

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

Manchester City Council
C/o Agent

Agent (if used)

Mr Ed Harvey
Avison Young
Norfolk House
7 Norfolk Street
Manchester
M2 1DW

Part 1 – Particulars of the application/development

Proposal: City Council Development for enabling works including tree and vegetation removal, creation of a temporary haul road and demolition of the Creamline Dairies buildings in association with the future delivery of the new Red Bank Neighbourhood.

Location: Former Creamline Dairies Site, Red Bank And Section Of Former Railway, Manchester, M4 4HF

Date of application: 19 November 2021

Application number: 132252/VO/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. Pre application advice has been sought in respect of this matter where early discussions took place regarding. Further work and discussion have taken place with the applicant through the course of the application. The proposal is considered to be acceptable and therefore determined within a timely manner.

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:

Site Location Plan, Proposed Demolition Plan; Enabling Works Site Plan; Construction Haul Road Alignment Plan; Topographical Survey Plans; Supporting Planning Statement prepared by Avison Young; Archaeology Desk-Based Assessment prepared by Orion; Construction Methodology Plan prepared by BAM; Demolition Method Statement prepared by PP O'Connor; Ecological Enhancement Statement prepared by Avison Young; Heritage Statement prepared by Orion; Site Waste Management Plan prepared by BAM; Social Value Summary prepared by MCC and Avison Young; and Transport Statement prepared by Arup.

Environmental Statement prepared by Avison Young, including the following technical chapters:

Appendix 5.1 Creamline Demolition Methodology

a. Ecology & Trees;

Appendix 6.1 Ecology Desk Study (November 2021)

Appendix 6.2 Phase 1 Habitat Survey

Appendix 6.3 Bat Survey Report

Appendix 6.4 Arboricultural Impact Assessment

Appendix 6.5 Biodiversity Net Gain (BNG) Assessment

b. Climate Change;

c. Flood Risk & Drainage;

Appendix 8.1 Flood Risk Assessment

d. Ground Conditions;

Appendix 9.1 Northern Gateway Ground Conditions Desk Study

e. Landscape Visual Impact.

Appendix 7.1 Baseline and Assessment Table

Appendix 7.2 Figures and Viewpoint Photography

The above documents were stamped as received by the City Council, as Local Planning Authority, on the 17 November 2021

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) No vegetation clearance shall take place during the optimum period for bird nesting (March - September inclusive) unless nesting birds have been shown to be absent, or, a method statement for the removal works including for the protection of any nesting birds is agreed in writing by the City Council, Local Planning Authority. Any method statement shall then be implemented for the duration of the works.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy (2012).

4) Notwithstanding Appendix 5.1 Creamline Demolition Methodology stamped as received by the City Council, as Local Planning Authority, on the 17 November 2021, prior to the commencement (excluding vegetation clearance and tree removal) a detailed construction management plan outlining working practices during construction shall be submitted for approval in writing by the City Council, as Local Planning Authority. This should include:

- o Display of an emergency contact number;
- o Details of Wheel Washing;
- o Dust and dirt suppression measures;
- o Compound locations where relevant;
- o Consultation with local residents and businesses;
- o Location, removal/loading, storage and recycling of waste, plant and materials;
- o Routing strategy and swept path analysis including details;
- o Parking of construction vehicles and staff;
- o Sheeting over of construction vehicles;

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.

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

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

5) a) Prior to the commencement of the development (excluding vegetation clearance and tree removal), details of a Local Labour Proposal, in order to demonstrate commitment to recruit local labour for the duration of the construction of the development, 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 construction of the development.

In this condition a Local Labour 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 Labour Proposal
- iii) measures to monitor and review the effectiveness of the Local labour Proposal in achieving the objective of recruiting and supporting local labour objectives

(b) Within one month prior to construction work being completed, a detailed report 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.

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

6) No development works (other than demolition, vegetation and tree clearance) shall take place until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological works in accordance with a Written

Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority. The WSI shall cover the following:

1. A phased programme and methodology of investigation that will mitigate the impact of development on below-ground archaeological remains.
2. A programme for post-investigation assessment to include the production of a final report on the results of the investigations and their significance.
3. Deposition of the final report with the Greater Manchester Historic Environment Record.
4. Dissemination of the results commensurate with their significance.
5. Provision for archive deposition of the report and records of the site investigation.
6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason- To record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publicly accessible pursuant to policy EN3 of the Manchester Core Strategy (2012), saved policy DC20 of the Unitary Development Plan for the City of Manchester (1995) and NPPF.

7) a) Notwithstanding Appendix 9.1 Northern Gateway Ground Conditions Desk Study stamped as received by the City Council, as Local Planning Authority, on the 17 November 2021, before the development hereby approved commences (excluding demolition, vegetation and tree clearance), 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 prior to the first use of the development.

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 brought into use 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.

8) Prior to the commencement of the development (excluding demolition, vegetation and tree clearance), details of a scheme for managing and treating surface water shall be submitted for approval in writing by the City Council, as Local Planning Authority. The scheme shall include:

- The method of surface water disposal (construction, demolition, material stockpile and temporary haul road);
- How any surface water arising from will be treated prior to discharge in order to ensure the protection of controlled waters (construction, demolition, material stockpile and temporary haul road).

The approved scheme shall be implemented prior to the first use of the development and thereafter retained and maintained for the duration of the development.

Reason - In the interest of the development not harming the water environment pursuant to policy EN14 of the Manchester Core Strategy (2012).

9) 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 as outlined in the arboricultural impact assessment prepared by TEP stamped as received by the City Council, as Local Planning Authority on the 17 November 2021 ; 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 Core Strategy.

10) 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.

11) In the event that a phase of development and mitigation works in the Red Bank Neighbourhood, on land that MCC has a freehold interest in, as outlined in the Ecological Enhancement Statement prepared by Avison Young stamped as received by the City Council, as Local Planning Authority, on the 19 November 2021, do not commence within 12 months of the completion of the enabling works hereby approved, a "Tree Replacement, Ecology and Biodiversity Net Gain Mitigation Strategy" to mitigate against the loss of green infrastructure, tree planting and biodiversity at the application site (including 10% biodiversity net gain) site shall be submitted for approval in writing by the City Council, as Local Planning Authority within one month of the expiration period.

The strategy shall include location/quantum of any mitigation measures within the Northern Gateway Strategic Regeneration Framework (SRF) area including details of planting, tree planting and biodiversity enhancement measures which equate to a 10% biodiversity net gain.

The mitigation Strategy shall be implemented in accordance with timescale agreed in writing with the City Council, as Local Planning Authority and thereafter retained and maintained in situ.

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 - In the interest of visual and residential amenity should the redevelopment of the site not be forthcoming in line with regeneration aspirations together with mitigating against the loss of vegetation at the application site pursuant to policies SP1, EN9, EN17 and DM1 of the Manchester Core Strategy (2012).

12) (a) Prior to the commencement of this development (excluding demolition, vegetation and tree clearance), a "Tree Replacement, Ecology and Biodiversity Net Gain Mitigation Strategy" for the four phases of development in the Red Bank Neighbourhood (and/or within the Northern Gateway Strategic Regeneration Framework (SRF) area) on land that MCC has a freehold interest in, as indicated in the Ecological Enhancement Statement prepared by Avison Young stamped as received by the City Council, as Local Planning Authority, on the 19 November 2021, shall be submitted for approval in writing by the City Council, as Local Planning Authority.

This shall include:

- Ecological evaluation of the current condition and value of development hereby approved (both quantitative and qualitative);

- Ecological evaluation of the current condition and value of the subsequent phases of development in the Red Bank Neighbourhood (both quantitative and qualitative);

- A mitigation and implementation strategy (including a commitment to 10% biodiversity net gain) across all phases of the Red Bank Neighbourhood on land that MCC has a freehold interest in; and

- A monitoring, management and verification strategy to ensure that the mitigation is achieved across the four phases of development (and/or within the Northern Gateway SRF area) including details to update the Tree Replacement, Ecology and Biodiversity Net Gain Mitigation Strategy following the completion each phase of development.

(b) As part of a planning application for each subsequent phase of the Red Bank Neighbourhood development on land that MCC has a freehold interest in, an updated version of the "Tree Replacement, Ecology and Biodiversity Net Gain Mitigation Strategy" will be submitted to the Local Planning Authority for approval. This will provide any updates required to the document approved under part (a) of this condition to reflect the detailed design proposals contained within that phase, and any subsequent updates to the ecological assumptions required to meet the overall target of 10% biodiversity net gain.

(c) Prior to the first use of each phase of development agreed within part (a) of this condition, a verification report will be required to validate that the works undertaken at that stage conforms to the recommendations and required approved within part of part (b) of this planning condition including its contribution towards the 10% biodiversity net gain.

(d) In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the Tree Replacement, Ecology and Biodiversity Net Gain Mitigation Strategy. A verification report and measures shall be agreed until such a time as all four phases of development comply with parts (a), (b) and (c) of this planning condition.

Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

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 - In the interest of securing a biodiversity mitigation strategy for the Red Bank Neighbourhood pursuant to policies SP1, EN9, EN17 and DM1 of the Manchester Core Strategy (2012).

13) Prior to the commencement of development (excluding vegetation clearance and tree removal), a scheme of highway works shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include:

- Details of dropped kerbs and tactile paving to all site access points;
- Provision of temporary Traffic Regulation Orders (TROs) at access and egress points;
- Amendments to the existing access from Red Bank including provision of a swept path assessment to demonstrate that the largest vehicle can enter the site;
- Reinstatement of redundant entrances (during and on completion of the works);

The approved scheme shall be implemented and be in place for the duration and completion of the development 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).

14) Prior to the commencement of the development (excluding vegetation clearance and tree removal) details of the siting, scale and appearance of the proposed boundary treatment shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include details that all boundary treatment is visually permeable from 600mm upwards and that gates open inwards and are set back a minimum of 5 metres from the edge of the carriageway. The approved details shall be implemented upon commencement of the development and thereafter retained and maintained in situ for as long as the development remains in use.

Reason - In the interest of visual amenity, highway and pedestrian safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

15) Prior to the commencement of the development (excluding demolition, vegetation clearance and tree removal) a pedestrian management plan and car parking layout plan shall be submitted for approval in writing by the City Council, as Local Planning Authority. The details shall include proposed for segregated footpaths within and around the application site together with number, location and size of car parking bays (including accessible bays).

The approved details shall be implemented upon commencement of the development and thereafter retained and maintained in situ for as long as the development remains in use.

Reason - In the interest of highway and pedestrian safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

16) Prior to the commencement of the development (excluding demolition, vegetation clearance and tree removal), a surface water drainage scheme, based on sustainable drainage principles, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented prior to the first use of the development and thereafter retained and maintained.

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).

17) Prior to the commencement of the development (excluding demolition, vegetation clearance and tree removal), details of the site investigations to establish the Cheetham Hill Junction Drain culverted ordinary watercourse shall be submitted for approval in

writing by the City Council, as Local Planning Authority. This shall include survey details (to determine existence, location and condition) together with measures to protect any culvert during construction and operation phases of the development hereby approved. The approved details shall be implemented prior to the first use of the development and thereafter retained and maintained.

Reason: In the interest of securing a safe and proper drainage of ordinary watercourses pursuant to policy EN17 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.

MCC records highlight that the underground Cheetham Hill Junction Drain is located onsite, while our records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all MCC underground assets. Therefore, we would request that the applicant informs the onsite contractor to remain observant and to take the appropriate safety precautions during excavation works. If any major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and MCC should be contacted immediately.

Date: 23 December 2021

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 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.

Right of challenge on planning application decision

A third party does not have a right of appeal against a decision on a planning application. Instead there is a right of challenge (a Judicial Review) which is limited to lawfulness of the procedure that we have taken in coming to that decision.

Any challenge must be based on the following and not the merit of the decision:

- Procedural irregularity
- Irrationality
- Illegality

Any application for permission to bring such a challenge (which is through the High Court) must be made within 6 weeks of the date of the decision being issued.