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 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

Mr Stephen Cliff
Vision Developments
2nd Floor
Barton Arcade
Deansgate
Manchester
M3 2BH

Agent (if used)

Mr Lawrence Wilson
Buttress Fuller Alsop Williams
31-33 Princess Street
Manchester
M2 4BF

Part 1 Particulars of the application/development

Proposal: Change of use of the existing basement, ground and mezzanine floors to Use Class A3, including elevational alterations, demolition of staircase and internal walls, new service entrance and new staircore the full height of the building, and creation of fourth floor terrace and balustrading.

Location: 53 King Street, Manchester, M2 4LQ

Date of application: 22 April 2013

Application number: 101061/FO/2012/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).

Article 31 Declaration

Reason(s) for decision

Approved on the basis that the proposals generally accord with the policies contained within the following: the National Planning Policy Framework Sections 1 (Building a strong and competitive economy), 2 (Ensuring the Vitality of Town Centres the Development Plan) and 12 (Conserving and enhancing the historic environment); the Core Strategy specifically Policies SP1 (Spatial Principles), CC1 (Primary Economic Development Focus: City Centre and Fringe), CC7 (Mixed Use Development), CC9 (Design and Heritage), T2 (Accessible Areas of opportunity and need), EN3 (Heritage) and DM1 (Development Management) and saved UDP policies DC10 (Food and Drink), DC18.1 (Conservation Areas), DC19.1 (Listed Buildings) and DC26 (Development and Noise) in that the proposed use would contribute to the regeneration of the regional

centre, add to the mix of uses in the area, would be in a highly accessible location, would not create any issues in terms of crime and disorder, would not cause disamenity to nearby residents and would have an acceptable impact on the character and appearance of the Upper King Street Conservation Area and the listed building, and subject to the conditions below

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:

1. Location plan edged in red stamped and received by Manchester City Council as Local Planning Authority on 26th February 2013;

2. The Buttress Fuller Alsop Williams Design and Access Statement stamped and received by Manchester City Council as Local Planning Authority on 28th November 2012;

3. The Secured by Design Checklist ref. 2012/0228/SBD/01 attached to the Design for Security letter dated 11th July 2012;

4. The Hepworth Acoustics report ref. 21316.01v1-SI dated 16th March 2012 and the Hepworth Acoustics Noise Assessment Report No. 21316.01v1-NA dated February 2012;

5. The Buttress Fuller Alsop Williams Additional Information document received by the City Council as local planning authority on 23 April 2013;

6. Dwgs 7361(04)002 Rev A, 7361(04)003 Rev E, 7361(04)004, 7361(04)005 Rev A, 7361(04)006 Rev A, 7361(04)007 Rev A, 7361(04)008 Rev B stamped and received by Manchester City Council as Local Planning Authority on 23rd April 2013;

7. Dwgs 7361(05)001, 7361(05)002, 7361(05)003, 7361(05)004 Rev D, 7361(05)005 Rev B, 7361(06)001, 7361(06)002 Rev A, 7361(06)003 Rev A, 7361(06)004 Rev A, 7361(06)005 Rev B, 7361(06)006 Rev A, 7361(06)100 Rev A, 7361(06)102, 7361(24)002 Rev A, 7361(24)003, 7361(24)004, 7361(24)005, 7361(24)006, 7361(24)007 Rev B, 7361(31)011, 7361(31)012, 7361(31)013, 7361(31)014 Rev B, 7361(31)015, 7361(31)016 Rev A, 7361(31)200, 7361(31)201, 7361(31)202, 7361(31)203, 7361(31)204 Rev A, 7361(31)205, 7361(31)206, 7361(31)207, 7361(31)208, 7361(31)209, 7361(31)210, 7361(31)211, 7361(31)213, 6703(32)010, 7361(32)011, 7361(32)012, 7361(32)020, 7361(32)021, 7361(32)022, 7361(32)024, 7361(32)026, 7361(32)027, 7361(32)029, 7361(32)030, 7361(32)031, 6703(32)032, 7361(34)020, 7361(34)021, 7361(34)022, 7361(34)023 and 7361(34)024 stamped and received by Manchester City Council as Local Planning Authority on 28th November 2012;

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Before each A3 use first 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. 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 policies SP1 and DM1 of the Core Strategy.

4) No loading or unloading shall be carried out on the site outside the hours of 08:00 to 20:00, Monday to Sunday.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

5) The premises shall not be open outside the following hours:-

08:00 to 24:00 Monday to Sunday.

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

6) Before any use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with Section 5.5 of the Noise Assessment by Hepworth Acoustics dated February 2012 and the letter from Hepworth Acoustics dated 16.3.12.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

7) No part of the site outside of the building 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.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

8) Before first occupation of the development 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 equipment.

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

9) Before each use commences a scheme for the storage (including segregated waste recycling) and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be

implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of public health and amenity, pursuant to Policies SP1 and DM1 of the Core Strategy.

Informatives

This permission does not grant approval under Building Regulations.

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Date: 17 June 2013

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