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 Permission

Applicant

Mr Andrew Brown
TfGM
2 Piccadilly Place
Manchester
M1 3BG

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Construction of a Metrolink station, comprising the construction of two platforms, pedestrian track crossing, stop equipment room, shelters, seating, information facilities, fencing, cycle storage, lighting, and associated equipment and hard and soft landscaping.

Location: Queens Road, Cheetham, Manchester, M8 0RX

Date of application: 19 December 2012

Application number: 101220/FO/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

Approval on the basis the proposal is acceptable in terms of the adopted Core Strategy for the City of Manchester, specifically in relation to policies SP1, DM1, EC4, T1, T3, EN15 and EN18, and the saved policies T1.8 and CC4 from the Unitary Development Plan and the principles outlined within the Guide to Development in Manchester Supplementary Planning Document and Planning and the National Planning Policy Framework, as the scheme enhances the existing Metrolink service to continue to provide a sustainable, high quality, integrated transport system to encourage modal shift away from car travel to public transport, cycling and walking, to support the needs of residents and businesses and to prepare for carbon free modes of transport, is

acceptable in terms of design, siting and appearance in this location, the proposals would respect its setting, creates no significant visual or residential amenity within the character of the street scene, 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:

The application form, the Design and Access Statement, the drawings numbered L-100-09/P04, L-100-010/P05, L-100-015/P01, L-100-014/P04, L-100-013/P04, L-100-012/P05, L-100-011/P04, MPT3A-ALO-00-LDG-604/Q02, MPT3A-ALO-00-LDG-603/Q03, MPT3B-ALO-00-LDG-601/D01, MPT3B-ALO-00-LDG-600/D01, MPT3A/P01, MPT3A-ALO-00-LDG-602/Q01, the mesh fencing specification sheet (358), the Reptile Survey and Bat Habitat Assessment Report dated November 2012, the Schindler Ltd Specification document UKC260219/Rev04, the Rapid Ecological Risk Assessment dated August 2010 and the Tree Survey Report Version 1.0 dated September 2012, stamped as received by the Local Planning Authority on the 19th December 2012.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, DM1, EC4, T1, T3, EN15 and EN18 of the Core Strategy, saved policies T1.8 and CC4 of the Unitary Development Plan for the City of Manchester and the principles outlined within the Guide to Development in Manchester Supplementary Planning Document and Planning and the National Planning Policy Framework.

3) The development that is hereby approved shall be constructed using the specifications of materials listed within the application form, the Design and Access Statement and as shown on the approved drawings numbered L-100-010/P05, L-100-013/P04, L-100-011/P04, MPT3A-ALO-00-LDG-604/Q02, MPT3A-ALO-00-LDG-603/Q03, MPT3B-ALO-00-LDG-601/D01, MPT3B-ALO-00-LDG-600/D01, MPT3A/P01, MPT3A-ALO-00-LDG-602/Q01. The development shall be constructed only using the approved materials.

The samples and specifications of any other materials to be used on the external elevations of the development should be submitted to and approved in writing by the City Council as local planning authority prior to the commencement of the development. The development shall then be constructed only using the approved materials.

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. Pursuant to policies SP1 and DM1 of the Core Strategy, saved policy CC4 of the Unitary Development Plan for the City of Manchester and the principles outlined within the Guide to Development in Manchester Supplementary Planning Document and Planning and the National Planning Policy Framework.

4) If the development hereby approved shall include a lighting scheme and/or a CCTV system around the site, full details of such a scheme shall be submitted to and approved in writing by the local planning authority before the development hereby approved is first operational. The approved scheme shall then be implemented in full before the development is occupied unless otherwise agreed in writing by the local planning authority and shall remain in operation for so long as the development is occupied. If when the lighting units are illuminated they cause undue glare or light spillage to the detriment of any nearby residential properties, baffles and/or cut-offs shall be installed on the units and adjustments shall be made to the angle of the lighting units and the direction of illumination, which shall thereafter be retained in accordance with details which have received the prior written approval of the Local Planning Authority.

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 Policy DM1 of the Core Strategy for the City of Manchester.

5) Before first operation of the development hereby approved, externally mounted ancillary plant, equipment and servicing, which includes any tannoy systems and the emergency phones shall be acoustically treated 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 site.

Reason - In the interests of the amenities of the occupiers of nearby properties in order to comply with Policy DM1 of the Core Strategy for the City of Manchester.

6) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on the drawings numbered L-100-010/P05 and L-100-014/P04 received on the 19th December 2012, shall be commenced within three months of the completion of construction works on site, and shall be finally completed in accordance with a timescale to be agreed in writing with 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.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area. Pursuant to policies SP1, DM1 and EN15 of the Core Strategy and the principles outlined within the Guide to Development in Manchester Supplementary Planning Document and Planning 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 L-100-014/P04 'Planting Plan' 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 EN9 and EN15 of the Core Strategy.

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 Policies EN9 and EN15 of the Core Strategy.

9) No clearance of vegetation or trees from the site should be carried out in the bird nesting season (March to July inclusive). If clearance during the nesting season is unavoidable then a survey for nesting birds must be undertaken prior to work commencing and submitted to and approved in writing by the City Council as local planning authority. If nesting birds are found by the survey and are likely to be disturbed by clearance works then clearance should be delayed until after the young have fledged.

Reason - The site supports habitats suitable for use by nesting birds, which are protected by the Wildlife and Countryside Act 1981, and pursuant to Policy EN15 of the Core Strategy.

10) 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.

11) The development hereby approved shall be completed in accordance with the full details of the positions, design, materials and type of hard and soft boundary treatment to be erected around the site, as shown on the mesh fencing specification sheet (358) and the drawings numbered L-100-010/P05, L-100-015/P01, L-100-013/P04, L-100-012/P05, L-100-011/P04, MPT3A-ALO-00-LDG-604/Q02, MPT3A-ALO-00-LDG-603/Q03, MPT3B-ALO-00-LDG-601/D01, MPT3B-ALO-00-LDG-600/D01, MPT3A-ALO-00-LDG-602/Q01, stamped as received by the Local Planning Authority on the 19th December 2012. The boundary treatment shall be completed 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 SP1 and DM1 of the Core Strategy and the principles outlined within the Guide to Development in Manchester Supplementary Planning Document and Planning and the National Planning Policy Framework.

12) Prior to commencement of any phase of development, full details of a scheme for the management, destruction and /or disposal of Japanese knotweed or any other invasive weed species, to be carried out by the developer, shall be submitted to and approved in writing by the City Council as Local Planning Authority. This plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to and approved in writing by the City Council as the Local Planning Authority in order to ensure that the agreed scheme is still applicable.

Reason - To prevent the spread of Japanese Knotweed which has been found on part of the site in accordance with the Wildlife and Countryside Act 1981.

13) The development hereby granted permission shall be completed in strict accordance with the Reptile Survey and Bat Habitat Assessment Report completed by Aecom and the Rapid Ecological Risk Assessment completed by Capita Symonds submitted to the Local Planning Authority on the 19th December 2012. Should any

further trees be identified for felling/works then a survey of these trees 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.

14) Prior to the installation of any temporary construction or permanent lighting at the site, a scheme for the protection of commuting and foraging bats shall be submitted to and approved in writing by the City Council as the Local Planning Authority. The development shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

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.

15) The development hereby approved shall not be operational until details of any necessary off-site highways works including any necessary traffic regulation orders on Smeaton Street have been approved in writing by the City Council as local planning authority. The development shall not be occupied until the works have been constructed in accordance with the approved details.

Reason - In the interests of highway safety pursuant to Policies SP1, DM1, T1 and T3 of the Core Strategy, saved policies T1.8 and CC4 of the Unitary Development Plan for the City of Manchester and the principles outlined within the Guide to Development in Manchester Supplementary Planning Document and Planning and the National Planning Policy Framework.

16) Prior to the commencement of the development hereby approved, a pre-construction parking survey shall be completed within the surrounding residential area followed by a post operational parking survey within one calendar month of the opening of the Queens Road Tram Stop. Depending on the outcome of these surveys, a scheme shall be then prepared and implemented for the mitigation of the effects of commuter parking associated with the Stop that could initially take the form of Traffic Regulation Orders and/or a Residents Parking Scheme. After a period of 2 years, the parking surveys and the possible implemented scheme shall be reviewed for effectiveness at mitigating the effects of Metrolink commuter parking and modifications and additions shall be made where necessary in accordance with a scheme to be submitted to and approved in writing with the Local Planning Authority.

Reason - In order to facilitate the development, protect residential amenity and secure satisfactory disabled access and in the interests of local amenity pursuant to policies SP1, DM1, T1 and T3 of the Core Strategy, saved policies T1.8 and CC4 of the Unitary Development Plan for the City of Manchester and the principles outlined within the Guide to Development in Manchester Supplementary Planning Document and Planning and the National Planning Policy Framework.

17) 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 secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

18) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the operation of the development hereby approved. The car park shall then be made available at all times whilst the site is operational.

Reason - To ensure that there is adequate parking for the development proposed when the development is operational in order to comply with Policies DM1 of the Core Strategy.

19) No part of the development shall be operational until space and facilities for bicycle parking have been provided in accordance with details shown on the drawing numbered L-100-010/P05, submitted on the 19th December 2012. 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 T1 of the Core Strategy.

20) This permission does not relate to or give consent for any advertisements/signs. Prior to the operation of the development hereby approved, a fully detailed Signage Strategy should be submitted to and approved in writing by the City Council as the Local Planning Authority.

Reason - For the avoidance of doubt and in the interests of visual amenity, pursuant to policies SP1 and DM1 of the Core Strategy.

21) The details of a 24 hour emergency telephone contact number for the site contractor shall be displayed in a publicly accessible location on the site and shall remain so displayed during the construction period.

Reason - In the interests of local amenity, pursuant to policy DM1 of the Core Strategy.

22) All vehicles entering and leaving the site during the construction period are to pass through a wheel wash. Details of the wheel wash shall be submitted to and approved in writing by the City Council as local planning authority prior to the development of each phase commencing. The wheel wash shall be retained on site during the construction period, and shall be positioned to allow use throughout each phase of construction; the locations of the wheel wash shall be submitted to and approved in writing by the City Council prior to being implemented.

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.

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.

A reptile survey was undertaken (AECOM Limited) in October 2012 and as stated in the report the conditions and timing of the survey were not optimal. No reptiles were recorded during the survey; however a total absence of reptiles from the site could not be discounted due to the sub-optimal conditions. GMEU would therefore advise a precautionary approach with regard to the possible presence of reptiles. GMEU would also advise that stage strimming of the vegetation to 10-15 cm in height prior to strimming to the ground, should be undertaken prior to site clearance in order to encourage any reptiles, if present, to vacate the area.

Although badger signs were not identified on site, this species is known to make it's setts in railway embankments. The developer should therefore be aware that the badger is a transient species and construction contractors should be aware of potential field signs of the species. If at any stage during construction it becomes apparent that badgers are using the site, expert advice should be sought immediately from Natural England's local office and/or an appropriately qualified ecological consultant.

If the development is to involve noisy construction works for a prolonged period the applicant is requested to contact Environmental Health (Public Protection Team) to discuss the nature of the construction phase. The reasoning behind this is to establish a site contact and discuss appropriate working times etc.
Contact: Manchester City Council, Environmental Health, Hammerstone Road, Gorton, Manchester, M18 8EQ Tel: 0161 234 5004, email: EnvHealth@ manchester.gov.uk

The applicant's attention is drawn to the need to contact Environmental Health (Public Protection Team) where any noise related conditions have been attached to this Planning Approval, in order to discuss specific and technical requirements.
Contact: Manchester City Council, Environmental Health, Hammerstone Road, Gorton, Manchester, M18 8EQ, Tel: 0161 234 5004, E-mail: EnvHealth@ manchester.gov.uk

Date: 27 February 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