

Application Number	Date of Appln	Committee Date	Ward
131895/JO/2021	12 October 2022	20 January 2022	Miles Platting & Newton Heath Ward

Proposal Application to remove condition 44 (Affordable Housing) attached to planning permission ref: 125596/FO/20219

Location Coleshill Street, Manchester, M40 8HH

Applicant Mr Saif Uddin , ENGIE Services Ltd and Landcare (East Manchester) Ltd, Q3 Office Quorum Business Park, Benton Lane, Newcastle Upon Tyne , NE12 8EX,

Agent N/A

Executive Summary

Permission is sought to remove condition no.44 attached to planning permission reference 125596/FO/2019 (approved subject to conditions and a section 106 agreement on 10th November 2020), which relates to affordable housing.

The approved scheme for 410 new homes, was accompanied by an Affordable Housing Statement, which outlined that the viability of the scheme had been considered in line with best practice and as such a Viability Assessment was submitted for consideration. There are complex ground conditions on the site, which impact on viability, and it was demonstrated that, in itself, the development could not support affordable housing. Through the involvement of a Registered Provider, however, 114 affordable dwellings are to be provided on the site through grant funding from Homes England.

Since the granting of the planning permission, Homes England has confirmed that the houses would not qualify for funding if they are subject to a planning condition. In this instance the affordable homes would be delivered and secured via the Development Agreement with the City Council and provisions in the leases (fulfilled by virtue of the City Council's landownership interest), rather than by way of condition no.44.

A full report is attached for Members' consideration.

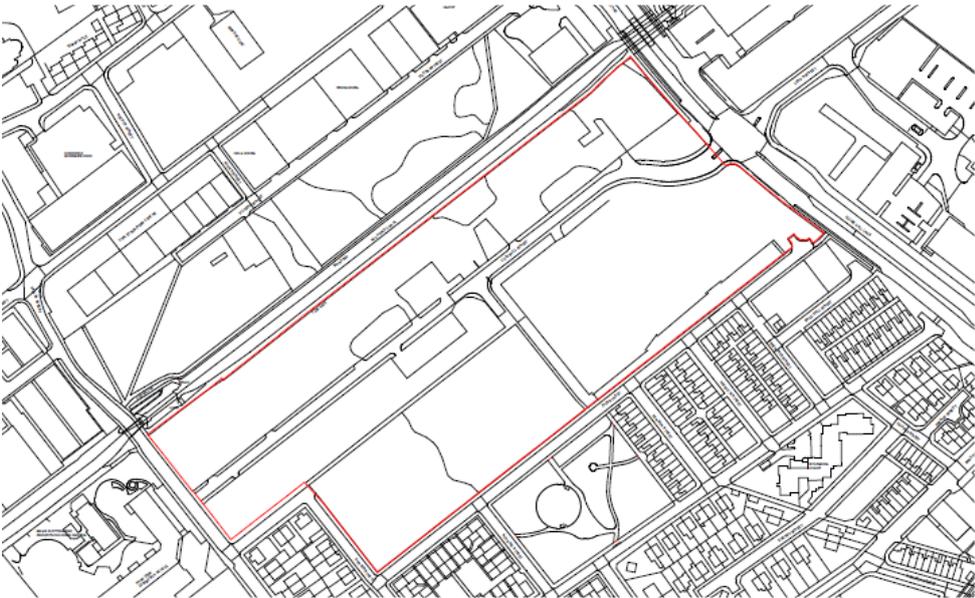
Site Description

The application site covers an area of approximately 6.4 hectares and includes the former Manox site (chemical dye factory). It is bounded by the Rochdale Canal (and associated tow path), grassed brownfield land and commercial /industrial uses to the north. To the south is Iron Street; this area to the south is largely residential and includes a play area. There are further residential properties to the west and across Varley Street is Victoria Mill (Grade II * listed building) which has been converted to residential use. To the east across Alan Turing Way there are commercial /industrial uses.

The topography of the site is predominantly flat, but it does have some areas of mounding due to previous earthworks. It is regular in shape and is currently vacant industrial land, a former playing pitch and informal open space. This is grassed, with some trees in its corners and along the boundary with Iron Street. The former industrial element of site is secured by a mixture of boundary treatments including brick walls and piers and palisade fencing set above the wall between the piers, concrete post and panel fencing and palisade security fencing.

Access is currently provided from a number of points from Varley Street, Iron Street, Coleshill Street and Hulme Hall Lane. Primary access to the proposed development is to be provided via the existing A6010/Coleshill Street/Lord North Street signalised junction to the north-east and via Holland Street/Varley Street to the south-west. A spine road would run through the site connecting the two primary access junctions, and the alignment of the spine road has been designed to discourage through vehicle movements, with traffic calming measures to also be provided. The existing Coleshill Street connection with the A6010/Lord North Street signalised junction is to be amended as part of the proposals and controlled pedestrian crossing facilities are to be provided. The main spine road would connect with the existing alignment of Holland Street to the south-west of the site, which in turn connects with Varley Street at an existing priority T-junction. The Danson Street/Holland Street junction would be amended so that Danson Street becomes the minor arm, giving way to movements on Holland Street. Vehicular access is also to be provided via a number of connections with Iron Street to the south-east of the site, which would link through to the main spine road. A number of minor routes are to be provided to connect to the north-west of the spine road to provide access to the remainder of dwellings within the site.

The application site can be seen below:



The site is not located within a Conservation Area. The nearest listed building is Victoria Mill which lies approx.72m to the north west of the site, with the Corpus Christie Basilica (Grade II) on Varley Street 255m to the north.

Approved development

Following the Committee being minded to approve a residential led scheme at the meeting on 24th September 2020 (subject to a section 106 legal agreement), planning permission was granted on 10th November 2020. The consent is subject to a number of condition and the S106 agreement which requires viability to be re-tested at a trigger point, a requirement to finance the future administration, enforcement and maintenance of the residents permit parking scheme, and to pay a contribution towards the improvement of recreational facilities and/or sports facilities within the Miles Platting and Newton Heath Ward.

The approved scheme (planning reference 125596/FO/2019) is for the 410 new dwellings (Class C3) and 744sq.m of commercial floorspace (Class E uses) together with recreation open space and landscaping, infrastructure provision and car parking.

A variety of house types ranging in size and design (2 bedroom 4 person, three bedroom 4 person, three bedroom five person and three bedroom six person houses) along with 107 apartments, which all met the Council's approved space standards. The development also includes two blocks of apartments located along the south western boundary of the site adjacent to Varley Street, close to the junction with Holland Street, with a further two blocks fronting onto Hulme Hall Lane in proximity to Coleshill Street.

The approved layout is in the form of a grid iron pattern of buildings with the majority of houses facing onto the street (some terraces facing the canal would face onto pedestrian routes which link to the proposed highways). Each dwellinghouse has a small rear garden and access to larger shared courtyard areas which includes some off-street parking provision. On street parking is to be controlled by the use of permits. A range of different tenures were included, with build to rent and affordable housing being delivered through the registered provider (One Manchester). Overall, there are to be 36 Shared Ownership, 34 Affordable Rent, 44 rent to buy and 296 Build to Rent properties.

The proposed commercial floorspace is primarily to be located at ground floor level within the apartment block fronting onto Hulme Hall. The new highway network to serve the site, will connect Hulme Hall Lane in an east west direction to Varley Street. Car parking will be provided together with cycles spaces and parking spaces for disabled users. Parking for the most part is in the form of on street bays and will be managed through a residents' permit scheme. Associated landscaping, boundary treatments, new highways with street trees, and significant site remediation are also proposed. The site will incorporate seven key areas of open space each with its own distinct character, but which will create a chain of practical and useable space for future and existing residents. The scheme will also include a number of substations..

Description of development

As noted the applicant is seeking to remove condition 44 (Affordable Housing) attached to planning permission ref: 125596/FO/2019, which states:

Prior to the commencement of the development (excluding Phase 0 works), a scheme for the provision of affordable housing as part of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme,, or any amended scheme in relation to the tenure mix subsequently approved in writing by the City Council as local planning authority, and shall meet the definition of affordable housing in Annex 2 of the NPPF (or any future guidance that replaces it). The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 28% of the dwellinghouses in accordance with the submitted Affordable Housing Statement;
- ii. the timing of the construction of the affordable housing;
- iii. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced

The affordable housing scheme shall be implemented as part of the development and thereafter retained in perpetuity’.

Homes England has since the grant of the permission raised a concern that the phrasing of condition no.44 is not compatible with their funding conditions, in that it renders the units covered by planning condition 44 ineligible for affordable home programme grant. The applicant and the Registered Provider remain committed to the delivery of the affordable homes on the site and an alternative delivery mechanism has been agreed. In this instance the delivery of the 114 affordable dwellings would be via the Development Agreement with the City Council and provisions in the leases, rather than a planning condition.

For avoidance of doubt all other documents, drawings and reports approved as part of planning permission Ref. 125596/FO/2019 remain unchanged and unaffected by the removal of the condition.

Consultations

Local residents – 3 objections have been received from local residents on the grounds that this will result in the developer being able to avoid the construction of affordable housing which is affordable. One resident states the removal of legislation which currently requires them to construct affordable housing, would potentially leave the development open to exploitation for purely financial gain rather than creating housing opportunities for all people, which was the initial proposal for this development.

Another resident states that the council determined that affordable housing was required in the original application pursuant to NPPF and council policies, and the development of this site is needed. Therefore, they find it objectionable that the developer should believe, with no reason, they can remove this requirement and still seek the profits from developing the land.

Significant concerns have been expressed by another resident, that the developer secured a large scale planning permission in a highly working class area, only to then try and remove the requirement to provide affordable housing. The lack of housing adversely affects the young and those on lower incomes. The resident advises they could not have bought their home in this area if it were not for affordable housing prices and would be disgusted to see the possibility removed for others. They consider it a disgrace if the council were to allowed developers to shirk their responsibilities to local communities in this way.

Local businesses - An objection has been received from a local business on the grounds that the site is proposed to be developed for residential purposes. They feel that the development would be detrimental to the regeneration scheme for Sport City and East Manchester , and that the scheme is not in keeping with the progressive cosmopolitan image of the area, and nor in their view would the proposal sit well with the live music venue, which is currently being developed in proximity to the Stadium. The business has outlined their own future plans for their business and feel the development of affordable housing in proximity to their site would not complement the international influx of guests that their business , the stadium and the music venue would attract.

They make further comments that plans for affordable housing would hinder the image of the area and raise concerns regarding the layout and density of the proposed scheme, and that it would not be sympathetic to the local landscape.

Highways Services - consider that the proposals will not have an impact on the highway therefore they have no objections.

Transport for Greater Manchester- There are no comments required from TfGM in respect of this application.

The Canal and Rivers Trust –Have no comments to make on this proposal.

Environmental Health - Have no comments.

The Coal Authority – The application site does fall within the defined Development High Risk Area. However, on the basis that the condition which this application is seeking the removal of, is not specifically relevant to coal mining issues, the Coal Authority has no objections to this planning application.

Flood Risk Management Team – recommend drainage Conditions 41 and 42 which formed part of the decision in respect of planning permission ref: 125596/FO/2019 are attached to any planning approval.

They also recommend an informative relating to Shooters Brook is attached to any planning approval.

United Utilities - Any comments will be reported to committee.

Greater Manchester Ecology Unit – Have stated that as condition 44 is not a condition relating to ecology, they have no comment to make.

GMAAS – Have advised that they are satisfied that the proposed condition removal does not have any archaeological implications.

Aboricultural Officer – Has no comments

Design for Security – recommend that in the future if a further application is submitted for development on the site, that the Crime Impact Statement that was submitted as part of the previously approved application ref: 125596/FO/2019 be updated..

Greater Manchester Pedestrians Society – Any comments will be reported to committee.

Sport England – Advise they have no comment to make on the removal of condition 44 as it does not have relevance to Sport England's remit.

Cadent - Any comments will be reported to committee.

Historic England - On the basis of the information available to date, they do not wish to offer any comments, and suggest that the views of the Council's specialist conservation and archaeological advisers are sought, as relevant.

Policy Context

National Planning Policy Framework (July 2021)

The revised NPPF was adopted in July 2021. It represents key up to date national policy and is an important material consideration in determining the current application. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). In order to achieve sustainable development, the NPPF states that the planning system has three overarching objectives – economic, social and environmental (paragraph 8).

As part of the consideration of the previously approved scheme Section 5 'Delivering a sufficient supply of new homes', Section 8 'Promoting Healthy and Safe Communities', Section 9 'Promoting Sustainable Transport', Section 11 'Making effective use of land', Section 12 'Achieving Well Designed Places' Section 14 'Meeting the challenge of climate change, flooding and coastal change', Section 15 'Conserving and Enhancing the natural environment', of the NPPF were key to the consideration of the scheme.

Paragraphs 10, 11, 12, 13 and 14 of the NPPF outline a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse

impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

The key aspect of the NPPF that impacts on the considerations that need to be given to the current application are identified below.

Section 5 'Delivering a sufficient supply of new homes' states that in order to support the Government's objective of significantly boosting the supply of homes, 'it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay' (paragraph 60). With regards to affordable housing, paragraph 65 states that where major developments are proposed involving the provision of housing, planning policies and decisions should expect at least 10% of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

Planning Practice Guidance (PPG)

The relevant sections of the PPG considered as part of the previously approved development were noise, design, health and well-being. The revision being sought would not affect the matters detailed above.

The Development Plan

The Development Plan consists of:

- The Manchester Core Strategy (2012); and
- Saved policies of the Unitary Development Plan for the City of Manchester (1995)

The Core Strategy was adopted in July 2012 and is the key document in the Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) and sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved and accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents as directed by the National Planning Policy Framework (NPPF).

Section 38(6) of the 2004 Act requires planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF also refers to this requirement.

The relevant policies within the Core Strategy previously considered as part of the previously approved development were: Policy SP1 'Spatial Principles'; Policy T1 'Sustainable Transport'; Policy T2 'Accessible areas of opportunity and needs'; Policy H1 'Overall Housing Provision'; Policy H2 'Strategic Housing Location'; Policy H4 'East Manchester'; Policy H8 'Affordable Housing'; Policy EN1 'Design principles and strategic character areas'; Policy EN3 'Heritage'; EN4 'Reducing CO2 emissions by enabling low and zero carbon development'; Policy EN5 'Strategic areas for low and zero carbon decentralised energy infrastructure'; Policy EN6 'Target framework for CO 2 reductions from low or zero carbon energy supplies'; Policy EN9 'Green Infrastructure'; Policy EN10 'Safeguarding Open Space, Sport and Recreation

Facilities'; Policy EN11 'Quantity of Open Space, Sport and Recreation' ; Policy EN14 'Flood Risk' Policy EN15, 'Biodiversity and Geological Conservation'; Policy EN16 'Air Quality' ; Policy EN18 'Contaminated Land'; EN19 'Waste'; and Policy DM1 'Development Management'.

Policy H8 'Affordable Housing' is relevant to the consideration of the changes which are now being sought, and is examined in detail later in the report.

Other material policy considerations

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)

This document provides guidance to help develop and enhance Manchester. In particular, the SPD seeks appropriate design, quality of public realm, facilities for disabled people (in accordance with Design for Access 2), pedestrians and cyclists. It also promotes a safer environment through Secured by Design principles, appropriate waste management measures and environmental sustainability. Sections of relevance considered as part of the previously approved development were: Chapter 2 'Design' , Chapter 8 'Community Safety and Crime Prevention' and Chapter 11 'The City's Character Areas'

Manchester Residential Quality Guidance (2016)

This is a material planning consideration in the determination of planning applications and weight should be given to this document in decision making. The purpose of the document is to outline the consideration, qualities and opportunities that will help to deliver high quality residential development as part of successful and sustainable neighbourhoods across Manchester. Above all the guidance seeks to ensure that Manchester can become a City of high quality residential neighbourhood and a place for everyone to live. The document outlines nine components that combine to deliver high quality residential development, and through safe, inviting neighbourhoods where people want to live. These nine components are as follows:

Make it Manchester;
Make it bring people together;
Make it animate street and spaces;
Make it easy to get around;
Make it work with the landscape;
Make it practical;
Make it future proof;
Make it a home;
and Make it happen

Providing for Housing Choice - Supplementary Planning Document & Planning Guidance

This document provides guidance about the mix of new housing required in Manchester, and seeks to deliver affordable housing provision. Paragraph 5.58 outlines where there may be exceptions to providing affordable housing within a proposed development. This criteria includes where the financial impact of the provision of affordable housing, combined with other planning obligations would affect scheme viability. As part of the earlier application the applicant submitted a viability assessment in order to demonstrate that whilst the proposed development would not be viable if affordable housing is a requirement as part of the proposed

development, 28% affordable housing would be delivered through a registered provider (housing association) through grant funding . This was assessed by appropriate officers at that time who subsequently advised that on the basis of the figures supplied by applicant at the time, it would be difficult to substantiate affordable housing for this scheme.

Manchester's Great Outdoors – a Green and Blue Infrastructure Strategy for Manchester (2015)

Adopted in 2015, the vision for the strategy is that 'by 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. There are four objectives in order to achieve this vision:

1. Improve the quality and function of existing green and blue Infrastructure, to maximise the benefits it delivers.
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth.
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond.
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

East Manchester Strategic Regeneration Framework (2008 – 2018)

The SRF sets out a number of strategic objectives and frameworks for East Manchester, which covers Miles Platting. The site is identified within the SRF as a mixed residential commercial area and mixed residential retail area.

Eastlands Regeneration Framework (March 2019)

The framework builds on the East Manchester SRF and identifies Miles Platting as an area for residential growth to broaden the area's housing offer as well as increase the provision of affordable housing.

Other legislative requirements

Section 66 of the Listed Building Act provides that in considering whether to grant planning permission for development that affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 149 Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

Section 17 Crime and Disorder Act 1998 provides that in the exercise of its planning functions the Council shall have regard to the need to do all that it reasonably can to prevent crime and disorder.

Issues

Publicity

The proposal, by virtue of the number of residential units, has been classified as a large scale major development. As such, the proposal has been advertised in the local press (Manchester Evening News). Site notices were displayed at various locations around the application site. In addition, notification letters have been sent to an extensive area of local residents and businesses on 26th October 2021.

Environmental Impact Assessment

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 specifies that certain types of development require an Environmental Impact Assessment (EIA) to be undertaken. The approved development is of a type listed in Schedule 2. The EIA Regulations state that the proposed development may be considered to be Schedule 2 development under Category 10, 'Infrastructure Projects', of the EIA Regulations. Sub-section (b) relates to 'Urban development projects', where the area of development exceeds 5 hectares. The Site is 6.4 ha and exceeds the 5 hectare threshold set out in Schedule 2 10 (b) of the EIA Regulations. Furthermore, the proposal type is listed in category 10 (b) Urban Development Projects of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017. At an overall area of 6.4 ha and the proposed creation of 410 residential units, the development exceeds the threshold of 1 hectare of urban development and the threshold of 150 units (i) and exceeds the 5 hectare in overall development area as specified by part (iii). Therefore, the earlier planning application was accompanied by a Screening Request for the City Council to respond to. A Screening Opinion was therefore, issued by the City Council on the 30th December 2019. In coming to a formal opinion on whether an Environmental Impact Assessment (EIA) was required to support the proposed development, Manchester City Council, as Local Planning Authority, took into account all of the information contained within the planning application including the site location plan, accompanying plans and all the supporting information. It was considered that the potential impacts from a development of this nature that required assessment were Visual; Ecology; Traffic; Air quality; Daylight and sunlight; Surface Water Drainage; Land contamination; and Noise/dust/emissions from construction and operations of the development. A full assessment of all of these potential impacts was completed and it was concluded that this development would have some impact on the surrounding area. However, it was judged that these would not be significant and so would not warrant a formal Environmental Impact Assessment. Therefore, the opinion of the City Council, as Local Planning Authority, was that an Environmental Impact Assessment was not required in this instance.

This development is the same as the previously approved development , with only change being the removal of the condition which requires the delivery of affordable housing, and therefore all other matters considered as part of the earlier screening opinion would remain relevant.

Principle of Development

The principle of developing the site for a housing-led mixed use development, comprising 410 new dwellings (Class C3) and 744sq.m of commercial floorspace

(Class E uses) together with recreational open space, landscaping, infrastructure provision and car parking has been established as part of planning permission ref: 125596/FO/2019 approved on 10th November 2020.

The scheme remains as approved, together with the requirements of the associated Legal Agreement. The single issue for consideration is the removal of Condition 44 which requires a percentage of the scheme to be affordable housing. It is therefore important to assess whether the removal of this condition would impact on the delivery of a key regeneration benefit which would be derived through the approved development.

Affordable Housing

Policy H8 sets out how developments should respond to the 20% contribution of affordable housing across the City. Using 20% as a starting point, developers should look to provide new houses that will be for social or affordable rent with a focus on affordable home ownership options. Any requirement or not for affordable housing will be based upon an assessment of a particular local need, a requirement to diversify the existing housing mix and the delivery of regeneration objectives. An applicant may be able to seek an exemption from providing affordable housing, or a lower proportion of affordable housing, a variation in the mix of affordable housing, or a lower commuted sum, should a viability assessment demonstrate that a scheme could only deliver a proportion of the 20% target; or where material considerations indicate that intermediate or social rented housing would be inappropriate. Examples of these circumstances are set out in part 4 of Policy H8.

The approved scheme was accompanied by an Affordable Housing Statement, which outlined that the viability of the scheme had been considered in line with best practice and as such a Viability Assessment was submitted for consideration. There are complex ground conditions which impact on viability and it was demonstrated that, in itself, the development could not support affordable housing. Therefore, from a policy perspective the development is policy compliant without affordable housing being brought forward, and so it is considered appropriate to remove the condition.

The applicant however, has been able to agree the provision of affordable housing with One Manchester Housing Association. This would deliver 114 (28%) affordable housing units to comprise 36 Shared Ownership properties, 34 Affordable Rent properties and 44 Rent to Buy properties. Rent levels for the affordable rent units would be set at up to 80% of market rent, but no higher than local housing allowance. Shared Ownership dwellings would be disposed of to purchasers who meet the Homes England eligibility criteria as set out in the Capital Funding Guide. Purchasers would be able to purchase between 25% and 75% of the full market value of the property. The applicant would deliver the homes on behalf of One Manchester. They would then be transferred to the housing association at a discounted rate of market value.

The provision of affordable housing is considered to be a key regeneration outcome for the scheme and it was considered important for this to be recognised and captured through the planning approval by way of the condition set out at the beginning of this report.

As also noted earlier in the report, the delivery of affordable dwellings is based on the Registered Provider being able to secure grant funding to facilitate their delivery. With the concerns now being expressed by Homes England (the grant funder) that affordable housing condition (no.44) outlined above is not compatible with their funding conditions, the applicant has advised that this effectively means that they would be in a position whereby they could not continue with the current transaction proposed with their Registered Provider Partner.

An alternative mechanism to deliver the affordable housing element has therefore been found, which is via the Development Agreement with the City Council and provisions in the leases (fulfilled by virtue of the City Council's landownership interest). This approach would ensure that the affordable housing provision would still be controlled by the City Council despite the removal of the planning condition.

The design of the overall proposal remains as already approved, in that it would be tenure blind both in terms of the house type design and the style and quality of boundary treatments and soft / hard landscaping proposed. To support One Manchester's future management of the new homes the units would be largely co-located. As before, a legal agreement with the Local Planning Authority would also be entered into, for to secure the same obligations as are attached to the existing permission. The delivery of new homes, the mix of tenures and the partnership with One Manchester is welcomed.

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Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the of the application is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation Minded to Approve - subject to a legal agreement to the section 106 legal agreement relating to a mechanism to re-test the viability of the development in relation to the delivery of affordable housing, should there be a delay in the implementation of the planning permission, together with a

further review prior to the occupation of the development, and to finance the future administration, enforcement and maintenance of the residents permit parking scheme, and to pay an initial contribution of £300,000 prior to the commencement of development towards the improvement of recreational facilities and/or sports facilities within the Miles Platting and Newton Heath Ward.

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 were sought in respect of this development where early discussions took place regarding issues arising in relation to the granted funded element of the affordable housing to be delivered on the site. The proposal is now considered to be acceptable, and been conditioned accordingly.

Conditions

1.The development must be begun not later than 10th November 2023.

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 Phasing plan ref: rev.01 received on 11th September 2020, and Phase 0 definition Statement and Appendix 1 Phase 0 Site plan by Engie and NPL received 2nd November 2020.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 and to reflect the likely time period for the implications of the proposed development.

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

Site Location Plan (LEV-00-GF-DR-A-1000 Rev P1)
Existing Site Plan (LEV-00-GF-DR-A-1050 Rev P2);
Plots L & M Proposed Ground floor plan (LEV-00-GF-DR-A-1470 rev.P2)
Plot A - Proposed Perimeter Elevations (LEV-00-XX-DR-A-1600 rev. P2)
Plot A - Proposed Courtyard Sections (LEV-00-XX-DR-A-1601 rev. P3)
Plot B - Proposed Perimeter Elevations (LEV-00-XX-DR-A-1610 rev. P2)
Plot B - Proposed Courtyard Sections (LEV-00-XX-DR-A-1611 rev. P3)
Plot C - Proposed Perimeter Elevations (LEV-00-XX-DR-A-1620 rev. P3)
Plot C - Proposed Courtyard Sections (LEV-00-XX-DR-A-1621 rev. P2)
Plot D - Proposed Perimeter Elevations (LEV-00-XX-DR-A-1630 rev. P2)
Plot D - Proposed Courtyard Sections (LEV-00-XX-DR-A-1631 rev. P2)
Plot E - Proposed Perimeter Elevations (LEV-00-XX-DR-A-1640 rev. P3)
Plot E - Proposed Courtyard Sections (LEV-00-XX-DR-A-1641 rev. P2)
Plot F - Proposed Perimeter Elevations (LEV-00-XX-DR-A-1650 rev. P2)
Plot G - Proposed Perimeter Elevations (LEV-00-XX-DR-A-1660 rev. P2)

Plot G - Proposed Courtyard Sections (LEV-00-XX-DR-A-1661 rev. P3)
Plot H - Proposed Perimeter Elevations (LEV-00-XX-DR-A-1670 rev. P2)
Plot H - Proposed Courtyard Sections (LEV-00-XX-DR-A-1671 rev. P2)
Plot J - Proposed Perimeter Elevations (LEV-00-XX-DR-A-1690 rev. P3)
Plot J - Proposed Courtyard Sections (LEV-00-XX-DR-A-1691 rev. P2)
Plot K - Proposed Perimeter Elevations (LEV-00-XX-DR-A-1700 rev. P2)
Plot K - Proposed Courtyard Sections (LEV-00-XX-DR-A-1701 rev. P3)

GA Landscape Sections- 01 (LEV-00-GF-DR-L-1800 rev.P4)

Building A - Elevation Study (LEV-00-XX-DR-A-2300 rev.P1)
Building E - Elevation Study (LEV-00-XX-DR-A-2301 rev.P2)

Air Quality Assessment Project No. 443593/AQ01 (03);Crime Impact Statement
November 2019 GM 10776 001 v2.0;Framework Construction and Management
Plan; Heritage Environmental Desk Based Assessment; Noise Impact Assessment
rev.B dated 26.11.2019; Statement of Community Involvement; Supporting Planning
Statement; Financial Viability Statement ; Waste Management Strategy Proforma;
Energy Statement rev.B;

Interpretative Phase 2 Ground Investigation report R01 ; Composite site summary
ground works Strategy; Interpretative Phase 2 ground investigation report Zone
5W;Interpretative Phase 2 ground investigation report Zone 7; Factual Ground
Investigation report; Factual ground investigation report zone 7; Factual ground
investigation report zone 5W;Preliminary Remediation strategy.

Stamped as received 29th November 2019

Report to support a Habitat Regulations Assessment ref: 2019-176b dated August
2019 received 13th December 2019

Flood Risk Assessment and Drainage Strategy report ; received by email on 13th
December 2019;

Letter dated 18th February 2020 from planning agent regarding Open space
provision;

Ecology Survey and Assessment dated July 2019 ref 2019 -176 received 2nd
January 2020;

Viability Appraisal letter 14th February 2020;

Fire Strategy in email dated 25th February 2020 from the planning agent , and
attached Fire Engineering Stage 3 report - Fire Strategy revision 3 - 14 February
2020by Hoare Lea;

Letter dated 25th February 2020 from Wardell Armstrong relating to Secure by
Design matters;

Open Space Assessment dated February 2020 received by email 6th March 2020;

Supporting plans and letter from planning agent dated 8th April 2020;

Sitewide Landscape plan - Illustrative (LEV-00-GF-DR- L- 1250 rev.P3)

Sitewide Landscape plan - Hardscape (LEV-00-GF-DR- L- 1251 rev.P10)

Sitewide Landscape plan - Softscape (LEV-00-GF-DR- L- 1252 rev.P6)

Plots A& F Proposed Ground floor plan (LEV-00-GF-DR-A-1400 rev.P5)

Plots A& F Proposed First floor plan (LEV-00-GF-DR-A-1401 rev.P5)
Plots A& F Proposed Second floor plan (LEV-00-GF-DR-A-1402 rev.P4)
Plots A& F Proposed Third floor plan (LEV-00-GF-DR-A-1403 rev.P4)
Plots A& F Proposed Fourth floor plan (LEV-00-GF-DR-A-1404 rev.P5)
Plots A& F Proposed Roof plan (LEV-00-GF-DR-A-1405 rev.P3)

Plots B& G Proposed Ground floor plan (LEV-00-GF-DR-A-1410 rev.P5)
Plots B& G Proposed First floor plan (LEV-00-GF-DR-A-1411 rev.P5)
Plots B& G Proposed Second floor plan (LEV-00-GF-DR-A-1412 rev.P5)
Plots B& G Proposed Roof plan (LEV-00-GF-DR-A-1413 rev.P5)

Plots C& H Proposed Ground floor plan (LEV-00-GF-DR-A-1420 rev.P4)
Plots C& H Proposed First floor plan (LEV-00-GF-DR-A-1421 rev.P4)
Plots C& H Proposed Second floor plan (LEV-00-GF-DR-A-1422 rev.P4)
Plots C& H Proposed Roof plan (LEV-00-GF-DR-A-1423 rev.P4)

Plot D Proposed Ground floor plan (LEV-00-GF-DR-A-1430 rev.P4)
Plot D Proposed First floor plan (LEV-00-GF-DR-A-1431 rev.P4)
Plot D Proposed Second floor plan (LEV-00-GF-DR-A-1432 rev.P4)
Plot D Proposed Roof plan (LEV-00-GF-DR-A-1433 rev.P4)

Plot E Proposed Ground floor plan (LEV-00-GF-DR-A-1440 rev.P4)
Plot E Proposed First floor plan (LEV-00-GF-DR-A-1441 rev.P4)
Plot E Proposed Second floor plan (LEV-00-GF-DR-A-1442 rev.P3)
Plot E Proposed Third floor plan (LEV-00-GF-DR-A-1443 rev.P3)
Plot E Proposed Fourth floor plan (LEV-00-GF-DR-A-1444 rev.P5)
Plot E Proposed Roof plan (LEV-00-GF-DR-A-1445 rev.P3)

Plots I & J Proposed Ground floor plan (LEV-00-GF-DR-A-1450 rev.P8)

Plot K Proposed Ground floor plan (LEV-00-GF-DR-A-1460 rev.P4)
Plot K Proposed First floor plan (LEV-00-GF-DR-A-1461 rev.P4)
Plot K Proposed Roof plan (LEV-00-GF-DR-A-1462 rev.P4)

Plot N Proposed Ground floor plan (LEV-00-GF-DR-A-1480 rev.P5)

Western Gateway - Proposed Landscape Plan (LEV-00-GF-DR-L-1500 rev.P5)
Canal Green - Proposed Landscape Plan (LEV-00-GF-DR-L-1501 rev.P5)
Holland Gardens - Proposed Landscape Plan (LEV-00-GF-DR-L-1502 rev.P4)
Neighbourhood Green - Proposed Landscape Plan (LEV-00-GF-DR-L-1503 rev.P5)
Eastern Gateway - Proposed Landscape Plan (LEV-00-GF-DR-L-1504 rev.P4)

Plot F - Proposed Courtyard Sections (LEV-00-XX-DR-A-1651 rev. P3)
GA Landscape Sections- 02 (LEV-00-GF-DR-L-1801 rev.P5)
GA Landscape Sections- 03 (LEV-00-GF-DR-L-1802 rev.P4)

Building F - Elevation Study (LEV-00-XX-DR-A-2302 rev.P2)
Building F - Elevation Study (LEV-00-XX-DR-A-2303 rev.P2)

External Substations - Elevation Study (LEV-00-XX-DR-A-2400 rev.P1)

Vehicle Tracking - Fire Appliance (JR00755_WES_00_XX_DR_D_024 rev.P2)
Design and Access Statement rev.E -April 2020
Schedule 1- Car Parking Management Plan April 2020
Travel Plan rev.B - April 2020
Transport Assessment rev.B - April 2020
Preliminary Controlled Water Risk Assessment (13-887 R1 -1 February 2020)

Remediation Method Statement by McAuliffe received by email 21st April 2020;

Coal Mining Features and Mitigation plan (LEV - 00 - GF - DR - A - 1206 rev. P2)
received 6th July 2020

Viability Appraisal 14th August 2020
Change to mix of accommodation 25th August 2020.
Schedule 1 site plan and schedule 2 -affordable housing plots plan received 14th
August 2020

Sitewide Landscape General Arrangement) LEV-00-GF-DR-L-1254 rev.P2) ;
Site wide Street Elevations (LEV-00-XX-DR-A-1300 rev.P2);
Sitewide Street elevations - Sheet 2 (LEV-00-XX-DR- A- 1301 rev.P3);
Plots I & J Proposed First floor plan (LEV-00-GF-DR-A-1451 rev.P9);
Plots I & J Proposed Second floor plan (LEV-00-GF-DR-A-1452 rev.P7);
Plots I & J Proposed Third floor plan (LEV-00-GF-DR-A-1453 rev.P7);
Plots I & J Proposed Roof plan (LEV-00-GF-DR-A-1454 rev.P6);

Plots L& M Proposed First floor Plan ((LEV-00-GF-DR-A-1471 rev.P3);
Plots L& M Proposed Second floor Plan ((LEV-00-GF-DR-A-1472 rev.P3);
Plots L& M Proposed Roof Plan (LEV-00-GF-DR-A-1473 rev.P3);

Plot N Proposed First floor plan (LEV-00-GF-DR-A-1481 rev.P6)
Plot N Proposed Second floor plan (LEV-00-GF-DR-A-1482 rev.P5):
Plot N Proposed Third floor plan (LEV-00-GF-DR-A-1483 rev.P5)
Plot N Proposed Fourth floor plan (LEV-00-GF-DR-A-1484 rev.P6)
Plot N Proposed Roof plan (LEV-00-GF-DR-A-1485 rev.P5);

Plot I - Proposed Perimeter Elevations (LEV-00-XX-DR-A-1680 rev. P3)
Plot I - Proposed Courtyard Sections (LEV-00-XX-DR-A-1681 rev. P5)
Plot L - Proposed Perimeter Elevations (LEV-00-XX-DR-A-1710 rev. P3)
Plot L - Proposed Courtyard Sections (LEV-00-XX-DR-A-1711 rev. P3)
Plot M - Proposed Perimeter Elevations (LEV-00-XX-DR-A-1720 rev. P3)
Plot M - Proposed Courtyard Sections (LEV-00-XX-DR-A-1721 rev. P3)
Plot N - Proposed Perimeter Elevations (LEV-00-XX-DR-A-1730 rev. P3)
Plot N - Proposed Courtyard Sections (LEV-00-XX-DR-A-1731 rev. P4)

Building N - Elevation Study (LEV-00-XX-DR-A-2304 rev.P2)

Arboricultural Impact Assessment rev.3 and Arboricultural Method Statement and
Sitewide Landscape plan - Tree Removal (LEV-00-GF-DR- L- 1253 rev.P5) ;
received by email 21st August 2020;

076298-CUR-00-XX-DR-C-95700 rev.P3 Vehicle Tracking -large refuse vehicle site layout received by email 4th September 2020.

Sitewide Masterplan - Ground Floor (LEV-00-GF-DR-A- 1200 rev.P11)
Sitewide Masterplan - First Floor (LEV-00-GF-DR-A- 1201 rev.P10)
Sitewide Masterplan - Second Floor (LEV-00-GF-DR-A- 1202 rev.P10)
Sitewide Masterplan - Third Floor (LEV-00-GF-DR-A- 1203 rev.P10)
Sitewide Masterplan - Fourth Floor (LEV-00-GF-DR-A- 1204 rev.P10)
Sitewide Masterplan - Roof (LEV-00-GF-DR-A- 1205 rev.P8)
Sitewide Landscape General Arrangement Plan (Dwg no. LEV-00-GF-DR-L-1254 Rev P2)
Updated Estate Management Plan
received by email 8th September 2020.

Contaminated Land Site Characterisation Report ref:13-887-R4-1 July 2020 received by email dated 9th September 2020.

Revised phasing plan received 11.09.2020 together with email dated 11.09.2020 from the planning agent stating that this plan relates purely to the phased completion of building works and as such does not relate to the remediation phasing.

3547A - LEV - 00 - GF - DR - A - 1210 _ Site wide tenure plan - ground floor
3547A - LEV - 00 - 01 - DR - A - 1211- Site Wide Tenure Plan - First Floor
3547A - LEV - 00 - 02 - DR - A - 1212 - Site Wide Tenure Plan - Second Floor
3547A - LEV - 00 - 03 - DR - A - 1213 - Site Wide Tenure Plan - Third Floor
3547A - LEV - 00 - 04 - DR - A - 1214 - Site Wide Tenure Plan - Fourth Floor
3547A - LEV - 00 - 05 - DR - A - 1215 Site Wide Tenure Plan - Roof Plan
Received 27th October 2020

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).

4. Notwithstanding the materials annotated on the submitted plans ,prior to above ground works of each phase of development (excluding Phase 0 works), samples and specifications of all materials to be used on all external elevations of the phase of development shall be submitted to and approved in writing by the City Council as local planning authority. The phase of 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. Prior to above ground works of each phase of development (excluding Phase 0 works) details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details for that phase. The development (or phase thereof) 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 for that phase of 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.

6. Prior to the commencement of each phase of the development (excluding Phase 0 works) a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority for that phase, which for the avoidance of doubt should include:-

- The routing of construction traffic;
- Detail the quantification/classification of vehicular activity associated with the construction including commentary on types and frequency of vehicular demands together with evidence (appropriate swept-path assessment);
- Details of the location and arrangements for contractor parking;
- The identification of the vehicular access points into the site for all construction traffic, staff vehicles and Heavy Goods Vehicles;
- 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;
- Specify the working hours for the site;
- The details of an emergency telephone contact number for the site contractor to be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete;
- Identify advisory routes to and from the site for staff and HGVs;
- A highway dilapidation survey including photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding 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).

7. Prior to above ground works commencing for any phase of development, full detailed designs (including specifications) of all on site and off site highways works (including any Traffic Regulation Orders, the incorporation of a pedestrian phase to the signalisation of the existing Coleshill Street junction, measures to prevent parking along the line of the towpath, and traffic calming) relating to that phase, and taking account of measures approved as part of condition no.8, 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 all the agreed works shall be completed prior to the proposed accommodation within that phase being brought into use.

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

8. Notwithstanding the submitted layout and access arrangements, prior to the commencement of development (excluding Phase 0 works), final details of access into the site and other measures considered necessary to avoid rat running and improve pedestrian and highway safety (including if necessary the incorporation of a physical break within the proposed east-west route through the site to prevent through traffic) 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 all the agreed works shall be completed prior to the proposed accommodation within that phase being brought into use.

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

9. Prior to above ground works commencing for any phase of development, full details of a parking management strategy for on street parking on non-adopted highways relating to that phase, 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 all the agreed works shall be completed prior to the proposed accommodation within that phase being brought into use.

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

10. The car parking indicated on the approved plans for each phase of development shall be surfaced, demarcated and made available for use prior to the new dwellings hereby approved within that phase being occupied. The car parking shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate car parking for the development proposed when the building is occupied, pursuant to Policies T2, SP1 and DM1 of the Manchester Core Strategy (2012).

11. Prior to above ground works commencing for any phase of development, finalised detailed designs and provision of space for cycle storage 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 all the agreed works shall be completed prior to the proposed accommodation within that phase being brought into use.

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, T2, EN6 and DM1 of the Manchester Core Strategy (2012) and the guidance provided within the National Planning Policy Framework and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

12. Prior to the occupation of any phase of development details of a way finding scheme (together with on-going maintenance arrangements, and full details of access points, and level/ramped access to the Rochdale Canal), within the site to reference the location of the Rochdale Canal and associated cycleway shall be

submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details, and all the agreed works shall be completed prior to the proposed accommodation within that phase being brought into use, and thereafter managed and maintained in accordance with the approved details.

Reason - To improve wayfinding within the site , and assist promoting the use of sustainable forms of travel to the development, pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy (2012) and the Guide to Development in Manchester SPD (2007).

13. Before the development of any phase of development hereby approved is first occupied, a Full Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a Travel Plan means a document which includes:

- i) the measures proposed to be taken to reduce dependency on the private car by those attending or employed in the development
- ii) a commitment to surveying the travel patterns of staff during the first three months of use of the development and thereafter from time to time
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car
- iv) measures for the delivery of specified travel plan services
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

b) Within six months of the first occupation of each phase of development (or an alternative timescale to be agreed in writing with the Local Planning Authority), a revised Travel Plan, which takes into account the information about travel patterns gathered pursuant to item (ii) above, shall be submitted to and approved in writing by the City Council as local planning authority for that phase of development. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full for that phase of development at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel to the development, pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy (2012) and the Guide to Development in Manchester SPD (2007).

14. Prior to the occupation of any phase of development, finalised details of the number, location and specifications of the provision of electric vehicle charging points at both the apartments and houses hereby approved within that phase of development, shall be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details, and all the agreed works shall be completed prior to the proposed accommodation within that phase being occupied, and thereafter managed and maintained in accordance with the approved details.

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. Prior to the occupation of any phase of development, finalised details of the location and specifications of tree pit within footpaths, together with a management and maintenance strategy, shall be submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved details, and all the agreed works shall be completed prior to the proposed accommodation within that phase being occupied, and thereafter managed and maintained in accordance with the approved details.

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.

16. Prior to the occupation of any phase of development, details of the strategy for all external lighting, including lighting on the buildings, within the building's curtilage, and lighting units within the public realm works within that phase, shall be submitted to, and approved in writing by, the City Council as local planning authority. The development of that phase shall be implemented in accordance with the approved details.

Reason - To ensure adequate lighting within the development and to ensure full accessibility within the public realm works, and would not adverse impact on protected species pursuant to policies SP1 and policy DM1 of the Manchester Core Strategy (2012).

17. If, when the lighting units are illuminated, they cause glare or light spillage which is in the opinion of the City Council as Local Planning Authority to the detriment of adjoining and nearby residential properties, such measures as the Council as Local Planning Authority confirm in writing that they consider necessary including baffles and/or cut-offs shall be installed on the units and adjustments shall be made to the angle of the lighting units and the direction of illumination, which shall thereafter be retained in accordance with details which have received the prior written approval of the Local Planning Authority.

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

18. a) Before the development hereby approved commences (excluding Phase 0 works), a scheme for the investigation of all the shallow mine workings on the site and the identification of remediation measures (the Site Investigation Proposal) shall

be 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 (excluding site set up or works relating to site investigation) and a report prepared outlining what measures, if any, are required to remediate the areas of shallow mine workings (the Site Investigation Report and/or Remediation Strategy) shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development, the development shall be carried out in accordance with the previously agreed Remediation Strategy for the shallow mine workings and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that shallow mine workings not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the areas of shallow mine workings (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. Upon completion of the revised remedial works, a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the presence of areas of shallow mine workings is detected and appropriate remedial action is taken in the interests of public safety, and to ensure the stability of the proposed development pursuant to policies DM1 and EN18 of the Manchester Core Strategy (2012).

19. a) Before the development hereby approved commences (excluding Phase 0 works), a report outlining what measures (remedial works), if any, that are required to be undertaken to the mine entry (including foundation), together with any specific designs which may be required for any buildings within influencing distance of the mine entry (the Site Investigation Report and/or Remediation Strategy) 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 for the mine entry, and approved specific designs required for any buildings within influencing distance of the mine entry, and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that mine entry is assessed and appropriate remedial action is taken in the interests of public safety, and to ensure the stability of the proposed development pursuant to policies DM1 and EN18 of the Manchester Core Strategy (2012).

20. Prior to the construction of above ground structures in phases 2,3 and 4 on phasing plan , full details of the proposed of sheet piling retaining structures to the

Rochdale Canal boundary including their location , finish and detailing, within that phase of development shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented prior to first occupancy within that phase of development and shall remain operational thereafter.

Reason- To ensure a satisfactory form of development and to afford appropriate protection of the Rochdale Canal that adjoins the site pursuant to policies EN8, EN14, EN15 and DM1 of the Manchester Core Strategy (2012).

21. Prior to the proposed foundations outlined in the Phase 2 Ground Investigation report in relation to development in Phases 2,3,and 4 in proximity to the canal being implemented , detailed cross sections of the proposed foundations relative to the Rochdale Canal within that phase of development shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in full accordance with the approved foundation detail, prior to first occupancy within that phase of development.

Reason - To ensure the protection of a Site of Biological Importance and wildlife habitats in the locality, pursuant to policy EN15 and EN17 of the Core Strategy for Manchester.

22. Prior to the construction of above ground structures of any phase of development, a finalised scheme for the storage (including segregated waste recycling) and disposal of refuse within that phase of development (including external bin store design)shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented prior to first occupancy within that phase of development and shall remain operational thereafter.

Reason - To protect the amenity of the occupants of the residential and commercial accommodation once the development hereby approved is occupied, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

23. Prior to commencement of the development (excluding Phase 0 works) mitigation measures to safeguard local air quality shall be submitted to and approved in writing by the City Council as local planning authority. Any agreed mitigation measures shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason- To secure a reduction in air pollution from traffic or other sources in order to protect existing and future residents from air pollution, pursuant to policies EN16, SP1 and DM1 of the Manchester Core Strategy (2012).

24. Before any Class E or C3a uses hereby approved commence, any 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 for each phase of development 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 prior to occupation of that phase of development. The approved scheme shall be completed before the premises is occupied.

Upon completion of each phase of 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 consultant's 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, and to safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1, H1 and DM1 of the Manchester Core Strategy (2012).

25. Deliveries, servicing and collections, including waste collections shall not take place to the Class E uses, outside the following hours: 07:30 to 20:00, Mondays to Saturdays, and 10:00 to 18:00 Sundays/Bank Holidays.

Reason - In the interests of residential amenity, 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).

26. Before any above ground works relating development falling within Class E (in any phase of development), a scheme for the extraction of any fumes, vapours and odours for that use and Phase shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy in that use and Phase, and shall remain operational thereafter.

Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with policies SP1 and DM1 of the Manchester Core Strategy (2012).

27. The hours of use of the Class E units in any phase of development, are to be submitted to and agreed in writing by the City Council as Local Planning Authority, prior to the first occupation of the buildings for those uses in that phase. The development shall only be carried out in accordance with the approved hours of opening.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation when the development is complete, pursuant to saved policy DC26

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

28. Before commencement of development falling within Class E (excluding Phase 0 works), in any Phase of development, the building(s) within that Phase shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the building(s), and a scheme of acoustic treatment relating to that phase of development, shall be submitted to and approved in writing by the City Council as local planning authority, prior to first occupation of that Phase. The scheme shall be implemented in full before the use commences in the building(s) in that phase of development.

Where entertainment noise (i.e. music or other amplified sound) is proposed the LAeq (entertainment noise) shall be controlled to 10dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location

Upon completion of each phase of 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 consultant's report in respect of that phase. The report shall also undertake post completion testing to confirm that acceptable 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 safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

29. No part of the site outside of the building falling within Class E, in any phase, shall be used other than in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority. No amplified sound or any music shall be produced or played in any part of the site outside of the building in any phase.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012), and saved UDP policy DC26.

30. a) Before commencement of development falling within Class C3, in any Phase of development, the dwellings within that Phase shall be acoustically insulated against noise from traffic noise from Hulme Hall Road and Varley Street, and industrial/commercial uses in the vicinity with a scheme to be submitted to and approved in writing by the City Council as local planning authority.

The approved noise insulation scheme for that phase shall be completed before any of the dwelling units within that phase are occupied.

Noise survey data must include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary.

b) Upon completion of the development and before first occupation of the residential units in that phase , 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 consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria has been met. A minimum of 1 in 10 residential units shall be tested. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012), and saved UDP policy DC26.

31. 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).

32. Prior to the development hereby approved commencing on site, a method statement giving details of specific above ground measures to be taken to prevent any pollution of the Rochdale Canal (include the provision of a suitable canal protection buffer such as a geotextile membrane) during the construction period, shall be submitted to and approved in writing by the City Council as local planning authority. Any excavated materials stored in temporary stockpiles should be located away from the canal to prevent contaminated water run-off and the amount of exposed ground and stockpiles minimised. The specific measures to prevent any pollution of the Rochdale Canal during the construction period, hereby approved shall be implemented in full before the development commences.

Reason - To ensure the protection of a Site of Biological Importance and wildlife habitats in the locality , pursuant to policy EN15 and EN17 of the Manchester Core Strategy (2012).

33. Prior to the commencement of development (including ground works and vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of invasive plant species on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason - To prevent the spread of invasive species in accordance with the Wildlife and Countryside Act 1981, and in accordance with policies EN9 and EN15 of the Manchester Core Strategy (2012)

34. Notwithstanding the landscaping plans specified in condition no.3, prior to the any above ground works of any phase of development a hard and soft landscaping treatment scheme (including a replacement tree strategy, and a management and maintenance strategy, and full details of access points ,and level/ramped access to the Rochdale Canal),) for that phase of development shall be 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 within that phase 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 in that phase of development, another tree or shrub of the same species and size as that originally planted shall be planted at the same place within that phase of development.

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).

35. 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 Manchester Core Strategy (2012).

36. In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans specified in condition no.3 and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

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

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

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with 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).

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

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).

38. The development hereby approved shall be carried out in accordance with the document titled 'Energy Statement rev. B' stamped as received by the City Council, as Local Planning Authority, on the 29th November 2019. For the avoidance of doubt each phase of the development shall seek achieve a minimum of 25% average reduction of CO2 emissions for all dwelling houses and 20% average reduction of CO2 emissions for all apartments over that set out in Building Regulations Part L 2013 and MCC planning policy.

b) A post construction review certificate/statement shall be submitted for approval for that phase of development, within a timescale that has been previously agreed in writing for that phase of development, to the City Council as Local Planning Authority.

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.

39. The development shall be carried out in accordance with the Estate Management Plan received on 8th September in relation to non-adopted roads, footpaths, lighting, and public open spaces, including play areas and the wider public realm for all phases of the development.

Reason - To ensure that the areas not within the curtilage of dwellings are appropriately managed and maintained development to safeguard the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Manchester Core Strategy (2012).

40. No development or development-related groundworks shall take place (excluding Phase 0 works) until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Manchester Planning Authority. The WSI shall cover the following:

1. A phased programme and methodology of investigation and recording to include: i) archaeological watching brief and recording
2. A programme for post investigation assessment to include: i) post-fieldwork analysis of watching brief records and finds ii) production of a final report on the watching brief including a statement on the significance of the below-ground archaeological interest.
3. Deposition of the final report with the Greater Manchester Historic Environment Record.
4. Dissemination of the results of the archaeological investigations 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- In accordance with NPPF Section 16, Paragraph 199 - To record and advance understanding of heritage assets impacted on by the development and to make information about the heritage interest publicly accessible, and pursuant to saved UDP policy DC20.1 .

41. No development shall take place (excluding Phase 0 works) until surface water drainage works, designed in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards, have been submitted to and approved in writing by the Local Planning Authority.

Reason - To prevent the increased risk of flooding, promote sustainable development, secure proper drainage and ensure future maintenance of the surface water drainage system pursuant to policies within the NPPF and NPPG, and policies EN8, EN14, EN17 and DM1 of the Manchester Core Strategy (2012).

42. No phase of development hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme for that phase have been submitted to and approved by the local planning authority. The approved scheme shall be implemented and thereafter managed and maintained in accordance with the approved details for that phase. 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 ensure future maintenance of the surface water drainage system pursuant to policies EN8, EN14, EN17 and DM1 of the Manchester Core Strategy (2012).

43. No development shall take place until a Construction Risk Assessment Method Statement (RAMS) for construction of each phase of development, is submitted to

and approved by the Local Planning Authority. The statement shall outline the potential impacts from all construction activities on infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to this infrastructure. The development shall be undertaken in accordance with the approved RAMS.

Reason- To ensure a satisfactory form of development and to afford appropriate protection of infrastructure that crosses the site pursuant to policies EN8, EN14, EN17 and DM1 of the Manchester Core Strategy (2012).

44. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a). For the avoidance of doubt, this does not preclude two unrelated people sharing a property.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Manchester Core Strategy (2012) and the guidance contained within the National Planning Policy Framework.

45. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (or any order revoking and re-enacting that Order with or without modification) the apartments hereby approved shall be used only as private dwellings (which description shall not include serviced apartments/apart hotels or similar uses where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as serviced apartments/apart hotels do not commence without prior approval; to safeguard the character of the area, and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Manchester Core Strategy (2012) and the guidance contained within the National Planning Policy Framework.

46. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages, extensions, porches, roof alterations or outbuildings shall be erected onto the new build properties within the development hereby approved other than those expressly authorised by this permission.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

47. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows shall be inserted into the elevations of the dwellinghouses hereby approved other than those shown on the approved drawings specified in condition 3.

Reason - In the interests of residential amenity pursuant to policy SP1 and DM1 of the Manchester Core Strategy (2012).

48. Prior to any above ground works, in each phase of development, the finalised details of the positions, heights, and type of boundary treatment (including gates) within that phase of development, shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme for that phase shall be implemented in full before any property within that phase is first occupied and retained as such thereafter.

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 Policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012), and the guidance provided within the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

49. Prior to any above ground works, in each phase of development, the finalised design of balcony balustrade details (including the location of privacy screens) within that phase of development, shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme for that phase shall be implemented in full before any property within that phase is first occupied and retained as such thereafter.

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 Policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012), and the guidance provided within the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

50. The two commercial units hereby approved at ground floor level in Plot E, as indicated on drawing LEV-00-GF-DR-A-1440 rev.P4 stamped as received by the City Council, as Local Planning Authority, on the 8 April 2020, shall each remain as one

unit (total no. 2 Units) and shall not be sub divided or amalgamated without the benefit of planning permission being secured.

Reason- In the interests of residential amenity and to ensure the future viability and vitality of the commercial units pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1, and SP1 of the Manchester Core Strategy (2012).

51. The two commercial units hereby approved at ground floor level in Plot E, as indicated on drawing LEV-00-GF-DR-A-1440 rev.P4 stamped as received by the City Council, as Local Planning Authority, on the 8 April 2020, be occupied as either retail use, restaurant /café use or business/ office use and for no other purpose in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, 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 the commercial unit 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, ensuring the vitality of the units and in the interest of residential amenity, pursuant policy DM1 of the Core Strategy for Manchester.

52. a) Prior to the commencement of the development (excluding Phase 0 works), details of a Local Benefit 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 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 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).

53. Notwithstanding the General Permitted Development Order 2015 as amended by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 or any legislation amending or replacing the same, no further development in the form of upward extensions to the building shall be undertaken other than that expressly authorised by the granting of planning permission.

Reason - In the interests of protecting residential amenity and visual amenity of the area in which the development is located pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

54. Prior to commencement of development hereby approved, no development shall take place (excluding Phase 0 works) until a detailed remediation phasing plan has been submitted to and approved in writing by the City Council as local planning authority. The development shall be fully implemented in accordance with the approved remediation phasing plan.

Reason - To ensure that all phases of remediation are clearly identified along with the order that remediation will take place, pursuant policies EN17 and EN18 of the Manchester Core Strategy .

55. Prior to commencement of development hereby approved , no development shall take place (excluding Phase 0 works) until an outline remediation scheme (based on the information already gathered and provided previously), has been submitted and approved in writing by the City Council as local planning authority. The development shall then be implemented in accordance with the approved outline remediation strategy.

Reason - To identify the broad remediation requirements for the site, based on the remediation phasing plan, and to indicate the necessary environmental permits and permissions that are required to carry out the potential remediation process, pursuant policies EN17 and EN18 of the Manchester Core Strategy .

56. Prior to the commencement of development (excluding Phase 0 works), and where necessary, additional ground investigations (based on the information already provided, the outline remediation scheme and the remediation phasing plan) to address information gaps, are identified for each phase of the development so as to provide sufficient information for a detailed assessment of risks to human and environmental receptors for each phase as identified in the remediation phase plan, shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in full accordance with the details so approved.

Reason- To gather sufficient information on each phase of the development to ensure that all possible risks to human and environmental receptors are known and be assessed in detail to facilitate further work on the development site, pursuant policies EN17 and EN18 of the Manchester Core Strategy .

57. Prior to the commencement of development (excluding Phase 0 works) a detailed assessment of risks to human and environmental receptors (including those off-site) , as identified in the remediation phase plan, shall be submitted to and approved in writing by the City Council as local planning authority. This should include risks associated with ground gases. The development shall be implemented in full accordance with the details so approved.

Reason- To identify provide sufficient information to develop a detailed remediation strategy which will build on the outline remediation scheme and support an options appraisal for suitable remediation measures, pursuant to policies EN17 and EN18 of the Manchester Core Strategy (2012).

58. Prior to the commencement of development (excluding Phase 0 works), a detailed options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken per phase (as detailed in the remediation phase plan) should be submitted and approved in writing by the City Council as local planning authority. The development shall be implemented in full accordance with the details so approved.

Reason - To ensure that the chosen detailed remediation strategy can be implemented according to the development remediation phasing plan, that the detailed remediation strategy has the necessary permits and permissions in place and that sufficient control measures are in place to avoid pollution incidents to the environment and nuisance issue to surrounding community, pursuant to policies EN17 and EN18 of the Manchester Core Strategy (2012).

59. Prior to the commencement of development (excluding Phase 0 works) and as per the agreed remediation phasing plan a Ground Stabilisation works plan shall be developed, and shall be submitted to , and approved in writing by the City Council as local planning authority. The Ground Stabilisation works plan should include details, per phase, as to how identified ground hazardous (such as underground structures, mine shafts; workings, and boreholes) are to be addressed and decommissioned. The development shall be implemented in full accordance with the details so approved.

Reason - To ensure the protection of the development from underground hazards, pursuant to policies EN17 and EN18 of the Manchester Core Strategy (2012).

60. On completion of each phase of the ground stabilisation works (as set out in the remediation phasing plan), a verification report demonstrating the completion of works set out in the approved remediation and ground stabilisation works strategies, and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason - For the ongoing protection of the Water Environment and human health from risks arising from land contamination, pursuant to policies EN17 and EN18 of the Manchester Core Strategy (2012).

61. Prior to the commencement of building works, post remediation ground gas monitoring shall be undertaken and a detailed build phase remediation strategy produced, which shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in full accordance with the details so approved.

Reason -To ensure the protection of the development from ground gases, pursuant to policies EN18 of the Manchester Core Strategy (2012).

62. Prior to the commencement of development (excluding Phase 0 works) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the detailed remediation strategy and ground stabilisation works report (per phase as identified in the remediation phasing plan) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be implemented in full accordance with the details so approved.

Reason - To ensure that unacceptable risks to the environment and human health can be addressed and that a safe development can be achieved using the identified remediation techniques without adverse impact to human and environmental receptors on and off-site, pursuant to policies EN17 and EN18 of the Manchester Core Strategy (2012).

63. Prior to each phase of development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason - For the ongoing protection of the Water Environment and human health from risks arising from land contamination. , pursuant to policies EN17 and EN18 of the Manchester Core Strategy (2012).

64. No infiltration of surface water drainage into the ground where adversely elevated concentrations of contamination are known or suspected to be present is permitted, other than those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason - For the future protection of the Water Environment from risks arising from land contamination. , pursuant to policy EN17 of the Manchester Core Strategy (2012).

65. Piling or any other foundation designs using penetrative methods shall not be permitted other than 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 ongoing and future protection of the Water Environment from risks arising from land contamination, pursuant to policy EN17 of the Manchester Core Strategy (2012).

66. If, during development, contamination not previously identified is found to be present at the site then no further development, shall be carried out until the

developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason - For the ongoing protection of the Water Environment from risks arising from land contamination, pursuant to policy EN17 of the Manchester Core Strategy (2012).

67. Prior to the commence of development (excluding Phase 0 works), plans of the existing and proposed site levels in the form of cross sections, shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the approved 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 residential amenity and visual amenity of the area within which the site is located, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

Informatives

1. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. It is recommended that you check with the Coal Authority prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>.
2. Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to their adopted policy regarding new development and mine entries: <https://www.gov.uk/government/publications/building-on-or-within-the-influencingdistanceof-mine-entries>
3. 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).
4. If the applicant wishes to explore the potential for surface water discharge to the canal, they are advised to contact the utilities section at utilitiesenquiry@canalrivertrust.org.uk or on 01926 626158.
5. Works affecting the Canals and Rivers Trust's land ownership may need to comply with the Trust's Code of Practice for works affecting the Canal & Rivers Trust, details of which are be found at <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-properryand-our-code-of-practice>. The applicant is strongly advised to discuss this further with their Works Engineering team on 0303 040 4040.

6. MCC records highlight that the underground Shooters Brook is located within close proximity to the site (approximately 40 m to the south-east of the site), 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, it is requested 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.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 131895/JO/2021 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

**Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
Corporate Property
MCC Flood Risk Management
Greater Manchester Police
Historic England (North West)
Environment Agency
Transport For Greater Manchester
Greater Manchester Archaeological Advisory Service
The Coal Authority
United Utilities Water PLC
Canal & River Trust
Greater Manchester Ecology Unit
Greater Manchester Pedestrians Society
Wildlife Trust
Sport England**

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

Relevant Contact Officer : Sue Wills
Telephone number : 0161 234 4524
Email : sue.wills@manchester.gov.uk

