MANCHESTER CITY COUNCIL

IMPORTANT

Planning Permission and 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 required to protect trees.
- Some conditions will require action before you start the development and it is imperative that you seek to have these discharged before any work commences.
- 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 the Planning Service, Manchester City Council, PO Box 463, Manchester M60 3NY or email planning@manchester.gov.uk

Town and Country Planning Act 1990

PLANNING PERMISSION

MANCHESTER CITY COUNCIL

Name and Address of Applicant

Urban Splash Limited
Timber Wharf
16/22 Worsley Street
Castlefield
Manchester
M15 4LD

Name and Address of Agent

Part I – Particulars of Application

Date of Application	Application ref. no.
28 April 2008	085098/FO/2007/N1

Particulars and location of development:

Erection of 4 no. terrace blocks of 2 to 3 storeys (with mezzanine) to form 29 (2,3 and 4 bedroom) houses with basement car parking for 38 cars, central communal garden areas, landscaping and associated boundary treatments.

St Vincent Street/Woodward Place
Downley Drive
Miles Platting
Manchester

Part II – Particulars of Decision

The Manchester City Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 of the following decision

Decision Approved

on the basis that the proposal is in accord with the City Council's Unitary Development Plan in particular policies E1.5; E1.6; E3.3; E3.5; E3.7; H1.2; H2.1; H2.2; T2.4; DC7.1 and DC26.5 and other material considerations of material weight including particular RPG policies: DP1; DP2; DP3: DP4; RSS policy DP1; PPS1; PPS3; PPG24; PPS25 and Guide to Development in Manchester 2: Supplementary Planning Document and Planning Guidance policies 2.25; 4.8; 4.10; 4.11; 6.2; 6.3; 6.4; 6.5; 6.6; 7.2; 7.4; 8 ; 10 in that the development would: positively contribute to the local environment through the quality of its design; secure an active use for the site to the benefit of the visual and residential amenities of the area; improve the diversity of housing tenure in the local area; provide a sustainable development which would be beneficial to the broader community thereby promoting the continuing regeneration of the locality.

for the carrying out of development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

Part III – Conditions and Reasons

1) The works to which this consent relates must be begun not later than the expiration of three years beginning with the date of this consent.

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as applied and modified in relation to buildings in conservation areas.

2) No development shall be commenced until full details of the proposed phasing programme including land areas and timescales for the occupation of approved dwellinghouses; the provision car parking, landscaping and boundary treatments and the implementation of the waste management strategy have been submitted to and approved in writing by the Local Planning Authority. The development will then be carried out in full accordance with the approved phasing programme unless otherwise agreed with the Local Planning Authority.

Reason - The applicants have indicated that the works necessary to implement the scheme fully are likely to come forward in a phased manner.

3) 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:; Drawings numbered (GA)001 REV P13, P142- 1A, 2A, 3A, 4A, 5E, 6D, 7D, 8D, 9C, 10A, 11A, 12A, 15B, 16B, 17B dated 14th April 2008; 4th August 2008; 5th December 2008; Downley Drive - Amended Scheme New Islington: Design Statement 18 04 08 (as amended by the approved drawings).

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

4) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials 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, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

5) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment Desk Study) 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).

The Desk Study shall be prepared by a suitably qualified person whose competence to carry out the Desk Study has been approved in writing by the City Council as local planning authority (an "Expert").

In the event of the Preliminary Risk Assessment Desk Study 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 Scheme) 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 Scheme shall be carried out, by an Expert before development commences and the Expert shall prepare 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. Site Investigation Report 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, an Expert has prepared a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy Site Investigation Report) which shall be 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 Site Investigation Report, which shall take precedence over any Remediation Strategy Site Investigation Report or earlier Revised Remediation Strategy Investigation Report.

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 H2.1, H2.2, E3.1 and E3.2 of the Unitary Development Plan for the City of Manchester.

6) The development hereby approved shall achieve a post-construction Building Research Establishment 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. 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 in accordance with the approved phasing programme.

Reason - In order to minimise the environmental impact of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, policies ER13 and DP3 of Regional Planning Guidance for the North West (RPG13) and the principles contained within The Guide to Development in Manchester 2 SPD and Planning Policy Statement 1.

7) The development shall be undertaken in accordance with a hard and soft landscaping treatment scheme, which shall be submitted to and approved in writing by the City Council as local planning authority and accords with the approved phasing programme. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. The submitted scheme shall include full details of the name, location of species and associated planting materials for all species. 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, in accordance with policy H2.2 of the Unitary Development Plan for the City of Manchester and policy 2.36 of the Guide to Development in Manchester 2: Supplementary Planning Document and Planning Guidance.

8) The development shall be undertaken in accordance with details relating to the siting, design, materials and type of boundary treatment to be erected in association with the approved development, which shall be submitted to and approved in writing by the City Council as local planning authority and accord with the approved phasing programme. The development shall be fully implemented in accordance with approved details unless otherwise approved in writing.

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 H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

9) The development shall be undertaken in accordance with the waste management strategy as detailed in the submitted document "Downley Drive - Amended Scheme New Islington, Design Statement (18 04 08)" received on 18th April 2008 and drawing numbered (GA) 001 Rev. P13 received 5th December 2008. The scheme shall be implemented in accordance with the approved phasing programme, unless otherwise agreed in writing by the City Council as local planning authority.

Reason - In the interests of residential amenity pursuant to policy H2.2 of the Unitary Development Plan and policy 4.11 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

10) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and

approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

11) The development shall be undertaken in accordance with details relating to the provision of car parking and cycle storage as indicated on the approved plans shall be surfaced, demarcated and made available, which shall be submitted to and approved in writing by the City Council as local planning authority and accord with the approved phasing programme. The car parking and cycle storage shall be made available prior to the houses being occupied in accordance with the approved phasing programme and shall then be available at all times whilst the dwellinghouses are occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policies H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester.

12) 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 porches shall be erected other than those expressly authorised by this permission.

Reason - In the interests of residential amenity and to maintain the character of the authorised development pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

13) The authorised car parking spaces shall only be used by residents of the scheme and shall not be made available, leased or otherwise commercially hired for the parking of any other vehicles.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied and in the interests of residential amenity pursuant to Policy H.2 and T2.6 of the Unitary Development Plan for the City of Manchester and Policy 6.9 of the Guide to Development in Manchester 2: Supplementary Planning Document and Planning Guidance.

14) The development shall be undertaken in accordance with a scheme detailing the elevational design and specification of any equipment to be installed within the approved play areas which shall be submitted to and approved in writing by the City Council as local planning authority and made available prior to the dwellinghouses being occupied and accord with the approved phasing programme. The play areas shall remain ancillary to the authorised residential use and shall not be used as a public play facility.

Reason - In the interests of residential amenity pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester and Policy 10.9 of the Guide to Development in Manchester 2 : Supplementary Planning Document and Planning Guidance.

15) 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 - In the interest of pedestrian and highway safety, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

16) The details of an emergency telephone contact number for site manager / supervisor 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 Policy H2.2 of the Unitary Development Plan for the City of Manchester.

17) Before the commencement of the construction of the car park a scheme for the ventilation of the undercroft car parking area, including any associated system for the extraction of fumes and vapours and its insulation against noise shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with Policy H2.2 of the Unitary Development Plan for the City of Manchester.

18) The development shall be undertaken in accordance with a maintenance scheme relating to hard and soft landscaping within the communal and public areas forming the development site, boundary treatments including bollards, external lighting, communal car parking and waste storage areas and play areas, which shall be submitted to and approved in writing by the City Council as local planning authority and accord with the approved phasing programme. The development shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan and Policy 2.36 of the Guide to Development in Manchester 2: Supplementary Planning Document and Planning Guidance.

19) The development shall be undertaken in accordance with a scheme relating to the operation of the bollards to be sited at each end of the emergency vehicle / pedestrian route to the north of the site, which shall be submitted to and approved in writing by the City Council as local planning authority and accord with the approved phasing programme. The development shall be implemented in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

20) The development shall be undertaken in accordance with details relating to scheme relating to elevational details of the podium ramp and associated handrails, which shall be submitted to and approved in writing by the City Council as local planning authority and accord with the approved phasing programme. The development shall be implemented in accordance with the approved scheme and shall remain in situ whilst the dwellinghouses are occupied unless otherwise agreed in writing with the Local Planning Authority.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

21) The development shall be undertaken in accordance with details relating to the servicing of the site by refuse vehicles which shall be related to approved drawing (GA)001 REV. P13 and shall be submitted to and approved in writing by the City Council as local planning authority and accord with the approved phasing programme. The development shall be implemented in accordance with the approved scheme and shall remain in situ whilst the dwellinghouses are occupied unless otherwise agreed in writing with the Local Planning Authority.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

Signed……

Peter Babb, Head of Planning

on behalf of the Council
Town Hall,
Manchester M60 3NY

NOTES

1. Leaflets attached:

2. 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**.**

3. 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.

4. 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.

5. 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

6. 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