



MANCHESTER
CITY COUNCIL

IMPORTANT

Planning Permission and Notices of Consent

Compliance with Conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures required to protect trees.
- Some conditions will require action before you start the development and it is imperative that you seek to have these discharged before any work commences.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee of £85 is payable for each request to discharge conditions.
- For advice on any of these matters, please contact the Planning Service, Manchester City Council, PO Box 463, Manchester M60 3NY or email planning@manchester.gov.uk

Town and Country Planning Act 1990

PLANNING PERMISSION



Name and Address of Applicant	Name and Address of Agent
New East Manchester Company 187 Grey Mare Lane Beswick M11 3ND	Richard Hattan Co Timber Wharf 16 To 22 Worsley Street Castlefield M15 4LD

Part I – Particulars of Application

Date of Application	Application ref. no.
6 July 2009	090469/FO/2009/N1

Particulars and location of development:

Public Realm works across New Islington to include new footbridge over Rochdale Canal, new public promenade along edge of recently constructed canal and mooring points and new park keepers hut and facilities for boaters, mooring rings and service bollards

New Islington
Between Rochdale And Ashton Canals
Ancoats
Manchester
M4 6HH

Part II – Particulars of Decision

The Manchester City Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 of the following decision

Decision Approved

Approve on the basis that the application accords with national policy within PPG15, PPS9; and policies E2.2, E2.4, E3, E2.4, E2.7, E3.4, E3.5, E3.6, E3.8, EM1, EM2, EM8, EM9, DC18.1, DC19.1.

Date of Decision 18 March 2010

for the carrying out of development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

Part III – Conditions and Reasons

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority:

102 Rev D

103 Rev D

NIP276-AL-A08-GE-2-001 Rev 01

NIP276-AL-A08-GE-2-002 Rev 01

NIP276-AL-A08-GE-1-003 Rev 01

PKH LD 0010 Rev A

PKH LD 0016 Rev A

PKH LD 0011 Rev A

PKH LD 0017

PKH LD 0012 Rev A

PKH LD 0013 Rev A

PKH LD 0009 Rev A

PKH LD 0018 Rev A

PKH LD 0019 Rev A

GA 3440 P03

GA 3540 P04

GA3305 P01

Documents

New Islington Pedestrian and Canal Boat Connections Planning Statement 25th June 2009 180-30

New Islington Infrastructure Works, Manchester Ecological Survey and Assessment June 2009 Final Rev 2 prepared by Baker Shepherd Gillespie

date stamped as received by the local planning authority on the 26th June 2009

SK004 P04 date stamped as received 7th July 2009

155 Rev E

154 Rev D

153 Rev F

152 Rev C

151 Rev D

date stamped as received by the local planning authority on the 16th September 2009.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2, E2.2; of the Manchester Unitary Development Plan.

3) Prior to the completion of works to the public realm, full details of a scheme for the provision of a CCTV camera within the application site shall be submitted to and agreed in writing by the City Council as local planning authority. The agreed scheme shall be implemented in full from the first use of the hereby

approved development and shall remain in operation at all times, unless otherwise agreed in writing by the local planning authority.

Reasons - In the interests of crime prevention and safety and security of the users of the public realm and water park, pursuant to policy E3.5 of the adopted Unitary Development Plan for the City of Manchester.

4) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on: the Park Keepers Hut; the Bin store; the Bridge including, safety barriers to be installed on Redhill Street; and, the public realm works, have been submitted to and approved in writing by the City Council as local planning authority. If the development is implemented in phases, before the commencement of works on each phase, samples and specifications of all materials to be used on that phase shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

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 DC18.1, H2.2 and EM2 of the Unitary Development Plan for the City of Manchester.

5) Prior to their installation full details and specifications including the locations of all proposed seating, lighting columns, boat mooring facilities and points, litter bins and any other street furniture shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained unless otherwise agreed in writing by the local planning authority.

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 DC18.1, H2.2 and EM2 of the Unitary Development Plan for the City of Manchester.

6) Prior to commencement of any works associated with the installation of the hereby approved bridge, a construction method statement for works in the vicinity of the Rochdale Canal and Water Park shall be submitted to and agreed in writing by the local planning authority. The submitted method statement shall set out the measures to be used to protect the designated Site of Biological Importance (Rochdale Canal) from any construction works associated with the hereby approved development. The construction works shall then be carried out in accordance with the agreed method statement, unless otherwise agreed in writing by the local planning authority.

Reason - In order to protect an important designated habitat from potential disturbance or other activities associated with construction works, pursuant to policy E2.2 and E1.3 of the adopted Unitary Development Plan for the City of Manchester.

7) No tree felling or pruning works or vegetation clearance should take place during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person.

Reason - In order to protect wildlife from works that may impact on their habitats, pursuant to policy E2.4 of the Unitary Development Plan for the City of Manchester.

8) Prior to the commencement of development, details of all external lighting, including lighting on the Park Keepers Hut, bridge, and lighting units within the public realm works, shall be submitted to, and agreed in writing by, the City Council as local planning authority. The agreed details shall be implemented in full in accordance with the approved details.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development, in order to comply with the requirements of government guidance in Planning Policy Statement 1 and Policies H2.2, E2.4, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

9) Full details including proposed timescale for the installation of permanent nesting boxes, shall be submitted to and agreed in writing with the City Council as the Local Planning Authority. The permanent nesting boxes should then be installed in accordance with the agreed design and remain insitu permanently, unless otherwise agreed in writing with the Local Planning Authority.

Reason - To provide additional nesting places for birds and to comply with policies E2.3 and E2.4 of the Unitary Development Plan for the City of Manchester and Planning Policy Statement 9.

10) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a

Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to E1.3 of the Unitary Development Plan for the City of Manchester.

11) The development hereby approved shall not exceed the provision of:
- 40 long term mooring points; and,
- 10 visitor mooring points.

Reason - To ensure the development does not exceed the parameters disclosed in the planning application and any increase in mooring points and corresponding increase in boat movements may have a potential adverse effect on the Rochdale Canal which is a designated SSSI site of national importance and contains European protected species pursuant to national policy contained in PPS9 and policies E1.3, E2.2 and E2.4 of the adopted Unitary Development Plan.

12) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with Policies T3.1, T3.6 and T3.7 of the Unitary Development Plan for the City of Manchester.

13) Where works are required to be undertaken to connect new water into the existing canal network, this shall be undertaken in accordance with the strategy for dealing with White Clawed Crayfish as contained within the email to the local planning authority from the applicant's agent dated 25th November 2009.

Reason - In the interests of protecting protected species in accordance with policy E2.2, E2.3 and E2.4 of the adopted Unitary Development Plan for the City of Manchester.

Signed 

Peter Babb, Head of Planning

on behalf of the Council
Town Hall,
Manchester M60 3NY

NOTES

1. Leaflets attached:
2. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.
3. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

4. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.
5. If either the local planning authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

6. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to

conditions by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix A – Standing Advice Regarding Coalfield Area

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com