

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

E&E Barton Estates Ltd & Khanjra
International Foods Ltd
C/o Agent

Agent (if used)

Ms Helen Hartley
Russell WBHO
13 Westpoint Enterprise Park
Clarence Avenue
M17 1QS

Part 1 – Particulars of the application/development

Proposal: Demolition of existing buildings and erection of a two warehouse units with ancillary office space (sui generis use), with associated access, parking, service yard and landscaping, including works to roadway to the existing adjacent warehouse unit from within from New Smithfield Market

Location: Land To The North Of Lawton Street, New Smithfield Market, Manchester

Date of application: 26 May 2022

Application number: 133759/FO/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) 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. Pre application advice was sought prior to the submission of this application. Officers worked in a positive and proactive manner with the applicant to deliver an acceptable scheme, in particular in relation to issues traffic routing, drainage, parking provision, electric vehicle charging points and changing facilities for cyclists. The revised proposal is considered to be in accordance with City Council policy and appropriate conditions are attached.

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:

Location Plan ref: AS763-01

Existing site plan ref: AS 763 02, and Photographic study sheets;

Unit 1 GA Roof plan AS 763-05 rev.B

Unit 1 GA elevations ref: AS 763-06 rev.D;

Unit 2 GA Building plan ref: AS 763-07 rev.C (notwithstanding to any annotated reference to Cash and Carry use);

Unit 2 GA Roof plan AS 763-09 rev.A

Unit 2 GA elevations ref: AS 763-010 rev.B;

Proposed Cross sections ref: AS 763-011;

Enabling works plan with MMC demise overlaid ref: AS763-SK15 rev.A

Lighting plan ref: D40759/RD/B (notwithstanding parking layout);

Proposed perimeter fencing elevations ref: AS763-14;

Landscape Masterplan ref: 49068 101 rev. A received 12th May 2022;

Design and Access Statement rev.A (AS763 DMR E)

Air Quality Assessment Ref: MAN.1969.AQ.001 .R.0 02 February 2022

Crime Impact Statement V.1 January 2022

Energy Statement ref: CSS 1108 dated 16th February 2022

2.0 Outline Statement for Demolition works by P.P. O'Connor

Planning Statement April 2022

New Warehouse Construction Phase Logistics Site Plan ref: 20777 SK/CPL1

Construction Management Plan (notwithstanding the work finish time on Saturdays)

Transport Statement by Russell Construction April 2022

Technical Note ref:01 July 2022 (3044)

Waste Management Strategy Proforma

E3P Noise Impact Assessment reference 50-110-R1- 4 dated February 2022

Arboricultural Implications Report Ref: TRE/BRM/Rev C 14th February 2022 (including tree survey);

Arboricultural Method Statement Ref: TRE/BRM/Rev C 14th February 2022

E3P Preliminary Ecological Appraisal Report Ref: 80-261- R3 -3 23rd February 2022;

Flood Risk Assessment and Drainage Strategy - prepared by EMM Ltd;

Russell WBHO Investigative Works to Establish the Location of the Cornbrook Tributary as shown on Arcmap GIS information dated 12th July 2022;

Wholesale Market Drainage Layout;

Underground Services Survey ref: 211016 sheet 03;

Underground Services Survey ref: 211016 sheet 04;

E3P Ground Gas Addendum report Smithfield Market Lawton Street ref: 12-757 L1 dated 29th March 2019;

E3P Phase I Geo- Environmental Site Assessment Ref: Report No.12-757-R3 - 1, dated July 2020

E3P Phase II Geo-Environmental Site Assessment. Ref: Report No. 12-757-R2 - 1 dated July 2020.

E3P Supplementary Ground Investigations Report Area 1 ref: 12-757- L4-01 15th December 2020;

E3P Supplementary Site Investigation ref: 12-757-L5 3rd March 2022;

Email from agent dated 26.05.2022 confirming the weldmesh fence colouration as green.

Email from agent dated 30.05.2022 confirming the Lawton Street access will be for emergency vehicles only.

Highways Technical Note 01 - JULY 2022 (3044) and Proposed Site Layout plan ref: AS763- 03 rev.G received 14th July 2022;

Proposed site plan ref: AS763-03 rev.H; Unit 1 GA building plans ref: AS763-04 rev.D ; Unit 2 Office Area plans ref: AS763-08 rev.D; received 3rd August 2022.

Drainage Separator details ref: HC-21093-(30)- 004; Manhole Details and Sections plan ref: HC-22121- (30)-003;

Ground Gas Addendum report Smithfield Market Lawton Street ref: 12-757- R5-1 dated July 2022; Remediation and Enabling Works Strategy New Smithfield Market ref: 12-757- R4- 4received 15th August 2022;

Flood and drainage Assessment dated August 2022 ref: 146B31-FRDA/03 ; Drainage Site Layout GA plan sheet 1 of 2 ref: HC-22121- (30)-001; Drainage Site Layout GA plan sheet 2 of 2 ref: HC-22121- (30)-002;received 17th August 2022;

Completed waste proforma received 22nd August 2022;

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).

3) The development hereby approved shall be implemented in accordance with the submitted construction management plan , with the exception that any Saturday working shall finish at 14:00 hrs .

Reason - To safeguard the amenities of nearby residents and highway safety pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (2012).

4) Notwithstanding the materials annotated on the submitted plans ,prior to above ground works, samples and specifications of all materials to be used on all external elevations of the development 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 agreed 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, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

5) a) The development shall be implemented in accordance with E3P Phase I Geoenvironmental Site Assessment (Ref:12-757-R3-1 Dated July 2020) . As the E3P Phase I Geoenvironmental Site Assessment (Ref:12-757-R3-1 Dated July 2020) identifies risks which in the written opinion of the Local Planning Authority require further investigation, no development, other than works that relate solely to demolition , shall take place until a scheme for the investigation of the site and the identification of remediation measures (Site Investigation Proposal and Remediation Strategy) 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 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 prior to occupation 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 in each phase 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 policy EN18 of the Manchester Core Strategy (2012).

6) No development other than works that relate solely to demolition, shall take place until surface water drainage works have been implemented in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards and details that have been submitted to and approved in writing by the Local Planning Authority.

Reason- To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of national policies within the NPPF and NPPG and pursuant to policies EN08 and EN14 of the Manchester Core Strategy (2012).

7) No development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- o Verification report providing photographic evidence of construction as per design drawings;
- o As built construction drawings if different from design construction drawings;
- o Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason- To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance

mechanism for the lifetime of the development, pursuant to policies EN08 and EN14 of the Manchester Core Strategy (2012).

8) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason - For the future protection of the Water Environment from risks arising from land contamination and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants, pursuant to policies EN17 and EN18 of the Manchester Core Strategy (2012).

9) Notwithstanding the planting details on the Landscape Masterplan ref: 49068 101 rev. A, no development other than works that relate solely to demolition shall commence until a hard and soft landscaping treatment scheme (including tree planting) has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Manchester Core Strategy (2012).

10) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained in the Arboricultural Method Statement Ref: TRE/BRM/Rev C 14th February 2022; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy (2012).

11) The car parking indicated on plan ref: Proposed site plan ref: AS763-03 rev.H; received by the City Council, as Local Planning Authority, on 3rd August 2022, shall be surfaced, demarcated and made available for use prior to the buildings hereby approved being occupied. The car park shall then be available at all times whilst the development is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

12) a) The electric vehicle charging points indicated on plan ref: Proposed site plan ref: AS763-03 rev.H; received by the City Council, as Local Planning Authority, on 3rd August 2022 shall be installed and made available for use prior to the buildings hereby approved being occupied. The electric vehicle charging points shall then be available at all times whilst the development is occupied.

b) Finalised details of the additional ducting to enable cabling to be provided to the other parking spaces within the development for enable the future provision electric vehicle charging points, shall be submitted to and approved in writing by the City Council as local planning authority, prior to above ground works being undertaken.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

13) a) The development hereby approved shall be completed in accordance with the scheme for the provision of space and facilities for bicycle parking indicated on plan ref: Proposed site plan ref: AS763-03 rev.H.

b) Finalised detailed design and colouration of the cycle shelters to be installed shall be submitted to and approved in writing by the City Council as local planning authority, prior to the occupation of the buildings hereby approved

The approved space and 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 in order to comply with policies SP1, T1 and DM1 of the Manchester Core Strategy (2012).

14) The development hereby approved shall be carried out in accordance with the Air Quality Assessment Ref: MAN.1969.AQ.001 .R.0 02 February 2022, and the Construction Management Plan (notwithstanding the work finish time on Saturdays) The approved details shall then be implemented and be in place prior to the first occupation of the development and thereafter retained and maintained in situ.

Reason - In the interest of the residential amenity of the occupants of the development due to the air quality surrounding the development and to secure a reduction in air

pollution from traffic or other sources in order to safeguard the amenity of nearby residents from air pollution, pursuant policies SP1, EN16 and DM1 of the Manchester Core Strategy(2012), and Greater Manchester Air Quality action plan 2016.

15) a) The development hereby approved shall be completed in accordance with the physical security specifications outlined within Section 7 of the Crime Impact Statement Version 1.0 dated January 2022, received by the Local Planning Authority on 12th May 2022, in relation to the measures to be incorporated into the development to achieve the secure by design accreditation.

b) The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and to reflect the guidance contained in the National Planning Policy Framework.

16) a) The development hereby approved shall be implemented in full accordance with the measures as set out within the Energy Statement completed by Complete Sustainability Solutions Ltd (ref:CSS 1108) dated 16th February 2022, received by the Local Planning Authority on the 12th May 2022 including measures to secure predicted carbon emissions and the attainment of specified environmental efficiency and performance.

b) Within 3 months of the completion of the construction of the authorised development a verification statement shall be submitted to and approved in writing, by the City Council as local planning authority, confirming the incorporation of the specified measures in the development, including dated photographic documentary evidence of the implementation and completion of required works.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Manchester Core Strategy (2012) and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

17) The development hereby approved shall be constructed and operated in accordance with the recommendations and mitigation measures detailed section 5 of the submitted E3P Noise Impact Assessment reference 50-110-R1- 4 dated February 2022 in relation to the control of any noise impacts of the operation of the development outlined in the City Council's Planning & Noise Technical Guidance. The development shall be operated in accordance with this scheme for as long as the development is in operation.

Reason - In order to protect the amenity of local residents in accordance with policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved UDP policy DC26.

18)) 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.

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

b) Upon completion of the development a verification report will be required 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 has been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site. in accordance with policies SP1 and DM1 of the Manchester Core Strategy (2012), and saved UDP policy DC26.

19) Prior to the first occupation of the development hereby approved, a HGV Routing Strategy shall be submitted to and approved in writing by the City Council as the Local Planning Authority. The development shall then be operated in strict accordance with the approved strategy for as long as the development is operational.

Reason - In order to protect the amenity of local residents in accordance with policies SP1 and DM1 of the Manchester Core Strategy (2012).

20) The details of the approved Waste Management Scheme (including waste management plan and waste proforma) shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policies EN19 and DM1 of the Manchester Core Strategy (2012).

21) Prior to the first occupation of the development hereby approved, finalised designs of bin stores shall be submitted to and approved in writing by the City Council as the Local Planning Authority. The development shall then implemented in accordance with the approved scheme

Reason - In order to protect the amenity of local residents in accordance with policies SP1, EN19 and DM1 of the Manchester Core Strategy (2012).

22) Deliveries, servicing and collections, including waste collections to the building hereby approved, shall not take place outside the following hours: 07:30 to 20:00, Mondays to Saturdays, with no deliveries/waste collections on Sundays/Bank Holidays

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester, policies SP1 and DM1 of the Manchester Core Strategy (2012).

23) a) The external lighting shall be implemented in accordance with the locations shown on plan ref: Lighting plan ref: D40759/RD/B (notwithstanding parking layout)

b) Prior to the installation of the proposed lighting, finalised details of the location of the wall mounted lanterns shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented

as part of the development and shall remain in situ whilst the use or development is in operation.

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

24) 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 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 policy DM1 of the Manchester Core Strategy (2012).

25) The development hereby approved shall be completed in accordance with the proposed boundary treatments shown on plan ref :Proposed site plan ref: AS763-03 rev.H., and Proposed perimeter fencing elevations ref: AS763-14; in relation to the positions, design, materials and type of boundary treatment to be erected in this area of the site. The boundary treatment shall be completed before the development is first occupied. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - To ensure that the appearance of the development along Lawton Street 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).

26) No removal of or works to any hedgerows, trees or shrubs should take place between 1st March and 31st August inclusive, unless a competent 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 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).

27) Prior to any above ground works of the development hereby approved, a scheme for delivering biodiversity enhancement at the site, shall be submitted to and approved in writing by the City Council as the local planning authority. The biodiversity enhancement measures for the development shall be implemented in accordance with the approved scheme, prior to the occupation of the building.

Reason - To ensure that landscape and ecology management is adequately in place and to ensure the longevity of new planting in different areas of the site and to comply with policy EN15 of the Manchester Core Strategy (2012).

28) (a) Three months prior to the first use of the either of the two buildings hereby approved, a Local Benefit Proposal Framework that outlines the approach to local recruitment for the end use(s), shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved document shall be implemented as part of the occupation of the development.

In this condition a Local Benefit Proposal means a document which includes:

- i) the measures proposed to recruit local people including apprenticeships
- ii) mechanisms for the implementation and delivery of the Local Benefit Proposal
- iii) measures to monitor and review the effectiveness of the Local Benefit Proposal in achieving the objective of recruiting and supporting local labour objectives

(b) Within 6 months of the first use of the development, a Local Benefit Proposal which takes into account the information and outcomes about local labour recruitment pursuant to items (i) and (ii) above shall be submitted for approval in writing by the City Council, as Local Planning Authority. Any Local Benefit Proposal approved by the City Council, as Local Planning Authority, shall be implemented in full at all times whilst the use is operation.

Reason - The applicant has demonstrated a commitment to recruiting local labour pursuant to policies SP1, EC1 and DM1 of the Manchester Core Strategy (2012).

29) The two units hereby approved be shall each be occupied as a Class B8 use and for no other purpose in the Town and Country Planning (Use Classes) Order 1987 , (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. The first use of each of the units to be implemented shall thereafter be the permitted use of that unit.

Reason - For the avoidance of doubt and in order to secure a satisfactory form of development due to the particular circumstance of the application site, and in the interest of residential amenity, pursuant policy 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:

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.

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).

Cadent Gas Ltd own and operate the gas infrastructure within the area of the proposed development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

The applicant is reminded that under the Protection of Badgers Act 1992 it is an offence to intentionally or recklessly interfere with a badger sett. If a badger sett is found on or near the developments site work should cease immediately and a suitably experienced ecologist employed to advise on how best to proceed.

The applicant is reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act.

Environment Agency advises in regard to waste on-site:

The CL:AIRE 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 onsite

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.

They recommend that developers should refer to:

- The position statement on the Definition of Waste: Development Industry Code of Practice

- The waste management page on GOV.UK#

In relation to Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are 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 2016

The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005

'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' 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.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

Dewatering

If dewatering is necessary these abstractions were previously exempt from requiring an abstraction licence, but since 1 January 2018 most exempt dewatering operations above the 20m³/day threshold now require a licence to abstract water.

More information is available on gov.uk:

<https://www.gov.uk/guidance/watermanagement-apply-for-a-water-abstraction-or-impoundment-licence#apply-for-a-licence-for-a-previously-exempt-abstraction>

An ordinary watercourse culvert is positioned beneath the site, the applicant is therefore advised that they inform the onsite contractor to remain observant and to take the appropriate safety precautions during excavation works.. If any further major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and Manchester City Council should be contacted immediately.

Date: 5 September 2022

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/planning-inspectorate. 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

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/government/organisations/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

This Standing Advice is valid from 1st January 2021 until 31st December 2022