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 Andrew Booth
Mulbury Homes Ltd
Great Oak Farm
Lymm
Cheshire
WA13 0TF

Agent (if used)

Mrs Deborah Smith
Smith Planning Consultancy
16 Tulketh Avenue
Preston
PR2 1DR

Part 1 – Particulars of the application/development

Proposal: Erection of 46 dwellings with associated access from Vine Street, landscaping and car parking including the provision of a road linking Gathurst Street and Vine Street

Location: Land To The West Of Vine Street, Gorton, Manchester

Date of application: 12 February 2014

Application number: 104855/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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application. The agent has been appraised of the Council's preference for a positive and enahnced boundary treatment to the Vine Street frontage the details of which are requested by way of condition in addition to the conditions attached below which are also recommended.

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 documents and drawings:

Drawings numbered; 12-91-F10, 12-91, 12-91-P010, 12-91-P01, 12-91-P02, 12-91-P03, 12-91-P04, 12-91-P05, 12-91-P06, 12-91-P07, 12-91-P08, 12-91-P09, 12-91-P10, 12-91-P11, 12-91-P12 and 12-91-P13 stamped as received by the Local Planning Authority on the 10 February 2014, Landscape Proposal 4311.03, Tree Protection Plan 4311.02, confirmation of raised plateau details contained within the email dated 26 March 2014 and the additional Transport Appendices received by email dated 10 March 2014.

Documents; Crime Impact Statement prepared by Greater Manchester Police for Smith Planning Consultancy dated 18th February 2014; Transport Statement prepared by Croft Transport Solutions dated February 2014; Utilities Statement prepared by ELLUC Projects Ltd and dated 3rd February 2014; Affordable Housing Statement prepared by Great Places Housing Group; Extended Phase 1 Habitat Report (Ref: 60114p1r0) prepared by Resource and Environmental Consultants Ltd (REC) and dated 7th November 2013; Energy Statement prepared by Eden Building Design dated 05 February 2014; Planning Statement prepared by Smith Planning Consultancy (Ref: Ref: MULB109) dated 7th February 2014; Noise & Vibration Impact Assessment prepared by Resource and Environmental Consultants Ltd (REC) (Ref: 90412r1) and dated 5th February 2014; Arboricultural Impact Assessment and Method Statement prepared by tba landscape architects dated October 2013; Flood Risk Assessment prepared by ELLUC Projects Ltd and dated 3rd February 2014 and Design and Access Statement prepared by Eden Building Design.

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 and to the guidance contained within the National Planning Policy Framework.

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 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 appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity pursuant to policies SP1 and DM1 of the adopted Manchester Core Strategy and to the guidance contained within the National Planning Policy Framework.

4) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of three star sustainability rating under the Code for Sustainable Homes for those elements of the development which are residential in nature. Post construction review certificate(s) shall be submitted to and approved in writing by the City Council as local planning authority within six months of a particular residential property hereby approved being first occupied.

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

5) Notwithstanding the submitted plan and before development commences, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the City Council as local planning authority for approval. The approved boundary treatment shall be completed to a timescale to be 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 in order to comply with Policy DM1 of the Manchester Core Strategy Development Plan Document.

6) The development hereby approved shall be implemented in accordance with the recommendations contained within the Crime Impact Statement prepared by Greater Manchester Police for Smith Planning Consultancy dated 18th February 2014. 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 Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to policy DM1 of the Manchester Core Strategy.

7) 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 5387 : 2012 (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 policy DM1of the adopted Manchester Core Strategy.

8) All tree work carried out during the construction of the development hereby approved should be carried out in accordance with British Standard BS 5837: 2012.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area, in accordance with policy DM1of the Manchester Core Strategy.

9) 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.

10) The proposed highway works shown on drawing number 12-91-P02 received on the 10 February 2014, including the raised plateaus confirmed in the email dated 26 March 2014, shall be fully completed and approved in writing by the City Council as Local Planning Authority prior to the first occupation of the dwelling houses hereby approved, or within three calendar months of the completion of the dwelling houses for occupation.

Reason - In the interests of highway and pedestrian safety, pursuant to policies T2 and DM1 of the Manchester Core Strategy.

11) A site strategy detailing the facilities for keeping roads clear of mud and debris shall be submitted to and approved in writing by the City Council as local planning authority prior to development commencing. The approved facilities shall be retained on site during the construction period.

Reason - To ensure that the proposed development does not cause unacceptable amounts of debris in the vicinity and to ensure that local roads are kept clear of mud, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

12) The details of an emergency telephone contact number for the site manager shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with policy DM1of the Manchester Core Strategy.

13) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context including Micro Drainage output calculations and overland flow routes during extreme rainfall events of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity by ensuring the satisfactory storage / disposal of surface water from the site, pursuant to policy EN14 and DM1 of the Core Strategy and the guidance provided within the National Planning Policy Framework and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

Informatives

This permission does not grant approval under Building Regulations.

If, during the construction phase of the development, bats are found at any time during those works then all building works should cease and advice sought from Natural England or a suitably qualified bat worker.

Date: 10 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.