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

Gleeson Homes And Regeneration
6 Europa Court
Sheffield Business Park
Sheffield
S9 1XE

Agent (if used)

Mrs Sarah Worthington
Peacock and Smith
Site 9C Josephs Well
Hanover Walk
Leeds
West Yorkshire
LS3 1AB

Part 1 – Particulars of the application/development

Proposal: Variation of Condition 8 of planning approval 095667/FO/2011/N2 to revise proposed front boundary treatment.

Location: Grey Mare Lane, Bradford, Manchester, M11 3BA

Date of application: 9 May 2012

Application number: 099234/JO/2012/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 proposals are in accordance with policies SP1, EN1 and DM1 of the Core Strategy Development Plan Document and guidance contained in the National Planning Policy Framework in that the development would positively contribute to the local environment through the quality of its design; and provide a sustainable development which would be beneficial to the broader community thereby promoting the continuing regeneration of the locality, 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) 2) The development hereby approved relates to the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority.

Drawings numbered 2893.07, 2893.08, 0270/PL-10, 0270/PL-11, 0270/PL-20, 0270/PL-21, 0270/PL-22, 0270/PL-23, 0270/PL-24, 0270/PL-26, 0270/PL-27, 0270/PL-28, 0270/PL-29, 0270/PL-30, 0270/PL-31,0270/PL-32, 0270/PL-33, 0270/PL-40, 0270/PL-41, 0270/PL-42,
Bat Survey dated September 2007
Phase 1 Habitat Survey _ Protected Species Risk assessment dated September 2007 update
Tree Survey report dated October 2007
Crime Impact Statement dated 25 June 2010
Code for Sustainable Homes Pre-Assessment Report dated November 2010.
Design and Access Statement dated February 2011
Renewable Energy Report dated March 2011
Flood Risk Assessment dated 25 May 2011
Acoustic report dated 13 June 2011

All stamped as received by the City Council, as Local Planning Authority, on 7 March 2011.

Drawings numbered 0270/PL-05 rev C, 0270/PL-06 rev C, 0270/PL-07 rev C, 0270/PL-08 rev C, stamped as received by the City Council, as Local Planning Authority, on 16 June 2011

Drawings numbered C-02 rev A and 0270/PL-44 rev A, stamped as received by the City Council, as Local Planning Authority, on 5 July 2011

Drawings numbered 0270/SK-250 and 0270/PL-25 rev B, stamped as received by the City Council, as Local Planning Authority, on 7 September 2011

Drawings numbered 90974/1001, 90974/1002, 90974/2012A, 90974/2014A and 90974/2015A, stamped as received by the City Council, as Local Planning Authority, on 8 December 2011.

As amended by drawings numbered PL222 rev A, SD107 and 0220/D/PL-16 stamped as received by the City Council, as Local Planning Authority on 30 April 2012, drawings numbered SD107/3 and SD107/5 stamped as received by the City Council, as Local Planning Authority on 9 May 2012 and the emails from Sarah Worthington dated 19 and 27 June 2012.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1, DM1, and EN1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework.

3) The development shall be constructed only using the approved materials indicated on drawings numbered 4009/MAT-1 and 4009/MAT-2, stamped as received by the City Council, as Local Planning Authority, on 8 December 2011, 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, pursuant to policies SP1, DM1, and EN1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework.

4) The development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report:
- Implementation Plan, Phase 2, Bell Crescent, Beswick for Gleeson, Developments Limited, Issue 1, Eastwood and Partners Consulting Engineers, Reference:33062-22, dated: September 2011.
- Letter report: Gleeson Developments Ltd, Phase 2 Bell Crescent, Beswick, Application 095667, Reference: JMW/KE/33062-23, dated 30 September 2011.

No occupation of the development shall take place until the completion/verification report is submitted to and approved 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 SP1 and DM1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework.

5) The dwelling(s) shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that at least Code Level 3 has been achieved.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework and The Guide to Development in Manchester Supplementary Planning Guidance and Document.

6) 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, EN1 and DM1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework.

7) Unless otherwise agreed in writing with the City Council, as Local Planning Authority, before the development commences the residential accommodation shall include acoustic glazing and acoustically treated ventilation in accordance with an acoustic attenuation scheme to be submitted to and approved in writing by the City Council as local planning authority. The acoustic attenuation scheme approved shall be implemented in full before use of any residential premises commences.

The approved noise insulation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data must include measurements taken during early morning rush-hour periods and night time to determine the appropriate sound insulation measures necessary. The internal noise criterion are as follows:

- Bedrooms (night time 23.00-7.00) 30 dB LAeq
- Individual noise events should not normally exceed 45 dB LAmax (BS 8233:1999)
- Living Rooms (daytime 07.00-23.00) 40 DB LAeq

Reason - To secure a reduction in noise from surrounding uses, and traffic sources, in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework.

8) The boundary treatment indicated on drawings numbered PL222 rev A, SD107 and 0220/D/PL-16 stamped as received by the City Council, as Local Planning Authority on 30 April 2012, shall be completed before any of the approved housing units are occupied. Development shall be carried out in accordance with the approved details and drawings numbered SD107/3 and SD107/5 stamped as received by the City Council, as Local Planning Authority on 9 May 2012, and shall thereafter be retained, with all hedges, indicated on these approved drawings, thereafter maintained at a height no greater than 900mm above ground level, unless otherwise agreed in writing with 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, and in the interests of highway safety, pursuant to policies SP1, DM1, and EN1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework.

9) Prior to the occupation of the hereby approved development details of an amended Residential Travel Plan with the objective of reducing the dependency on the private car by future occupiers of the site and including particulars of its implementation and monitoring of its 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 and shall thereafter be operated.

Reason - In accordance with the provisions contained within policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any order

revoking and re-enacting that Order with or without modification) no part of any dwelling shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the exceptional circumstances of a proliferation of HMOs restricting housing choice and adversely affecting sustainability and in the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies SP1, DM1, and EN1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework and policy 7.4 Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance.

11) The development shall be implemented in accordance with the approved document `WA Fairhurst Drainage Report and Calculations (Ref: 90794, 13 February 2012)'.

Reason

To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system, pursuant to policies SP1, DM1, and EN14 of Manchester's Core Strategy Development Plan Document, and principles contained in the National Planning Policy Framework

12) 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 outlined in your letter of 5 December 2011, which should take place throughout the development of this site.

Reason - In the interest of pedestrian and highway safety, pursuant to policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework

13) All contractors vehicles entering and leaving the site during the construction period shall be properly sheeted.

Reason - To ensure that the proposed development is not prejudicial or a nuisance to adjacent dwellings, and in the interests of public health and amenity, pursuant to policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework

14) The hard and soft landscaping treatment scheme indicated on drawings numbered 0270/PL-05 rev C, 0270/PL-06 rev C, 0270/PL-07 rev C, 0270/PL-08 rev C, stamped as received by the City Council, as Local Planning Authority, on 16 June 2011, 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, pursuant to policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework

15) Unless otherwise agreed in writing with the City Council, as Local Planning Authority, the development of the site shall only be carried out in accordance with the recommendations of the Bat Survey, dated September 2007, and stamped as received by the City Council, as Local Planning Authority, on 7th March 2011.

Reason

To ensure the protection of habitats of bats which are a protected species under the Wildlife and Countryside Act 1981 and pursuant to policies SP1. EN15 and DM1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework

16) Prior to the felling of any tree a detailed inspection of the tree shall be undertaken by a bat consultant, and shall be carried out at a time to be agreed in writing with the City Council, as Local Planning Authority. If bats are found to inhabit ant tree, no felling of such tree(s) should commence until a scheme for the conservation of this species has been agreed with the City Council, as Local Planning Authority and Natural England.

Reason

To ensure the protection of habitats of bats which are a protected species under the Wildlife and Countryside Act 1981 and pursuant to policies SP1. EN15 and DM1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework

17) No clearance of any vegetation, shall be carried out during the optimal period for bird nesting (March to July inclusive), unless nesting birds have been shown to be absent in accordance with details which have been submitted to, and approved in writing by, the City Council, as Local Planning Authority.

Reason - To provide and ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended pursuant to policies SP1. EN15 and DM1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework

18) 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 SP1. EN9 and DM1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework

19) Notwithstanding the provisions of Article 3 of Part 1 of Schedule 2 or as subsequently amended to, the Town and Country Planning General Development Order 1995 (as amended), no garages, outbuildings or extensions shall be erected other than those expressly authorised by this permission.

Reason

To ensure that the density of the development is not further increased by extensions and outbuildings and that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, pursuant to policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework.

20) 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 unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity pursuant to policies SP1 and DM1 of Manchester's Core Strategy Development Plan Document and principles contained in the National Planning Policy Framework.

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 August 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