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

Mrs Lydia Morrison
Manchester City Council
Corporate Property
P O Box 532
One First Street
Manchester
M15 4FN

Agent (if used)

Miss Rebecca Twigg
Manchester City Council
Neighbourhood Services
1 Hammerstone Road
Gorton
Manchester
M18 8EQ

Part 1 – Particulars of the application/development

Proposal: CITY COUNCIL DEVELOPMENT Remediation, reprofiling and landscaping of land adjacent to Harpurhey reservoirs

Location: Land Adjacent To Harpurhey Reservoirs, Harpurhey Road, Harpurhey, Manchester,

Date of application: 30 July 2012

Application number: 100053/VO/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 policy 11and Core Strategy policies - Policy SO6 (Environment) by improving land quality and helping to facilitate improvements in water quality, Policy SP1 (Spatial Principles) by improving the safety of the site for local residents, Policy EN1 (Design Principles and Strategic Character Areas)and Policy EN9 (Green Infrastructure Policy) by improving the condition of the existing green infrastructure in the Irk Valley, EN10 (Safeguarding Open Space, Sport and Recreation Facilities) by removing the risk to human health thereby improving the quality of the existing open space, Policy EN14 (Flood Risk), Policy EN15 (Biodiversity and Geological Conservation), Policy EN17 (Water Quality) by aiding the improvement of the water quality of the adjacent reservoirs, Policy EN18 (Contaminated Land and Ground Stability) by delivering remediation of the site, Policy DM1 (Development Management) by according with the design principles in the policy; and saved Unitary

Development Plan Policies E3.4 and HC 5; 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 :

Harpurhey Tip Site Outline Design and Remediation Strategy (by AMEC Environment & Infrastructure UK Limited dated June 2012),
Supporting information ref.PP-02039185, stamped as received 26th July 2012;
Extent of remediation works plan received by e-mail dated 8th August 2012

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, pursuant to policies SP1 and DM1 of the Core Strategy for Manchester.

3) a)Before the works hereby approved commence, a report outlining what measures are required to remediate the land (the Remediation Strategy) shall be submitted to and approved in writing by the City Council as Local Planning authority.

b)When the approved works commence the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion / Verification Report shall be submitted to approved in writing by the City Council as Local Planning Authority.

Reason - To ensure that the presence of or the potential for any contaminated land and/or ground water is detected an appropriate remedial action is taken in the interests of public safety, pursuant to policy EN18 of the Core Strategy.

4) Within one month of the development commencing a location plan showing the exact position, design , materials and type of boundary fencing to be reinstated and on the site shall be submitted to and approved in writing by the City Council as local panning authority. The fencing shall be completed before the site is accessible to the public. Development shall be carried out in accordance with the approved plans and shall be retained thereafter.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interest of 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 polices SP1 and DM1 of the Core Strategy

5) Within one month of the development commencing a location plan showing the exact position, design , materials of the track to be reinstated and on the site shall be submitted to and approved in writing by the City Council as local panning authority. The fencing shall be completed before the site is accessible to the public. Development shall be carried out in accordance with the approved plans and shall be retained thereafter.

Reason -To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interest of visual amenity of the area within which the site is located in order to comply with polices SP1 and DM1 of the Core Strategy.

6) 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 restoration of the site is undertaken in such a way as to ensure that the overall ecological value of the site can be maintained and/or enhanced, pursuant to policy EN15 of the Core Strategy for Manchester.

7) No trees shall be felled, or have any works undertaken on them, during the bird nesting season (March to July inclusive), 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 EN15 of the Core Strategy for Manchester.

8) Prior to the development hereby approved commencing on site, a method statement giving details of measures to be taken to prevent any debris from the development reaching the reservoirs shall be submitted to and approved in writing by the City Council as local planning authority. The measures to prevent any debris from the development reaching the reservoirs hereby approved shall be implemented in full before the development commences.

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

9) 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 5837 (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 for Manchester.

10) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

Reason - In order to 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.

11) Within one month of the development commencing full details of the meadow grass re-seeding treatment shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the re-profiling works are complete. If within a period of 5 years from the date of the meadow grass dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, the area previously seeded shall be seeded, 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, in accordance with policies SP1 , EN9 and DM1 of the Core Strategy .

12) A methodology statement shall be submitted to cover the engineering works and this shall include, the monitoring of dust and noise levels, including locations of monitoring equipment, type of equipment to be used , frequency of monitoring, and action plan to be implemented should monitoring identify conditions which would rise to disamenity to local businesses and local residents.

Reason

To safeguard the amenity of nearby business accommodation, and in the interests of public health and amenity, pursuant to and policies SP1 and DM1 of the Core Strategy .

13) No work or other activity shall take place on the site on Saturdays , Sundays or Bank Holidays and all work and other activity on other days shall be confined to the following hours:

7:30 a.m. to 5:00 p.m. Mondays to Fridays

Reason

To safeguard the amenities of the occupiers of residential accommodation once the development is completed, pursuant to policies SP1 and DM1 of the Core Strategy for Manchester.

14) The wheels of contractor's 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.

15) 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 in order to comply with policies SP1 and DM1 of the Core Strategy for Manchester.

Informatives

This permission does not grant approval under Building Regulations.

Date: 24 September 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