue 2 December 2011 received by e-mail on 7th December 2011;

And 1372 - P07 rev.A Typical boundary treatment, and 1372- P08 extent of boundary treatment to eastern boundary received by e-mail on 14th December 2011

As amended by plan ref: 1398-(C) D002 rev.E and 1398-(C) D007 rev.E received by e-mail dated 24th September 2012;

and 1398 - (C) SP004 rev.B unit setting out plan received by e-mail dated 27th September 2012;

and 1398-(C) A002 rev.H , 1398-(C) A007 rev.D, 1398-(C) B002 rev.J , 1398-(C) B007 rev.D, 1398-(C) C002 rev.H, 1398- (C) C007 rev.D received by e-mail dated 23rd October 2012, and contents of e-maildated 23rd October 2012.

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

3) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policies SP1 and DM1 of the Core Strategy for Manchester.

4) No trees shall be felled, or have any works undertaken on them, during the bird nesting season (March to July inclusive).

Reason - To ensure the protection of wildlife habitats in the locality , pursuant to policy EN15 of the Core Strategy for Manchester.

5) No surface water from this development is discharged either directly of indirectly to the combined sewer network, and the site must be drained on a separate system, with only foul drainage connected into the foul sewer.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies EN14 and DM1 of the Core Strategy for 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 policies EN18 and DM1 of the Core Strategy for Manchester.

7) 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.

Reason - To ensure that a satisfactory landscaping scheme for each Phase of the development is carried out, that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy for Manchester.

8) 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 policies SP1 and DM1 of the Core Strategy for Manchester and to reflect the guidance in the National Planning Policy Framework.

9) 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 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 SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy, policies ER13 and DP3 of Regional Spatial Strategy for the North West (RSS13) and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

10) 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 car parking for the development proposed when the buildings are occupied, pursuant to saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy for Manchester.

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 - To ensure that the proposed development does not cause unacceptable amounts of dust in the vicinity and to ensure that local roads are kept clear of mud, pursuant to policies SP1 and DM1 of the Core Strategy for Manchester.

12) 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 for Manchester.

13) No development shall take place until further detailed designs of carriageway widths and radii , kerb heights, and the design of tactile paving to crossing points, have been 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.

Reason - In the interests of pedestrian and highway safety, pursuant to policy T1 of the Core Strategy for Manchester.

14) In this condition "retained tree" means an existing tree (including street trees), which 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 to 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 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 Plot nos. 1,2, 11,12, 19,20,21,22,25,26,27 and 28.

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 policies SP1 and DM1 of the Core Strategy .

16) The windows in the secondary bedroom windows in the side gable elevations to all plots, 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 policies SP1 and DM1 of the Core Strategy .

17) Notwithstanding the information shown on plan ref: 1372-P01 rev.B, prior to the commencement of development, finalised locations , elevational details and colouration of the boundary treatments (including the installation of gates to driveways) to be erected (based on plan refs: 1372-P07 rev.A and 1372-P08) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

The approved scheme shall be implemented in full before the residential properties are first occupied and retained as such thereafter, 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 saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy for Manchester.

18) Details of a Travel Plan with the objective of reducing car borne journeys; and including particulars of its implementation and monitoring of effectiveness and how measures to improve effectiveness shall be implemented shall be submitted to and approved in writing by the City Council as local planning authority prior to occupation of each phase of dwellings or commercial premises; For so long as the use is in operation

the local planning authority shall be provided with such information as specified in the Travel Plan and all measures that are identified that can improve the effectiveness of the Travel Plan shall be adopted and implemented within a timescale agreed in writing by the local planning authority.

Reason - To assist promoting the use of sustainable forms of travel pursuant to policies SP1, T2 and DM1 of the Core Strategy for 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: 25 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