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 Edward Wootton
Galliford Try Construction Ltd
Crab Lane
Fearnhead
Warrington
Cheshire
WA02 0XR

Agent (if used)

Mr David Tye
Paul Butler Associates Ltd
31 Blackfriars Road
Salford
Manchester
M3 7AQ

Part 1 – Particulars of the application/development

Proposal: Erection of a three storey terrace to form 13 No. 4 bedroom residential dwellinghouses (Use Class C3) with associated car parking, landscaping, boundary treatment and access road.

Location: Land At Upper Brook Street, Ardwick, Manchester, ,

Date of application: 10 March 2014

Application number: 105107/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. This matter has been subject to pre-application discussions. The proposal is considered to be 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 M4976 LP 031 Rev A, 7550 (04) 002 Rev A, 7550 (01) 001 Rev A, 7550 (04) 001 Rev A, 7550 (05) 011 Rev B, 7550 (04) 010 and 7550 (05) 010 Rev B stamped as received by the City Council, as Local Planning Authority, on the 10 March 2014.

Letter dated the 7 March 2014 and Planning Statement prepared by Paul Butler Associates stamped as received by the City Council, as Local Planning Authority, on the 10 March 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 of the development have been submitted to and approved 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 policies SP1 and DM1 of the Core Strategy.

4) 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 development hereby approved shall be constructed in accordance with the details of the measures to be incorporated into the development (or phase thereof) to demonstrate how Secured by Design accreditation will be achieved as shown on the following documents: Design and Access Statement, the Planning Statement, the Crime Impact Statement stamped as received by the Local Planning Authority on the 18th February 2013 (approved as part of planning permission 101664/FO/2013/N2).

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 Secured by Design accreditation for that phase.

Reason - To reduce the risk of crime pursuant to Policies SP1, EN1 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.

6) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of four star sustainability rating under the code for sustainable homes. 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 Core Strategy, and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

7) a) The proposed development hereby approved shall only be constructed in strict accordance with the desk top study and proposed intrusive investigations, as included within the following documents: 47065497/GEO/001 Proposed Supplementary Ground Investigation Location Plan, 47065497/GEO/002 Outline Specification for Proposed Supplementary Ground Investigation, 47075497/GEO/003 Explanatory Cover Letter Including Review of Existing and Rationale for Proposed Ground Investigation, stamped as received by the Local Planning Authority on the 18/02/13 (as part of planning permission 101664/FO/2013/N2). The results of the proposed intrusive investigations shall be included in a written report which also assesses the risks associated with the conditions revealed by the investigations. The report shall be submitted to and approved in writing by the Council as the Local Planning Authority.

In the event of the proposed intrusive investigations identifying risks which in the written opinion of the Local Planning Authority require further investigation, no phase of the development hereby approved shall commence until a scheme for the further investigation of the particular phase 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 a particular phase identified in the Site Investigation Proposal shall be carried out, before the development of that phase commences and a report shall be 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 of any phase commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy for that phase and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority before any building in the phase is first occupied.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present at any time before the development is completed, then development shall cease and any completed buildings shall not be first 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.

8) The car parking indicated on drawing M4976 LP 031 Rev A stamped as received by the City Council, as Local Planning Authority, on the shall be surfaced, demarcated and made available for use prior to the new buildings being first occupied. The car parking shall then be available at all times whilst the adjacent buildings are occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to Policies SP1, T2, EN1 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.

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 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 Core Strategy.

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 Core Strategy.

11) The positions, design, heights, materials and type of boundary treatment around the development hereby approved shall be erected in accordance with the drawings and documents numbered: Design and Access Statement stamped as received by the Local Planning Authority on the 18th February 2013, and M4976 LP 006Rev A, M4976 LP 007Rev A M4976 LP 008Rev A, M4976 LD 101Rev A, M4976 LD 105Rev A, stamped as received by the Local Planning Authority on the 16th May 2013. The approved

scheme shall be implemented in full before each particular property of each phase is first occupied and retained as such thereafter.

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 SP1, EN1 and DM1 of the Core Strategy, saved policy E3.3 within the Unitary Development Plan and the guidance provided within the National Planning Policy Framework and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

12) Prior to the commencement of the development a scheme for acoustically insulating the residential accommodation against road traffic noise from Upper Brook Street shall be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation scheme shall be completed within each unit of accommodation before it is first occupied.

Reason - To secure a reduction in noise from road traffic noise from Upper Brook Street in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan.

13) The development hereby approved shall be implemented in full accordance with the Waste Management Strategy outlined within Section 11 'Waste Management Strategy' of the Design and Access Statement submitted to the Local Planning Authority on the 22nd February 2013, which includes a scheme for the disposal of refuse including segregated waste for recycling. The details of this approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policies SP1 and DM1 of the Core Strategy, saved policy DC10 within the Unitary Development Plan and the guidance provided within the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

14) 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 onto the new build properties within the development hereby approved other than those expressly authorised by this permission.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

15) The development hereby permitted shall be constructed in accordance with the existing and proposed development levels outlined within the URS Flood Risk Assessment and Addendum (Ref 47064102 Rev 1 dated 17 January 2013) submitted to the Local Planning Authority on the 22nd February 2013 (as approved under planning permission 101664/FO/2013/N2).

Reason - To reduce the risk of flooding to the proposed development and future users pursuant to Policies 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.

16) The details of a 24 hour emergency telephone contact number for the site contractor shall be displayed in publicly accessible locations across the site and shall remain so displayed during the construction period.

Reason - In the interests of local amenity, pursuant to policy SP1 and DM1 of the Core Strategy.

17) A site strategy for 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 the development commencing. The approved facilities shall be retained on site during the construction period and shall be positioned to allow use throughout each phase of construction.

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.

18) A fully detailed Residential Travel Plan (based on the Travel Plan Framework received 22nd February 2013 as part of planning permission 101664/FO/2013/N2), with the objective of reducing car borne journeys; and including particulars of its implementation and monitoring of effectiveness and how measures to improve effectiveness shall be implemented shall be submitted to and approved in writing by the City Council as local planning authority within 12 months of the first occupation of the development hereby approved. For so long as the site is occupied or in operation the local planning authority shall be provided with such information as specified in the Travel Plan and all measures that are identified that can improve the effectiveness of the Travel Plan shall be adopted and implemented within a timescale agreed in writing by the local planning authority.

Reason - In accordance with the provisions contained within policies SP1, T1, T2 and DM1 of the Core Strategy.

19) The 2.1 metre high vertical metal railings and gates, as indicated on drawing M4976 LP 031 Rev A stamped as received by the Local Planning Authority on the 10 March 2014, shall be removed on completion of the residential block and road to the north east of the application site as indicated on drawing 7550 (04) 002 Rev A stamped as received by the Local Planning Authority on the 10 March 2014.

Reason - To ensure that the railings and gates are removed in the interest of permeability pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

20) 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.

Informatives

This permission does not grant approval under Building Regulations.

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Date: 24 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.

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