

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

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Peter Parkinson
Bridgewater Canal
C/o Agent

Agent (if used)

Mrs Becki Hinchliffe
Eden Planning
6 The Downs
Altrincham
WA14 2PU

Part 1 – Particulars of the application/development

Proposal: Installation of 13 mooring service pillars and hoops and erection of an amenity building (shower room, toilet and elsan) together with associated landscaping

Location: Land Beneath The Railway Viaduct, Between The Bridgewater Canal And Adjacent Bridgewater Canal Basin, Potato Wharf, Manchester, M3 4LA

Date of application: 5 August 2021

Application number: 129176/FO/2021

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 35 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. Officers worked with the applicant with regard to ensuring the retention of trees, the removal of the proposed parking and access road, visual amenity, accessibility and waste management. The proposal is now considered to be acceptable.

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:

6689_P01 - Site Location Plan

03 Revision A - Hard Landscape Plan received by the City Council as local planning authority on 17 October 2024;

6612_PL03 Revision M - Proposed Site Section AA & Elevations received by the City Council as local planning authority on 9 October 2024;

6612_PL02 Revision J - Proposed Site Layout (as amended by drawing 03 Revision A received by the City Council as local planning authority on 17 October 2024);

6612_PL04 Revision B - Detail of Service Pillar, Indicative Signage & Mooring Hoops;

254173-LPP-90-SW-L00-DPL-L-0003-003 R5 - Hard Landscape 2 of 2;

254173-LPP-90-SW-L00-DSE-L-0107_PL06 - Elevation;

Bin Collection Route drawing received by the City Council as local planning authority on 8 August 2023;

Email from Lydia Gallagher to Lucy Harrison dated 13 March 2024;

Waste Refuse Strategy RD0454 dated 15 February 2024 as amended by Email from Lydia Gallagher to Lucy Harrison dated 13 March 2024;

Email from Nicole Roe to Lucy Harrison 13 October 2023;

Email from Peter Parkinson to Nicole Roe dated 18 July 2024.

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) Prior to the commencement of development, a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the City Council as local planning authority which for the avoidance of doubt shall include:

- *Display of an emergency contact number;

- *Details of Wheel Washing;

- *Dust suppression measures;

- *Compound locations where relevant;

- *Location, removal and recycling of waste;

- *Types and frequency of vehicular demands;

- *Routing strategy and swept path analysis;

- *Parking of construction vehicles and staff; and

- *Sheeting over of construction vehicles;

The development shall be carried out in accordance with the approved construction management plan.

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy.

4) No development, site clearance or earth moving shall take place or material or machinery brought on site until a method statement to protect the Bridgewater Canal from accidental spillages, dust and debris has been submitted to and agreed in writing by the City Council as local planning authority. All measure shall be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason - In the interests of amenity and to protect the water environment, pursuant to policy DM1 of the Core Strategy.

5) 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.

6) No works to trees or shrubs shall occur during the main bird breeding season between 1 March and 30 September inclusive in any year, unless a competent suitably experienced ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in

place to protect nesting bird interest on site. Any such written confirmation shall be submitted to and agreed in writing by the City Council as local planning authority.

Reason - In order to provide protection to nesting birds, pursuant to Policy EN15 of the Core Strategy.

7) Prior to the commencement of development, full details of measures to create potential opportunities to enhance and create new biodiversity within the development, to include bat boxes and bricks, and bird boxes, shall be submitted to and approved in writing by the City Council as local planning authority. The biodiversity measures shall be installed in accordance with the approved details before the development is first occupied.

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, DM1, EN9 and EN15 of the Core Strategy and Section 15 of the NPPF.

8) 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 approved details shall be implemented as part 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.

9) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used within the hard landscape have been submitted to and approved in writing by the City Council as local planning authority. The approved details shall be implemented as part of the development and be in place prior to the first use 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.

10) Prior to the commencement of development, a lighting scheme shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the approved scheme and be in place prior to the first use of the development.

Reason - In the interests of security and visual amenity, pursuant to policies SP1 and DM1 of the Core Strategy.

11) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to first occupation of the development, the scheme shall be 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 site.

b) Prior to first occupation of the development, a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria and timescales for implementation of those measures.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to Policy DM1 of the Core Strategy.

12) Any soils imported for use in the development shall be validated as suitable for use and a minimum of 300mm subsoil and topsoil over a no dig marker layer shall be placed. A post completion report shall be submitted to and agreed in writing by the City Council as local planning authority to provide evidence of this.

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) 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 details that have been submitted to and approved in writing by the City Council as local planning authority, 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.

14) 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.

15) The storage and disposal of refuse set out in the following drawings and documents, shall be fully implemented as part of the development and shall remain in situ whilst the use or development is in operation:

6612_PL03 Revision M - Proposed Site Section AA & Elevations received by the City Council as local planning authority on 9 October 2024;
Bin Collection Route drawing received by the City Council as local planning authority on 8 August 2023;
Email from Lydia Gallagher to Lucy Harrison dated 13 March 2024;
Waste Refuse Strategy RD0454 dated 15 February 2024 as amended by Email from Lydia Gallagher to Lucy Harrison dated 13 March 2024.

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

16) The service pillars hereby approved shall be finished in black.

Reason - For the avoidance of doubt and in the interests of visual amenity, pursuant to policies SP1 and DM1 of the Core Strategy and saved policies DC18 and DC19 of the Unitary Development Plan for the City of Manchester.

17) No development shall commence until full details of the soft landscaping treatment scheme have 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.

18) Prior to the first occupation of the development, a detailed landscape management plan shall be submitted to and approved in writing by the City Council as local planning authority. This shall include details of how the public realm and hard and soft landscaping areas will be maintained including maintenance schedules and repairs. The management plan shall then be implemented as part of the development and remain in place for as long as the development remains in use.

Reason - To ensure that the satisfactory landscaping scheme for the development is maintained in the interest of the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

Informatives

Building Regulations 2010

This permission does not grant approval under Building Regulations.

Street Naming & Numbering Requirements

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2

Mining Information

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.

Manchester Water Safety Partnership (MWSP)

The MWSP would encourage and welcome the following:

- a. Completion of the MWSP Water Safety Impact Assessment for developments by city centre waterways;
- b. Provision of Public Rescue Equipment;
- c. Provision of publicly accessible signage/information promoting water safety; and
- d. Provision of an assessment on lighting in the area to ensure that there is adequate lighting for safe access/egress from boats and safe movement around the site, particularly when close to the water's edge.

Temporary Traffic Management Arrangements

The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with Manchester City Council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Construction/demolition works shall be confined to the following hours:

Monday - Friday: 7.30am - 6pm
Saturday: 8.30am - 2pm
Sunday / Bank holidays: No work.

Bats

Under Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Date: 30 October 2024

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written in a cursive style.

Julie Roscoe

Director 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, they may appeal to the 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 gov.uk website – www.gov.uk/appeal-planning-decision The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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 or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they 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 Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix A



The Coal Authority

STANDING ADVICE - DEVELOPMENT LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024