

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

Kim Kerr
Evonik
Clayton Lane
Manchester
M11 4SR

Agent (if used)

Mr Nicholas White
Glovers Project Services Ltd
The Old Tannery
Eastgate
Accrington
BB5 6PW

Part 1 – Particulars of the application/development

Proposal: Variation of condition 2 (specified plans), 4 (cycle storage) and 18 (boundary treatment) attached to planning permission referenced 126420/FO/2020 to allow amendments to Oldfield Street vehicular access, boundary treatments and reconfiguration of car parking and cycling provision

Location: Air Products Plc , Clayton Lane, Manchester, M11 4SR

Date of application: 20 July 2022

Application number: 134282/JO/2022

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

Condition(s) attached to this decision

0) The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan saved policies, Local Development Framework Core Strategy Development Plan and other material considerations. 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 in regard to drainage , and highways works to Oldfield Street, and the appropriate conditions have been attached

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

BS 1094 001 _Location Plan
BS 1094 002 _Block Plan

BS 1094 003_Existing Site Plan
BS 1094 005_Existing floor plans - A1 Building
BS 1094 006_Existing Elevations - A1 Building
BS 1094 007_Existing floor plans - A8 Building
BS 1094 008_Rev.A Existing Elevations - A8 Building [sheet 1 of 3]
BS 1094 009_Rev. A Existing Elevations - A8 Building [sheet 2 of 3]
BS 1094 010_Rev. A Existing Elevations - A8 Building [sheet 3 of 3]
BS 1094 013_Rev. A Proposed Elevations - A8 Building [sheet 2 of 2]
BS 1094 014_Proposed Plan & Elevations IBC Storage
HD 11693 01 Proposed Portakabin Layout - A1 Building
B/SM/03/5 - Layout of Zones and Buildings

Design & Access Statement; Construction Phase Health & Safety Plan (Evaluation only) Project ref: MWD 544;Internal Strip out Statement/Risk Assessment Buildings A1 and A8;

Preliminary Ecology Appraisal and Preliminary Roost Assessment Survey
12198-KEN-001_rev.B Utilities

Email from planning agent 20.04.2020 re bat survey condition
Bat Emergence and Re-entry Surveys received 1st June 2020

Email from planning agent dated 16th July confirming proposed Intermediate Bulk Container [IBC] storage shed will not be used for storing any chemicals, and that any containers in this shed will be empty.

Plan ref: BS 1094 011_ Rev. C Proposed Floor Plans - A8 Building received 16th July 2020;

Bike Doc Solutions 10 space cycle shelter and bike stands visual received 21st July 2020;

Plan refs: BS 1094 012_Rev. C Proposed Elevations - A8 Building (sheet 1 of 2);
19112-24_001 (Structural Details Sheet 1); BS 1094_004_REV B(Proposed Site Plan);
BS1094_015 (Proposed new boundary Oldfield Street)received 29th July 2020.

AS AMENDED BY :-

Proposed site plan ref: BS 1094_04_REV G received 6th July 2022.

Email dated 4th October 2022 - gate colouration RAL 1016 ;

3m x 6m DL Gate & Vertical Bar plan ref: HH -0725 Sheet 1 of 2 and 3m x 6m DL Gate & Vertical Bar plan ref: HH -0725 Sheet 2 of 2 ;

Construction Phase Plan for Demolition and modular building works;

Bird/Bat box and external lighting plan ref: 191112-27_001;

Proposed surface water drainage plan 191112-KRD-XX-EX-DR-C-1401 rev.P01;
received 11th October 2022.

Email from agent 24.10.2023

Harled LED Emergency Bulkhead lighting specification sheet;

Mechanical and Electrical plan ref:3129

Mitsubishi Electric split type air conditioning units specification sheet

Received 24th October 2022

Drainage Maintenance Schedule Evonik Phase 2 works dated 17.09.2021 received 9th January 2023

Stage1 / 2 Road Safety Audit ref : PC4697-RHD-ZZ-RP-ZZ-XX-RP-SA-0001 FINAL/00 dated 1 March 2023 , and plan ref: 210930- KRD-XX-EX-DR-X-0012 received 7th March 2023

Environmental Appraisal report for Evonik Chemical Works. Clayton, prepared by: GroundTech Consulting, Ref: GRO-20221-4320-FINAL, dated 2nd May 2023 received 23rd May 2023

210930-KRD-XX-EX-DR-C-0200 rev.P03 - Proposed Section 278 works- Site Clearance Plan
210930-KRD-XX-EX-DR-C-0700 rev.P02 - Proposed Section 278 works- Surfacing plan and details
210930-KRD-XX-EX-DR-C-0012 rev.P03- Proposed Section 278 works- General Arrangement
210930-KRD-XX-EX-DR-C-0001 rev.P01 - Vehicle tracking
Received 26th June 2023

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

2) The development shall be implemented in accordance with the Construction Phase Plan for Demolition and modular building works received 11th October 2022, and contact details shall be displayed at the site for the public for the duration of the construction period.

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

3) The bicycle storage facility indicated on the plan ref: BS 1094_004_rev. G (Proposed Site Plan), and Bike Doc Solutions 10 space cycle shelter and bike stands visual, shall be implemented in full and made available for use prior to first occupation of the buildings hereby approved. The approved scheme shall remain available for use whilst the approved buildings are occupied.

Reason - To ensure there is adequate bicycle parking provision, pursuant to policies DM1, T1 and SP1 of the Manchester Core Strategy (2012).

4) The off site highways works shall be implemented in accordance with the details shown on plans ref: 210930-KRD-XX-EX-DR-C-0200 rev.P03 - Proposed Section 278 works- Site Clearance Plan ; 210930-KRD-XX-EX-DR-C-0700 rev.P02 - Proposed Section 278 works- Surfacing plan and details; 210930-KRD-XX-EX-DR-C-0012 rev.P03- Proposed Section 278 works- General Arrangement ; 210930-KRD-XX-EX-DR-C-0001 rev.P01 - Vehicle tracking;
and Stage1 / 2 Road Safety Audit ref : PC4697-RHD-ZZ-RP-ZZ-XX-RP-SA-0001 FINAL/00 dated 1 March 2023.

The approved scheme shall be implemented and be in place prior to the first occupation of the development hereby approved and thereafter retained and maintained in situ.

Reason -To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

5) The development shall be implemented in accordance with the details on the Mitsubishi Electric split type air conditioning units specification sheet and Mechanical and Electrical plan ref:3129 received 24th October 2022, and the email from planning agent dated 24.10.2022

The approved scheme shall be completed before the premises is occupied.

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 policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan.

6) a)The modular building shall be constructed in accordance with the materials set out in the Cotaplan materials specifications document dated 27th April 2022.

The A1 building shall be implemented in accordance with the content of the Details of Materials and Finishes used Externally for the Development document received 11th October 2023.

b) No above ground development in connection with the erection of the Intermediate Bulk Container (IBC) building shall commence unless and until samples and specifications of all materials to be used on all external elevations of the Intermediate Bulk Container (IBC) building have been submitted to and approved in writing by the City Council as local planning authority.

The development shall only be implemented in accordance with the approved details.

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 Manchester Core Strategy (2012).

7) The development shall be implemented in accordance with the Environmental Appraisal report for Evonik Chemical Works. Clayton, prepared by: GroundTech Consulting, Ref: GRO-20221-4320-FINAL, dated 2nd May 2023 received 23rd May 2023.

Reason - To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution, pursuant to policies SP1 and EN17 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.

8) The development shall be implemented in accordance with the content of the correspondence from Glover Project Services Limited dated 5th October 2020 in respect of there being no penetrative foundations or any kind of piling proposed as part of the application, and that where work is required below ground it is in connection with the reinstatement of concrete slabs or shallow pad foundations in connection with piers affording lateral support to boundary walls; together with the contents of Section 6 Preliminary Risk Assessment - Evonik Chemical Works, Clayton; prepared by

Reason - To ensure that the proposed piling activity is protective of controlled waters, pursuant to policies SP1 and EN17 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.

9) The development shall be implemented in accordance with Proposed surface water drainage plan 191112-KRD-XX-EX-DR-C-1401 rev.P01 and Drainage Maintenance Schedule Evonik Phase 2 works dated 17.09.2021.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Manchester Core Strategy (2012).

10) The car parking shall be surfaced, demarcated and made available for use before the development hereby approved is occupied. The car parking spaces shall then be available at all times whilst the 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 and DM1 of the Core Strategy for Manchester.

11) The development shall be undertaken in accordance with Bird/Bat box and external lighting plan ref: 191112-27_001 in regard to the location of bird and bat boxes and the design of the bat box.

Reason - To provide a roost for bats a European Protected Species (Habitats Regulations 1994) and bird boxes to comply with policy EN15 of the Manchester Core Strategy (2012).

12) No demolition works shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately prior to the demolition works commencing and provides written confirmation that no birds are present (with the exception of certain pest species). Any such written confirmation should be submitted to the local planning authority.

Reason - In order to provide protection to nesting birds, pursuant to Policy EN15 of the Manchester Core Strategy (2012).

13) The development shall be implemented in accordance with the contents of the email from the planning agent 24.10.2022; and Harled LED Emergency Bulkhead lighting specification sheet; and Mechanical and Electrical plan ref:3129 received 24th October 2022. The external lighting scheme shall be implemented in accordance with the approved lighting proposals before the first occupation of the development hereby approved, and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of policies SP1 and DM1 of the Manchester Core Strategy (2012).

14) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

15) The boundary treatment to Oldfield Street shall be implemented in accordance with the details on plan refs: BS 1094_004_rev. G(Proposed Site Plan); BS1094_015 (Proposed new boundary Oldfield Street). The development shall be carried out in accordance with the approved details, prior to the occupation of the building and shall thereafter be retained.

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 saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy (2012).

16) The proposed gates shall be implemented in accordance with the information in the Email dated 4th October 2022 - gate colouration RAL 1016 ; 3m x 6m DL Gate & Vertical Bar plan ref: HH -0725 Sheet 1 of 2 and 3m x 6m DL Gate & Vertical Bar plan ref: HH -0725 Sheet 2 of 2 received 11th October 2022.
The development shall be carried out in accordance with the approved gate details, prior to the occupation of the approved buildings and shall thereafter be retained.

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 saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy (2012).

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:

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.

1. Model Procedures and good practice

We recommend that developers should:

- Follow the risk management framework set out on our 'Land Contamination Risk Management' guidance.
- Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
- Refer to the contaminated land pages on GOV.UK for more information.

The redevelopment of the site may give rise to waste management issues and we would advise the Applicant as follows:

2. Reuse of material on site

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK.

3.Waste to be taken off site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2017
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with relevant guidance and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

4.Dewatering

If dewatering and discharging into surface water is required during development the following Regulatory Position Statement would apply: 'Temporary dewatering from excavations to surface water'

<https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water>

If during development discharge into groundwater is required an assessment needs to be carried out to determine whether one of the groundwater exclusions exempting permit application applies.

<https://www.gov.uk/government/publications/groundwater-activity-exclusions-from-environmental-permits/groundwater-activity-exclusions-from-environmental-permits>

As bats are mobile in their habits and can be found in the most unlikely places. If bats are found at any time during the works, work should cease immediately and advice sought from a suitably qualified bat worker.

Feral pigeons' eggs were present in building B2. Pigeons are capable of breeding throughout the year. Nesting pigeons have legal protection under the terms of the Wildlife & Countryside Act 1981 (as amended) and a general licence will be required from Natural England to allow work to proceed that would damage pigeon's nests. The licence can be downloaded from Natural England's website.

The applicant should also be aware of the following guidance:

https://secure.manchester.gov.uk/info/100006/environmental_problems/2956/noise/9 and IAQM/EPUK Construction Guidance at: <http://iaqm.co.uk/guidance/>

The following points have been identified for further consideration.

Any new external fittings (i.e. shutters, windows or doors) should be certified to Secured by Design standards.

Any new glazing in external doors, ground floor or easily accessible windows should include at least one pane of laminated glass rated as P4A under EN 356.

Any staff areas that are to be included within the property should be access controlled and restricted to members of staff only.

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

Date: 30 June 2023

Signed: 

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 their 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.