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 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 Robert MacDougall
WCHG
307 Greenwood Road
Wythenshawe
Manchester
M22 9HD

Agent (if used)

Ms Ozma Khan
Bernard Taylor Partnership Ltd
Elizabeth House
486 Didsbury Road
Heaton Mersey
Stockport
Cheshire
SK4 3BS

Part 1 – Particulars of the application/development

Proposal: Erection of 38 dwellings (C3) comprising of 2 storey block of 4 flats and 2 to 3 storey 34 dwellinghouses with associated landscaping, boundary treatment and car parking and creation of new access road off Cotefield Road incorporating existing public footpath and widening of existing corporation yard access off Cotefiled Road

Location: Former Corporation Yard At Cotefield Road And Land To The West Up To Public Footpath , Wythenshawe, Manchester, M22 1UY

Date of application: 12 December 2013

Application number: 104345/FO/2013/S2

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 based on seeking solutions to problems arising in relation to dealing with the planning application. Pre application advice has been sought in respect of this matter where early discussions about the density, siting and scale were discussed. The proposal is considered to be acceptable and in accordance with the development plan and therefore determined in a timely manner.

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;

Drawings HT651, HT650, HT251, HT250, HT301, HT300, HT351, HT551, HT550 and P104 Rev A stamped as received by the City Council, as Local Planning Authority, on the 28 November 2013.

Drawing HT701 stamped as received by the City Council, as Local Planning Authority, on the 14 January 2014.

Drawings 103 Rev B and P103 Rev H stamped as received by the City Council, as Local Planning Authority, on the 10 March 2014.

Crime Impact Statement (Version A 25th November 2013) prepared by design for security, design and access statement prepared by Bernard Taylor Partnership, Open space assessment by mosaic town planning, transport statement (Rev 0) prepared by SCP, Ecology Assessment (ref. 4161.005 Version 1.0) prepared by TEP and arboricultural implication study prepared by acs consulting stamped as received by the City Council, as Local Planning Authority, on the 28 November 2013.

Site specific flood risk assessment (5843G/FRA/02) stamped as received by the City Council, as Local Planning Authority, on the 21 February 2014.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy (July 2012).

3) 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 (including rainwater goods, windows and doors) 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.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy (July 2012).

4) Notwithstanding drawing P103 Rev H stamped as received by the City Council, as Local Planning Authority, on the 10 March 2014, no development shall commence until a hard and soft landscaping treatment scheme has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for 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.

5) 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 contamination is dealt with at the site pursuant to policy EN18 of the Manchester Core Strategy (2012).

6) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least four 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 for approval, within a timescale that has been previously agreed in writing, to the City Council as local planning authority.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

7) Notwithstanding P103 Rev H stamped as received by the City Council, as Local Planning Authority, on the 10 March 2014, prior to the commencement of the development details of the siting, scale, appearance of suitable refuse storage areas along with details of waste management requirements for the development shall be submitted and approved in writing by the City Council as local planning authority. The

details of the approved scheme shall be implemented as part of the development prior to the first use and shall remain in situ whilst the use or development is in operation.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policy DM1 of the Manchester Core Strategy.

8) The development shall be carried out in accordance with the Crime Impact Statement (Version A 25th November 2013) prepared by Design for Security stamped as received by the City Council, as Local Planning Authority, on the 28 November 2013. 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 secured by design accreditation for the development.

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.

9) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown on Drawings 103 Rev B and P103 Rev H stamped as received by the City Council, as Local Planning Authority, on the 10 March 2014; 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, 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 Manchester Core Strategy (2012).

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 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 Manchester Core Strategy (2012).

11) Prior to the commencement of development, a construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;

- Hours of working;
- Dust suppression measures and wheel washing;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Parking of construction vehicles; and
- Sheeting over of construction vehicles.

Development shall be carried out in accordance with the approved construction management plan unless otherwise agreed in writing by the local planning authority.

Reason - To safeguard the amenities of nearby residents, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy (July 2012).

12) The boundary treatment shall be carried out in accordance with drawings Drawing Drawings 103 Rev B and P103 Rev H stamped as received by the City Council, as Local Planning Authority, on the 10 March 2014 and HT701 stamped as received by the City Council, as Local Planning Authority, on the 14 January 2014. The boundary treatment shall be completed before the first use of the dwellings hereby approved. Development shall be carried out 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 saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

13) Before first occupation all bathroom windows within the approved development shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

14) 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 the premises 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 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 DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no garages or extensions; shall be erected other than those expressly authorised by this permission.

Reason - In the interests of residential amenity pursuant to policy DM1 and SP1 of the Manchester Core Strategy (2012).

16) Prior to the commencement of the development a method statement for treating Himalayan Balsam shall be submitted for approval in writing by the City Council, as Local Planning Authority. The development shall thereafter be carried out in accordance with the approved method statement.

Reason - To control the spread of Himalayan Balsam pursuant to policy EN15 of the Manchester Core Strategy (2012).

17) Notwithstanding drawing P103 Rev H stamped as received by the City Council, as Local Planning Authority on the 10 March 2014, prior to the commencement of the development hereby approved details of a fence to the south and western footpath (linking Cotefield Road with Greyfriars Walk) and open space shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented and be in place prior to the first occupation of the development and thereafter be retained and maintained in situ.

Reason - To provide an appropriate barrier between the pedestrian footpath and the open space in the interest of residential amenity pursuant to policy DM1 of the Manchester Core Strategy (2012).

18) Prior to the commencement of the development a method statement for the protection of the Horse Chesthut trees at the entrance to the Corporation Yard as identified on drawing drawing P103 Rev H stamped as received by the City Council, as Local Planning Authority on the 10 March 2014 shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved method statement shall then be implemented and remain in place for the duration of the construction work.

Reason - To ensure adequate protection is in place in relation to the horse chestnut trees pursuant to policy DM1 of the Manchester Core Strategy (2012).

19) Prior to the commencement of development, a scheme for surface water drainage shall be submitted for approval in writing by the City Council, as Local Planning Authority. This scheme shall include the following:

- Consideration of sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development.
- Demonstrate the surface water run off generated up to and including the 100 years plus climate change;
- That run off shall not exceed the values as stated in the FRA prepared by WML consulting stamped as received by the City Council, as Local Planning Authority, on the 21 February 2014.
- How the scheme shall be maintained and managed after completion.

The approved scheme shall then be implemented prior to the first occupation of the development and retained and maintained in situ for as long as the development is in use.

Reason - To minimise the impact on the culverted watercourse and surface water run off at the application site pursuant to policy EN14 of the Manchester Core Strategy (2012).

20) The retained trees, as indicated on drawings 103 Rev B and P103 Rev H stamped as received by the City Council, as Local Planning Authority, shall be retained and maintained for as long as the development remains in use.

Reason - To ensure that the trees not identified for removal are retained in the interest of visual amenity pursuant to policy SP1 and DM1 of the Manchester Core Strategy (2012).

Informatives

This permission does not grant approval under Building Regulations.

Date: 11 April 2014

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

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.