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 Jake Ezair
Oaktech Environmental Ltd
The Flint Glassworks
64 Jersey Street
Ancoats Urban Village
Manchester
M4 6JW

Agent (if used)

Mr Joseph Morris
Waterman Transport and Development Ltd
Bradshaw House
31 Waterloo Lane
Leeds
LS13 2JB

Part 1 – Particulars of the application/development

Proposal: Erection of anaerobic digestion facility including waste building, associated detached buildings and two 10 metres storage tanks and 10 metre high gas buffer tanks and related landscaping, car parking and boundary treatment following demolition of existing buildings

Location: New Smithfield Market, Whitworth Street East, Manchester, M11 2WW

Date of application: 13 February 2014

Application number: 104903/FO/2014/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).

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 took place regarding the scope of the development. The proposal is considered to be acceptable and therefore determined within 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 0003 Rev A04, 0002 Rev A01, 0001 Rev A01, 0005 Rev A01, 0004 Rev A01 and 0011 Rev A01 stamped as received by the City Council, as Local Planning Authority, on the 13 February 2014.

Drawings 0006 Rev A02, 0007 Rev A03, 0010 Rev A01, 0009 Rev A01, 00008 Rev A02 and 0013 Rev A01 stamped as received by the City Council, as Local Planning Authority, on the 25 March 2014.

Design and Access statement prepared by Waterman stamped as received by the City Council, as Local Planning Authority, on the 25 March 2014.

Planning statement prepared by Waterman stamped as received by the City Council, as Local Planning Authority, on the 13 February 2014

Peak Acoustics Industrial Noise Assessment Report dated 30 April 2014 (ref:EG2603143NR) stamped as received by the City Council as Local Planning Authority, on 30 April 2014

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

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 (including roller shutters) of the development have been submitted to and approved in writing by the City Council as local planning authority. The approved materials shall be then be used in the construction of the development.

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 policies SP1 and DM1 of the Core Strategy.

4) Notwithstanding drawing 0003 Rev A04 stamped as received by the City Council, as Local Planning Authority, on the 13 February 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) The boundary treatment shall be carried out in accordance with drawing 0013 Rev A01 stamped as received by the City Council, as Local Planning Authority, on the 25 March 2014. The approved details shall be implemented prior to the first use of the development and thereafter retained and maintained in situ.

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.

6) The car parking indicated on 0003 Rev A04 stamped as received by the City Council, as Local Planning Authority, on the 13 February 2014 shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the development is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

7) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

Monday to Friday 08:00 to 18:00
Saturday 08:00 to 16:00
No deliveries, servicing or collections on Sundays and Bank Holidays

All deliveries and collections from the site and all vehicular access to and from the site for servicing shall be from the north entrance to New Smithfield Market off Whitworth Street East.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

8) The development shall be carried out in accordance with the control of odours and fumes as specified within planning statement prepared by Waterman (ref. C-13380-100-R-2-1-2-RSA stamped as received by the City Council, as Local Planning Authority, on the 13 February 2014. This shall include the following measures:

- Carbon filtration odour control systems incorporated into the building and all of the buildings and emissions points will be connected to an integrated odour mitigation system;
- Reception and process buildings will be maintained at a negative pressure;
- The facility shall be operated in buildings and sealed tanks. Roller shutters shall be quick activating and no discharge of waste shall take place in the reception hall until the shutters are closed and air quality system is in operation;
- Provision of Internal air management collector hoods;
- Vehicles entering the site will be sealed and covered.

If any fumes or odours at the development hereby approved, which in the opinion of the City Council, as Local Planning Authority, causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a mitigation scheme for the elimination of such odours shall be submitted to the City Council as Local Planning Authority. Once approved such details shall then be implemented and thereafter be retained and maintained in accordance with such agreed details.

Reason - In the interest of residential amenity and to control fumes and odours in the surrounding area pursuant to policy DM1 of the Manchester Core Strategy (2012).

9) The noise insulation and plant selection and siting proposals indicated in the Peak Acoustics Industrial Noise Assessment Report dated 30 April 2014 (ref:EG2603143NR) stamped as received by the City Council as Local Planning Authority, on 30 April 2014, should be suitably applied to the development in full before the operation commences.and thereafter retained and maintained.

Reason - In the interest of residential amenity, pursuant to policies SP1 and DM1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

10) Notwithstanding the Peak Acoustics Industrial Noise Assessment Report dated 30 April 2014 (ref:EG2603143NR) stamped as received by the City Council as Local Planning Authority, on 30 April 2014, prior to the commencement of the development a scheme to acoustically insulate any individual plant items, which differ from those assumed in this Noise Assessment Report shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall then be implemented prior to the first use of the development and thereafter retained and maintained.

Reason - In the interest of residential amenity, pursuant to policies SP1 and DM1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

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;

- Wheel washing;
- Hours of working;
- Dust suppression measures;
- 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 and remain in place until construction has been completed.

Reason - To safeguard the amenities of nearby residents, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (July 2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

12) Notwithstanding the preliminary investigation prepared by Dunelm geotechnical & environmental (ref. D5105/1) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

13) Prior to the first use of the development an operations management strategy shall be submitted for approval in writing by the City Council. The strategy shall include details to keep the internal and external areas, as indicated on drawing 0003 Rev A04 stamped as received by the City Council, as Local Planning Authority, on the 13 February 2014, keep and free from waste. The approved details shall then be implemented as part of the development and remain in situ for as long as the development remains in use.

Reason - to ensure the internal and external areas are kept clean in the interest of residential amenity pursuant to policy DM1 of the Manchester Core Strategy (2012).

14) No vehicle reversing alarms/sirens shall be used within the site, and a banksperson shall be present to guide all vehicles safely, unless and until it can be demonstrated to, and approved by, the City Council, as Local planning Authority, that the sirens/alarms can comply with the requirement to achieve a noise level of 5dB below the existing background (LA90) in each octave band at the nearest noise sensitive location.

Reason - In the interest of residential amenity, pursuant to policies SP1 and DM1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

Informatives

This permission does not grant approval under Building Regulations.

Date: 9 May 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.