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

MANCHESTER CITY COUNCIL

Name and Address of Applicant	Name and Address of Agent
Bruntwood Estates Ltd City Tower Piccadilly Plaza Manchester M1 4BD	Stephenson Bell Aeroworks 5 Adair Street Manchester M1 2NQ

Part I – Particulars of Application

Date of Application	Application ref. no.
1 December 2008	087969/FO/2008/C2

Particulars and location of development:

Change of use of the third and fourth floor from assembly and leisure (Use Class D2) to non- residential education and training (Use Class D1) on the third floor and offices (Use Class B1) or gymnasium (Use Class D2) on the fourth floor with elevational alterations

2 New York Street
Manchester
M1 4HD

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
The application is approved on the basis that the proposal is in accordance with Policy L1 ' Health, Sport, Recreation, Cultural and Education Services Provision' of the Regional Spatial Strategy and the City Council's Unitary Development Plan, in particular policy E3.5 'Environment', RC3 'Mixed Uses,' DC26 'Development and Noise', DC18.1 'Mixed Uses' DC19.1 'Listed buildings' and DC9.1 'Access for Disabled People' and is acceptable in terms of the impact on the amenity of surrounding occupiers, visual amenity and the impact on the setting of adjacent listed buildings and the Upper King Street Conservation Area and the availability of disabled access and there are no material considerations of sufficient weight to indicate otherwise.
Date of Decision 26 January 2009

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 premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

08:00 to 22:00 daily

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policy DC26 and the Unitary Development Plan for the City of Manchester.

3) Before the development commences an acoustic attenuation scheme including particulars of the acoustic glazing and acoustically treated ventilation to be installed as part of the development shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented in full before use of the premises first commences.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policy DC26 of the Unitary Development Plan for the City of Manchester.

4) No development shall commence until 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. The development 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 secure by design accreditation.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

5) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been 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, as specified in policy DC18.1 and policy DC19.1 of the Unitary Development Plan for the City of Manchester.

6) The fourth floor shall be used for any purpose in Class B1 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 or shall be used as a Gymnasium and for no other purpose within Class D2. The third floor of the premises shall be used as Education and Training and for no other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

Reason

In the interests of the amenity of the occupiers of nearby buildings pursuant to policy DC26 of the Unitary Development Plan for the City of Manchester and in accordance with the description detailed on the application form.

7) 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:

The drawings by Stephenson Bell referenced:

al(05)001, 002, 022, 024, 025, 026, 027, 028, 033 all stamped as received by the City Council as local planning authority on 17th October 2008

al(05)034, 035 and 036 all stamped as received by the City Council as local planning authority on 20th November 2008

al(05)021 rev A, 029 rev A, 030 rev A, 031 rev A, 032 rev. A all stamped as received by the City Council as local planning authority on 17th December 2008

Sections 3.0 and 4.0 and appendix A, B, C and D of the Design and Access Statement prepared by Stephenson Bell stamped as received by the City Council as local planning authority on 17th October 2008.
The Acoustic Study by Faber Maunsell 26th November 2008
The letter from Stephenson Bell 19th November 2008
The emails from Stephenson Bell dated 1st December 2008, 15th January 2009, 21st January 2009 (15:59) and 21st January 2009 (16:02)

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy L1 ' Health, Sport, Recreation, Cultural and Education Services Provision' of the Regional Spatial Strategy and the City Council's Unitary Development Plan, in particular policy E3.5 'Environment', RC3 'Mixed Uses,' DC26 'Development and Noise', DC18.1 'Mixed Uses' DC19.1 'Listed buildings' and DC9.1 'Access for Disabled People'; of the Manchester Unitary Development Plan.

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 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

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