MANCHESTER CITY COUNCIL

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee of £85 is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Equinox Properties Limited
C/o Agent

Agent (if used)

Miss Gillian Chilton
Indigo Planning Limited
Lowry House
17 Marble Street
Manchester
M2 3AW

Part 1 – Particulars of the application/development

Proposal: Change of use of the main mill building (which comprises two wings) from B2 (General Industry) to A1 (Shops), A2 (Financial and Professional Services), A3 (Restaurants), A4 (Drinking Establishments), A5 (Hot Food Takeaways), B1 (Business), B2 (General Industry), B8 (Storage or Distrubution), D1 (Non-residential Institutions), D2 (Assembly and Leisure) and showroom (Sui Generis) and demolition of three outbuildings.

Location: Talbot Mill, 44 Ellesmere Street, Castlefield, Manchester, M15 4JY

Date of application: 11 May 2012

Application number: 098209/FO/2011/C1

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Reason(s) for decision

On the basis that the proposals subject to compliance with the conditions below, generally accord with the policies contained within the National Planning Policy Framework, in particular section12 (Conserving and Enhancing the Historic Environment), the Development Plan specifically the Unitary Development Plan Policies, RC4 (Environment), E3.5 (Environment), DC9.1 (Access for Disabled People), DC18.1 (Conservation Areas), H2.2 (Housing) and DC26 (Development and Noise) and emerging Core Strategy Policies CC9 (Design and Heritage) and DM1 (Development Management), and is acceptable, subject to conditions, in terms of the impact on amenity, crime and disorder, disabled access and the development would not have an adverse impact on the character of the conservation area and there are no material considerations of sufficient weight to indicate otherwise.

Condition(s) attached to this decision

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

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

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

Drawing nos - HM 3400 (9) 100 Site Location Plan, HM 4281 (2-)10 rev C, HM 4281 (2-)11 rev B, 4281 (9-)02 , 4281 (9-)01 rev A, HM 4281 (32) 01, all stamped as received by the City Council as local plamning authority on 23rd December 2011 and 4281 (Use) 01, rev a 4281 (Use) 02 rev a, 4281 (Use) 03 rev a, 4281 (Use) 04 rev a, stamped as received by the City Council as local planning authority on 15th March 2012 and by email on 11th May 2012.

Documents - Talbot Mill Planning Statement,Waterman Boreman Talbot Mill Transport Statement, Insight Properties Noise Assessment - Talbot Mill, Angela Graham Bat Survey - Talbot Mill, Demolition Justification Statement Building 3 Talbot Mill all stamped as received by the City Council as local planning authority on 23rd December 2011.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 and DC 18.1 of the Manchester Unitary Development Plan and emerging Core Strategy Policies CC9 (Design and Heritage) and DM1 (Development Management).

3) Details of a Travel Plan with the objective of reducing the number of single occupancy vehicle trips and encourage sustainable transport modes; and include particulars of its implementation and monitoring of effectiveness and how measures to improve effectiveness shall be implemented and approved in writing by the City Council as local planning authority before first occupation of the refurbished premises. For so long as the use is in operation the local planning authority shall be provided with such information as specified in the Travel Plan and all measures that are identified that can improve the effectiveness of the Travel Plan shall be adopted and implemented within a timescale agreed in writing by the local planning authority.

Reason - In the interests of promoting sustainable transport modes and reduce the impact of vehicle generated noise, pursuant to policy H2.2 and T3.1

4) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policies H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester.

5) No development shall take place until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) which has been

submitted to and approved in writing by the City Council as local planning authority, unless otherwise agreed in writing with the City Council as local planning authority. The development shall not be occupied until the site investigation has been completed in accordance with the programme set out in the approved WSI and provision made for the analysis, publication and dissemination of results and the archive deposition has been secured. The WSI shall cover the following:

1. A phased programme and methodology of site investigation and recording to include:

- an archaeological desk based assessment

- an archaeological evaluation through geophysical survey and trial trenching

- detailed excavation and recording (where merited by the evaluation results)

2. A programme for post investigation assessment to include:

- analysis of the site investigation records and finds

- production of a final report on the significance of the archaeological interest represented.

3. Provision for dissemination of the analysis and report on the site investigation.

4. Provision for archive deposition of the report, finds and records of the site investigation.

5. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: In accordance with PPS5 policy HE12, to record and advance the understanding of the significance of any buried archaeological remains for archival and research purposes, and to present that understanding to the community.

6) New developments should have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required and all new developments should comply with the detailed guidance available from the council.

Reason - In the interests of amenity and public health pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

7) No part of the premises shall be occupied until the opening hours, have been agreed in writing by the City Council as local planning authority. That part of the building shall thereafter not open outside the approved hours.

Reason - In order that the local planning authority can achieve the objectives both of protecting the amenity of local residents and ensuring a variety of uses at street level in the redeveloped area in accordance with Policies H2.2 and DC 26 in accordance with the Unitary Development Plan for the City of Manchester.

8) Proposed hours for loading and unloading shall be agreed in writing with the City Council as local planning authority.

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development plan for the City of Manchester.

9) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by the City Council as local planning authority, unless otherwise agreed in writing with the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with Policy DC10 and H2.2 of the Unitary Development Plan for the City of Manchester.

10) Before the uses hereby approved commence, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as othewise agreed in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

11) Before the development commences, the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme 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/property/equipment, unless otherwise agreed in writing with the City Council as local planning authority.

Externally mounted ancillary plant, equipment and servicing shall be acoustically treated in accordance with a scheme designed so as to to achieve a noise level of 5dB below the existing background (LA90) in each octave band at the nearest noise sentistive location.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan.

12) The development hereby approved shall not exceed the following floor areas;

within the basement floor area: 600 sqm (gross internal floor area) of one or more of the following uses A3/A4/A5 (restaurants, bar, hot food takeway);

within the ground floor area, 200 sqm (gross internal area) of Class A1 (retail) food retail, 400 sqm (gross floor area) of Class A1 (retail) non food retail and 400 sqm (gross internal area) of one or more of the following uses A3/A4/A5 (restaurants, bar, hot food takeway);

within the first floor area: 600 sqm (gross internal floor area) of one or more of the following uses A3/A4/A5 (restaurants, bar, hot food takeway);

as shown on drawings numbered: 4281 (Use 1) rev A, 4281 (Use 2) rev A, 4281 (Use 3) rev A, received by email by the City Council as local planning authority on 11th May 2012,

Reason - To ensure the development provides the appropriate balance of uses and does not therefore have an adverse
effect on the amenity of local residents and the vitality of the city centre, pursuant to policy S2.2 and H2.2 of the Manchester Unitary Development Plan and emerging Core Strategy Policies CC9 (Design and Heritage) and DM1 (Development Management).

13) Where the premises shall be used as an exhibition/gallery space within the areas shown on the approved drawings, cited in condition no 2, they shall be used as exhibition spaces and or gallery spaces only and for no other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory instrument revoking and re-enacting that Order.

Reason

In the interests of the amenity of the occupiers of nearby buildings pursuant to policies RC3, H2.2 and DC26 of the Unitary Development Plan for the City of Manchester, policy DM1 within the emerging Manchester Cores Strategy DPD and in accordance with the description detailed on the approved drawings.

Informatives

This permission does not grant approval under Building Regulations.

Date: 28 May 2012

Signed: 

Julie Roscoe
Head of Planning
Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, 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.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority of 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

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