

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

Mr Tony Hopson
Barton & Redman
Strawberry House
Whitworth Street East
Openshaw
Manchester
M11 2WJ

Agent (if used)

Mr Leon Armstrong
Mosaic Town Planning
Bloc
17 Marble Street
Manchester
M2 3AW

Part 1 – Particulars of the application/development

Proposal: Erection of a storage building (Class B8) ancillary to adjacent existing commercial warehouse operation

Location: Strawberry House, New Smithfield Market, Whitworth Street East, Manchester, M11 2WJ

Date of application: 18 March 2022

Application number: 132866/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

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 in a positive and proactive manner with the applicant to deliver an acceptable scheme, in particular in relation to issues traffic routing, culvert ,sewer and drainage. The revised proposal is considered to be in accordance with City Council policy and appropriate conditions are attached.

Condition(s) attached to this decision

1) The permission hereby granted is for a limited period of 5 years from the date of the permission; and the buildings, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued. The land shall be reinstated within 3 months ; in accordance with a scheme previously approved, and timetable of implementation to be submitted to and approved in writing by the City Council local planning authority before this permission expires.

Reason - The site and wider market area are expected to undergo significant changes as a result of regeneration being promoted by the City Council and it will be necessary to reconsider the suitability and acceptability of the structure on this site following this temporary period. This temporary permission will allow the City Council to reconsider the consequences of development on the site which are not foreseeable beyond the expiry of this temporary permission, pursuant to the Manchester Core Strategy policies SP1, EN5 and DM1.

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

Planning Statement dated January 2022 received 31st January 2022;

Location plan ref: 22-001 3000 rev.P01 received 28th February 2022;

Waste management strategy and Noise Impact Statement ref: 50-564-R1-1 dated 8th March 2022 received 18th March 2022

Transport Statement dated March 2022 ; and Swept path analysis plan ref: 3693 -SP01 rev.B received 24th March 2022;

Drawing ref: 55932 Location of underground services and drains received 19th April 2022;

Agent email dated 19th April 2022 confirming no culvert located under the site ; received 22nd April 2022:

Wholesale market drainage plan and Drainage GA Plan ref: drawing ref: D0001 rev.C (solely in relation to drainage locations and not the parking layout shown) Frame Technical Specification prepared by Aganto; Proposed site plan , plan and elevations ref: 21-056 3001 rev.P04 ; Swept path analysis plan ref: 3693-SP07 ; Crime Impact Statement v. 01 dated July 2020; received 3rd May 2022;

Underground Services survey at New Smithfield Market plan ref: 211016 no.03 received 1st June 2022 (solely in relation to drainage locations and not the parking layout shown) .

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

- o The routing of construction traffic;
- o Detail the vehicular activity associated with the construction including appropriate sweptpath assessment;
- o Details of the location and arrangements for contractor parking;
- o The identification of the vehicular access points into the site for all construction traffic, staff vehicles and Heavy Goods Vehicles;
- o Identify measures to control dust and mud including on the surrounding public

highway including details of how the wheels of contractor's vehicles are to be cleaned during the construction period;

- o The details of an emergency telephone contact number for the site contractor to be displayed in a publicly accessible location;

- o For large schemes a highway dilapidation survey including photographs and commentary on the condition of carriageway/footways on construction vehicle routes surrounding the site.

- o Specify the working hours for the site.

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) Prior to the building hereby approved being brought into use, full details of a servicing/ car parking management strategy for the parking arrangements shown on plan ref: Proposed site plan , plan and elevations ref: 21-056 3001 rev.P04, and servicing requirements, shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in accordance with the approved details, and the agreed measures shall be implemented prior to the proposed accommodation being brought into use.

Reason - In the interests of highway safety, pursuant to policy T1 of the Manchester Core Strategy (2012).

5) 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).

6) Development shall not begin until a surface water drainage layout for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details and details provided of how the scheme shall be maintained and managed after completion.

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).

7) The car parking indicated on plan ref: Proposed site plan , plan and elevations ref: 21-056 3001 rev.P04, shall be demarcated and made available for use prior to the building 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).

8) The development hereby approved shall be completed in accordance with the physical security specifications outlined within Section 7 Security Strategy of the Crime Impact Statement Version 1.0 dated July 2020, received by the Local Planning Authority on 3rd May 2022 , in relation to the security measures to be incorporated into the development.

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.

9) The premises hereby approved shall not operate outside the following hours:-

Midnight to 10:00 hrs on Mondays to Saturdays ;
Closed on Bank Holidays and Sundays .

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy (2012).

10) The development shall be implemented in accordance with the details in the completed waste management proforma , and plan ref: Proposed site plan , plan and elevations ref: 21-056 3001 rev.P04 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).

11) Within 3 months of the development commencing full details of the design and location of a bird box, as part of the approved development shall be submitted and agreed with the Local Planning Authority. The permanent bird box shall be installed in accordance with the agreed design, prior to the occupation of the accommodation hereby approved.

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) 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, and the adjacent rail line 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 accommodation, pursuant to 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:

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).

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and call Contact Manchester on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

Construction works shall be confined to the following hours:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Date: 10 June 2022

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/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