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 Neil Pickup
Southside Regeneration Limted
C/o Agent

Agent (if used)

Jay Patel
Deloitte
2 Hardman Street
Manchester
M3 3HF

Part 1 – Particulars of the application/development

Proposal: Variation of condition 2 attached to application ref no 098439 to amend the approved drawings to omit reference to a vehicular access ramp to the River Medlock.

Location: Plots 1, 1A, 3 And 3A Of The First Street North Site Bounded By Whitworth Street West, River Medlock, No.1 First Street Building To The South And Medlock Street To The West, Manchester,

Date of application: 31 December 2013

Application number: 104528/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

Officers have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. No such problems have arisen on this application.

Condition(s) attached to this decision

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

(a) 370.2(08)5102 R02 Existing Site Plan;

(b) Pre enabling works as shown dwgs numbered SS018239 SK060 (perimeter hoarding), 007 (Site Levelling), 202 (Foul Drainage, Surface Water Drainage, New Foul

Sewer connection, New Surface Water connection), 1701, 1004127-SK-001 (Utility Connections) and SS0018239-SK-Dd (Piling Mats)

(c) Plot 1 - 290-P-012-Z1-F200-A-MATRIX Rev 02, 7290-P-003-Z1-G200-P-B1 Rev 01,7290-P-004-Z1-G200-P-00 Rev 02, 7290-P-005-Z1-G200-P-MG Rev 02, 7290-P-006-Z1-G200-P-01 Rev 02, 7290-P-007-Z1-G200-P-T1 Rev 02, 7290-P-008-Z1-G200-P-T2 Rev 02, 7290-P-009-Z1-G200-P-09 Rev 02, 7290-P-010-Z1-G200-P-10 Rev 02, 7290-P-011-Z1-G200-P-RF Rev 02, 7290-P-013-Z1-G200-S-AA Rev 02, 7290-P-014-Z1-G200-S-EE Rev 02
7290-P-015-Z1-G200-E-N Rev 02, 7290-P-016-Z1-G200-E-E Rev 02, 7290-P-017-Z1-G200-E-S Rev 02, 7290-P-018-Z1-G200-E-W Rev 02, 7290-P-019-Z1-G251-D-W Rev 02, 7290-P-020-Z1-G251-D-E Rev 02, 7290-P-021-Z1-G251-D-E Rev 02, 7290-P-022-Z1-G251-D-W Rev 02, 7290-P-023-Z1-G400-D-AL Rev 02.

(d) Plot 1a - 7290-P-024-Z1a-G200-P-00 Rev 02, 7290-P-025-Z1a-G200-P-01 Rev 02, 7290-P-026-Z1a-G200-P-RF Rev 02, 7290-P-027-Z1a-G200-S-AA Rev 02, 7290-P-028-Z1a-G200-E-N Rev 02, 7290-P-029-Z1a-G200-E-E Rev 02, 7290-P-030-Z1a-G200-E-S Rev 02, 7290-P-031-Z1a-G200-E-W Rev 02, 7290-P-032-Z1a-G251-D-00 Rev 02, 7290-P-028-Z1a-G400-D-AL Rev 02.

(e) Plot 3 7290-P-042-Z3-F900-P-AL-MATRIX 02 Rev 03, 7290-P-034-Z3-G200-P-00 Rev 03, 7290-P-035-Z3-G200-P-01 Rev 03, 7290-P-036-Z3-G200-P-02 Rev 03, 7290-P-037-Z3-G200-P-03 Rev 03, 7290-P-038-Z3-G200-P-TY Rev 03, 7290-P-061-Z3-G200-P-09, 7290-P-039-Z3-G200-P-10 Rev 03, 7290-P-041-Z3-G200-P-RF Rev 03, 7290-P-043-Z3-G200-S-AA Rev 03, 7290-P-044-Z3-G200-S-BB Rev 03, 7290-P-045-Z3-G200-E-N Rev 03, 7290-P-046-Z3-G200-E-E Rev 03, 7290-P-047-Z3-G200-E-S Rev 03, 7290-P-048-Z3-G200-E-W Rev 03, 7290-P-051-Z3-G251-D-N Rev 03, 7290-P-053-Z3-G400-D-AL Rev 03, 7290-P-060-Z3-G251-D-W.

(f) Plot 3a 7290-P-054-Z3A-G200-P-00 Rev 02, 7290-P-055-Z3A-G200-P-RF Rev 02, 7290-P-056-Z3A-G200-S-AL Rev 02, 7290-P-057-Z3A-G200-E-AL Rev 02, 7290-P-058-Z3A-G251-E-00 Rev 02, 7290-P-059-Z3A-G400-E-AL Rev 02

(g) 370.2(08) 5103 R16, 5104 R14, 5105 R07, 7102 RO6, 7102 R06;

(h) 7290-P-001-MP-F100-S-AA RO2 and BB RO2

(i) Mitigation measures outlined in sections 18.111, 18.112, 18.115, 18.116, 18.117, 18.118, 18.120, 18.121, 18.122, 18.123, 18.124 of the Environmental Impact Assessment: Volume 1-Environmental Statement and Section 5 of the submitted Bat Survey.

(j) the mitigation measures outlined in Section 1 of the Phase 1 Habitat Survey, Section 4 of the black redstart and common breeding birds survey report and Section 4 of the Bat Survey Report; and

(k) Lighting Mitigation Measures outlined in Section 9.78 to 9.99 of Environmental Impact Assessment: Volume 1- Environmental Statement; and

(l)Section 1 Aecom's note dated 12-03-12 ;.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy Polices SP1, EC1, CC1, CC2, CC4, CC5,

CC6, CC7, CC8 , C10 , T2 , EN1, EN8, EN9, EN14, EN15, EN16 , EN17, EN 18 and DM1 and saved UDP policies DC10, DC20, DC26.1 and DC26.5

2) The development shall be carried out in accordance with the previously agreed Remediation Strategy (Letter issued by Manchester City Council dated 28th February 2013) 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 Section 11 of the National Planning Policy Framework and emerging Core Strategy Policy EN18.

3) 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 2.4 and 2.6 of the Unitary Development Plan for the City of Manchester and policies EN1,EN9, EN15 and SP1 of the emerging Core Strategy

4) Unless otherwise agreed in writing details of signage directing vehicles to and from the site shall be submitted and approved in writing by the City Council as Local Planning

Authority . The approved signage shall be in place before the use of the development commences.

Reason

In the interests of public safety pursuant to Policy RC12 contained in the Unitary Development Plan for the City of Manchester and policy DM1 of the emerging Core Strategy.

5) Before use of each of the units within plots 1a and 3a and the ground level of Plot 3 commences, for any purpose within the Class A3 or A4 uses hereby approved, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies E1.4 ,H2.2, DC26.1 and DC26.5 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the emerging Core Strategy

6) Before use of each of the units within plots 1a and 3a and the ground level of Plot 3 commences, for any purpose within the Class A1, A3 or A4 uses hereby approved, details of the proposed opening hours for the unit shall be submitted to and approved in writing by the City Council as local planning authority. The unit(s) shall be not be operated outside the hours approved in discharge of this condition.

Reason -To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies E1.4, H2.2, DC26.1 and DC26.5 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the emerging Core Strategy

7) Before use of each of the units within plots 1a and 3a and the ground level of Plot 3 commences, for any purpose within the Class A1, A3 or A4 use hereby approved, a scheme for the extraction of any fumes, vapours and odours from any kitchen areas shall be submitted to and approved in writing by the City Council unless otherwise agreed in writing with the local planning authority.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the emerging Core Strategy.

8) Before use of each of the units within plots 1a and 3a and the ground level of Plot 3 commences, for any purpose within the Class A1, A3 or A4 uses hereby approved externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority 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 E1.4, H2.2, DC26.1 and DC26.5 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the emerging Core Strategy

9) Before occupation of any part of the development a Servicing Management Plan shall be submitted and approved in writing by the City Council as Local Planning Authority.

Reason

In the interests of highway safety and pursuant to policy RC18 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the emerging Core Strategy.

10) Plot 1

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

07.30 to 20.00 Monday to Saturday (with the exception of a light commercial vehicle (avoiding a tail lift mechanism) delivering to Plot 1 between 06.00- 07.30);

and

10.00 to 18.00 Sundays and Bank Holidays. with the exception of a light commercial vehicle (avoiding a tail lift mechanism) delivering to Plot 1 between 07.30- 10.00

Reason -To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies E1.4, H2.2, DC26.1 and DC26.5 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the emerging Core Strategy

11) Plots 1, 1A, 3 and 3A

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

07.30 to 20.00 Monday to Saturday, and
10.00 to 18.00 Sundays and Bank Holidays.

Reason -To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies E1.4, H2.2, DC26.1 and DC26.5 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the emerging Core Strategy

12) Plots 1A, 3 and 3A

No part of the site outside of the building shall be used other than in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policies H2.2 E1.4, DC26.1 and DC26.5 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the emerging Core Strategy.

13) Before first occupation of any part of the development, a Travel Plan for that part of the development including details of how the plan will be funded, implemented and monitored for effectiveness, shall be submitted to and approved in writing by the City Council as local planning authority. The strategy shall outline procedures and policies that the developer and occupants of the site will adopt to secure the objectives of the overall site's Travel Plan Strategy. Additionally, the strategy shall outline the monitoring procedures and review mechanisms that are to be put in place to ensure that the strategy and its implementation remain effective. The results of the monitoring and review processes shall be submitted in writing to the local planning authority and any measures that are identified that can improve the effectiveness of the Travel Plan Strategy shall be adopted and implemented.

Reason: In accordance with the provisions contained within planning policy guidance and in order to promote a choice of means of transport, pursuant to policies E1.1 and T3.1 of the Unitary Development Plan for the City of Manchester and policies T2 and EN16 of the emerging Core Strategy.

14) Unless otherwise agreed in writing the development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'excellent'. Unless otherwise agreed in writing a post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority within 3 months of the development handover.

Reason: In order to minimise the environmental impact of the development pursuant to policy E1.5 of the Unitary Development Plan for the City of Manchester, the principles contained in the Guide to Development in Manchester 2 and policies SP1, DM1 and EN8 of the emerging Core Strategy.

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: 19 February 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