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 Steve Woodward
Lend Lease
Clarendon House
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Solihull
B91 3TA

Agent (if used)

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PJ Planning
5 St Pauls Terrace
82 Northwood Street
Birmingham
B3 1TH

Part 1 – Particulars of the application/development

Proposal: Variation of Condition 3c of planning permission 099093/JO/2012/C1 to allow temporary retention of existing landscaping in advance of a comprehensive landscape scheme.

Location: Potato Wharf, Manchester, M3 4NB

Date of application: 23 January 2014

Application number: 104440/JO/2013/C1

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

When dealing with planning applications officers will work with the applicant in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. No problems arose in the processing of this application.

Condition(s) attached to this decision

1) The development hereby approved shall be carried out in accordance with the following drawings and information, unless otherwise agreed in writing by the City Council as Local Planning Authority:

D-10-002 Revision A (Site edged red)
A1009 Rev E REF: PW-WA-DRG-07-001
A1010 Rev F REF: PW-WA-DRG-07-002
A1011 Rev E REF: PW-WA-DRG-07-003
A1012 Rev E REF: PW-WA-DRG-07-004
A1013 Rev E REF: PW-WA-DRG-07-005
A1014 Rev E REF: PW-WA-DRG-07-006

A1015 Rev E REF: PW-WA-DRG-07-007
A1016 Rev F REF: PW-WA-DRG-07-008
A1017 Rev F REF: PW-WA-DRG-07-009
A1018 Rev E REF: PW-WA-DRG-07-010
A1150 Rev F REF: PW-WA-DRG-05-001
A1151 Rev D REF: PW-WA-DRG-05-002
A1152 Rev E REF: PW-WA-DRG-05-003
B1-D-30-100 Revision H
B1-D-30-500 Revision G
B1-D32-500 Revision C1
D-30-000 Revision H
d-30-050
d-30-051
d-30-052
d-30-053
d-30-054 Revision A
d-30-055
D-30-600 Revision C
D-31-603 Revision B
D-31-604 Revision B
D-70-000 Revision A
D-70-010 Revision P1
LP 294.001 Revision U
LP 294.010 Revision D
LP 294.012 Revision C
LP 294.014
LP 294.015 Revision C
LP 294.016
LP 294.030 Revision D
LP 294.048 Revision A
LP 294.057 Revision A
LP 294.SK064 Revision B
LP 294.065 Revision C
LP 294.066 Revision A
3-2000(bi 200mm)
'Phasing of Works' plan received by the City Council as local planning authority on 22 April 2009;
Plan titled 'Potato Wharf Castlefield, Manchester' received by the City Council as local planning authority on 1 May 2009;

Landscape Projects Landscape & Public Realm Maintenance Schedule Revision A, dated February 2008;

TVA Installations (Stockport) Ltd report dated 24 August 2006;

Livingcity Ltd Waste Management and Refuse Disposal Strategy received by the City Council as local planning authority on 22 April 2009;

Sol Acoustics Environmental Noise Study dated October 2006, as amended by the Sol Acoustics Environmental Noise Study dated January 2007 ref: P0961-REP02-MPF;

The Shepherd Gilmour Geoenvironmental Desk Study and Ground Investigation dated September 2006;

The Shepherd Gilmour Contamination Risk Assessment for Controlled Waters Report: N2087/CM/ME924.1, dated December 2006;

The EPG Report on Ground Gas Risk Assessment Revision 1.0 dated January 2007;

Alfred McAlpine Special Projects Contractors Statement dated 5th Feb 2006;

The BREEAM certificate submitted with the Turley Associates letter dated 16 October 2009; and

The Turley Associates letter dated 16 October 2009.

Reason - To ensure that the development is carried out in accordance with the approved plans.

2) The approved landscape scheme for the area identified as Phase 2 on the 'Phasing of Works' plan (excluding the area marked as 2b on that plan) and as shown on drawing number LP 294.001 Revision U shall be implemented before first occupation of Block 2.

Any trees or shrubs removed, dying or becoming severely damaged or severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To ensure that a satisfactory landscape scheme for the development is carried out, pursuant to the City of Manchester Core Strategy Policies EN9 and DM1.

3) a. Notwithstanding the details shown on drawing number LP 294.001 Revision U, and before first occupation of Block 2, full details, including scaled plans, elevations and cross sections of a landscape scheme, which shall include details of seating and boundary treatment, to the riverside area bounded by Potato Wharf to the south east, New Elm Street to the north east and the River Medlock to the north west (shown as Phase 2b on the 'Phasing of Works' plan) shall be submitted to and approved in writing by the City Council as local planning authority.

b. The landscape scheme approved under part a. of this condition shall be implemented in full by 28 February 2017.

Any trees or shrubs removed, dying or becoming severely damaged or severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To ensure that a satisfactory landscape scheme for the development is carried out and that this area is retained as a publicly accessible area, pursuant to the City of Manchester Core Strategy Policies EN9 and DM1

4) All landscaped areas within the site shall be fully maintained in accordance with the Landscape Projects Landscape & Public Realm Maintenance Schedule Revision A, dated February 2008, unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To ensure that the landscaped areas within the development site are maintained to an acceptable standard in the interests of visual amenity, pursuant to Core Strategy Policies EN9 and DM1, and saved Policy E3.4 of the City of Manchester Unitary Development Plan.

5) The external elevations of Block 2 shall be constructed using only the same make and specification of materials used on Block 1 as approved by the City Council as local planning authority under Condition 8 of planning permission 082244/FO/2007/C3, that is:

Facing brickwork - Aston by Taylor Maxwell with matching mortar recess pointed;
Timber Cladding - Douglas Fir with Sikkens Cetol Novatech translucent stain, natural finish;
Metal Framed window - Polyester powder coated to RAL 7016; and
Coloured Cladding Panel - Secret fixed panels by Bauclad fundermax, colour refs: Yellow 736; Blue 717; Green 623; Red 674.

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, pursuant to policies SP1, DM1 and CC9 of the City of Manchester Core Strategy.

6) a. The footpaths and areas between the pavement and the line of the approved building falling within Phase 2 as shown on the 'Phasing of Works' plan shall be fully reinstated in York stone within six months of first occupation of Block 2.

b. The footpaths adjacent to the landscape area that falls within Phase 2b as shown on the 'Phasing of Works' plan shall be fully reinstated in York Stone within six months of first occupation of Block2.

Reason - In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes and the site's location within the Castlefield Conservation Area, pursuant to Policies T1, EN3 and DM1 of the City of Manchester Core Strategy, and saved policy DC18 of the City of Manchester Unitary Development Plan.

7) Before Block 2 of the development hereby approved is first occupied, full details, including plans, elevations and cross sections of the two pedestrian bridges shown on the approved drawings shall be submitted to and approved in writing by the City Council as local planning authority. The bridges shall be constructed and ready for use before first occupation of Block 2, or within a timescale to be agreed in writing by the City Council as local planning authority, and shall be retained thereafter.

Reason - To ensure 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, and to improve accessibility within the area, pursuant to the City of Manchester Core Strategy Policies SP1, T2, DM1,and saved Policy DC18 of the City of Manchester Unitary Development Plan.

8) Before first occupation of Block 2 the building shall be acoustically insulated in accordance with the Sol Acoustics Environmental Noise Study dated January 2007 ref P0961-REP02-MPF, where the proposed limit of 37dBa refers to Laeq.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to Policies SP1 and DM1 of the City of Manchester Core Strategy, and saved Policy DC26 of the Unitary Development Plan for the City of Manchester.

9) Before first occupation of Block 2 the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with the Sol Acoustics Environmental Noise Study dated January 2007 ref P0961-REP02-MPF, where the proposed limit of 37dBa refers to Laeq, in order to secure a reduction in the level of noise emanating from the equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policies SP1 and DM1 of the City of Manchester Core Strategy, and saved Policy DC26 of the Unitary Development Plan for the City of Manchester.

10) The applicant shall, with regard to television reception in the area containing the application site, provide the City Council as local planning authority with a study that assesses the impact of the development on television signal reception within the potential impact area identified in the TVA Installations Ltd report dated 24 August 2006 within one month of the practical completion of Block 2. The measures identified within the TV reception report submitted for Block 2 must be carried out either before Block 2 is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To provide an indication of whether the development during construction and once built will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception, pursuant to Policies SP1 and DM1 of the Core Strategy for the City of Manchester.

11) Refuse shall be collected from the development on a twice-weekly basis unless otherwise agreed in writing with the City Council as local planning authority.

Reason - In the interests of amenity and public health, pursuant to Policies SP1 and DM1 of the Core Strategy for the City of Manchester.

12) Block 2 of the development shall not be occupied unless and until the space and facilities for bicycle parking shown within Phase 2 as identified on the 'Phasing of Works' plan have been provided in accordance with the approved plans. These facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport, pursuant to Policies T1, T2, CC5 and DM1 of the Core Strategy for the City of Manchester.

13) During any construction works the wheels of contractors' vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with the Alfred McAlpine Special Projects Contractors Statement dated 5th Feb 2006, unless otherwise agreed in writing by the City Council as local planning authority.

Reason - In the interests of pedestrian and highway safety, pursuant to policy DM1 of the Core Strategy for the City of Manchester.

14) Block 2 of the development shall not be occupied or used until the City Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation in respect of Phase 2 of the development, as shown on the 'Phasing of Works' plan, unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To reduce the risk of crime pursuant to Policies SP1 and DM1 of the Core Strategy for the City of Manchester and to reflect the guidance contained in the National Planning Policy Framework.

15) The development hereby approved shall provide for the needs of future residents who may wish to have the use of a motorcar in respect of their domestic needs in accordance with the information provided in the Turley Associates letter dated 4 December 2009 and the partnership agreement between Crosby Lend Lease and City Car Club dated October 2009. The partnership agreement shall be reviewed to provide a City Car space at Potato Wharf as and when there becomes sufficient demand.

Reason - The development does not provide sufficient car parking facilities and in order to provide alternative arrangements for the needs of future residents whom may need to use a motorcar, pursuant to Policies T1, T2, CC5 and DM1 of the Core Strategy for the City of Manchester.

16) Pedestrian access shall be provided across the site, which shall include the area edged in blue on drawing number D-10-002 Revision A , to allow a route from Potato Wharf to the existing pedestrian bridge across the Bridgewater Canal, until such time that the route is required to be closed to allow completion of Block 2 of the development.

Reason - To improve accessibility within the area, pursuant to Policies SP1, T1, T2, and DM1of the Core Strategy for the City of Manchester.

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: 20 March 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 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