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.
- 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

Planning (Listed Building & Conservation Area) Act 1990 (as amended)

Listed Building Consent

Applicant

Mr Patrick Topham
C/o Agent

Agent (if used)

Mr Mark Percival
Architecture:m Chartered Architects
3rd Floor
Hilton House
26-28 Hilton Street
Manchester
M1 2EH

Part 1 – Particulars of the application/development

Proposal: LISTED BUILDING CONSENT for internal and external works associated with the use of the ground and basement floors as a restaurant and bar.

Location: Ground And Basement Floors, 45 Dale Street, Manchester, M1 2HF

Date of application: 29 November 2013

Application number: 102909/LO/2013/C2

Part 2 – Particulars of decision

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

Article 31 Declaration

Officers have worked with the applicant in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with this application for listed building consent. This has included ongoing advice about the information required to be submitted to support the application and extensive discussions regarding amendments to the proposals. Additional time has been given to resolve the issues with the application and allow changes to the proposals that could allow approval of this application and the associated application for planning permission. This has meant that the application could not be determined within the target determination period.

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

The drawings referenced:

001, 202 rev A, 203 rev A, 204 rev A, 205 rev A, 206 rev B and 223 rev A stamped as received by the City Council as local planning authority on 18th December 2013
282, 381 and 402 stamped as received by the City Council as local planning authority on 14th March 2014
110 rev A, 207 rev A and 213 rev B stamped as received by the City Council as local planning authority on 1st April 2014
206 rev B, 211 rev C, 212 rev C, 224 rev A, 251 rev A, 260 rev B and 401 rev A stamped as received by the City Council as local planning authority on 14th April 2014
221, 230 rev B, 231 rev B, 232 rev B, 233 rev B, 234 rev B, 235 rev B, 236 rev B, 237 rev B, 250 rev B and 261 rev A stamped as received by the City Council as local planning authority on 30th April 2014
170 and 256 rev A stamped as received by the City Council as local planning authority on 28th April 2014
200 rev C and 201 rev C stamped as received by the City Council as local planning authority on 29th April 2014

The information within the Heritage Proposals section of the Heritage Statement stamped as received by the City Council as local planning authority on 31st March 2014

The email from Mark Percival dated 7th April 2014 (in relation to the fire separation, window reveal and the single course of brickwork only)

The email from Mark Percival dated 28th March 2014 (in relation to the partitions, architraves, Lizard Street, suspended ceilings and existing exposed bricks only)

The email from Mark Percival dated 13th March 2014 (the information within points 3.2b, 3.2c, 3.2d and 3.3E only)

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy policies SO1, SP 1, CC9, CC10, T1, T2 , EN1, EN3 and DM 1 and saved Unitary Development Plan polices DC14.1 and 14.2, DC18.1 and DC19.1.

3) Notwithstanding the information shown on the drawings hereby approved the full details of the following works shall be submitted to and approved in writing by the City Council as local planning authority before the development hereby approved commences:

1) The making good of the original/historic fabric following the strip out of modern additions including the removal of the suspended ceiling;
2) The repair and reinstatement of the existing timber stair between basement and ground floors;
3) The installation of new floor coverings;
4) The method of fixing of the bar and serving counter;
5) The accommodation of services, including plumbing, lighting, heating, ventilation, alarm systems, electrical layout, CCTV and any additional services;
6) Internal paint colours, including any used on the historic staircase;

The works shall be carried out only in accordance with these 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 visual amenity of the area within which the site is located, as specified in policies SO6, CC9, EN1, EN3, SP1 and DM1 of the Core Strategy for the City of Manchester and saved polices DC14.1, DC18.1 and DC19.1 of the 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 all external elevations of the development have been submitted to and approved 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 policies SO6, CC9, EN1, EN3, SP1 and DM1 of the Core Strategy for the City of Manchester and saved polices DC14.1 and 14.3, DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

5) Notwithstanding the information shown on the drawings and detailed in the documents hereby approved full details of the treatment of the painted external brick and stonework of the elevations and full details of how the approved treatment will be implemented are required to be submitted to and approved in writing by the City Council as local planning authority before the development hereby approved commences. The works shall be carried out only in accordance with these approved details.

Reason - In the interests of visual amenity, and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and a conservation area so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, EN3 and DM1 of the Core Strategy and saved policies DC18.1 and DC19.1 of the Unitary Development Plan.

6) Full details of the design of the proposed windows, including detailed scaled drawings and sections to be fully annotated with paint colours and materials, shall be submitted to and approved in writing by the City Council as local planning authority before the development hereby approved commences. The works shall be carried out only in accordance with these approved details.

Reason - In the interests of visual amenity, and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and a conservation area so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, EN3 and DM1 of the Core Strategy and saved policies DC18.1 and DC19.1 of the Unitary Development Plan.

7) The historic weighing scales shall be retained within the premises in perpetuity.

Reason - Because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and because this equipment is a feature that informs of the historic use of this building in accordance with policies SP1, EN3 and DM1 of the Core Strategy and saved policies DC18.1 and DC19.1 of the Unitary Development Plan.

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.

The installation of any additional fixed furniture to the bar and serving counter hereby approved requires separate listed building consent.

For the avoidance of doubt the steps at the Dale Street entrance are not part of this application, which does not grant or imply grant of listed building consent for the current steps.

Date: 2 May 2014

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Planning (Listed Buildings and Conservation Areas) 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