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 £97 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**

Piccadilly Gateways Ltd
25 Rochdale Road
Manchester
M4 4HT

**Agent (if used)**

Mr Tom Goldthorpe
Hodder+Partners
SGI Studios
1 Kelso Place
Manchester
M15 4LE

## Part 1 – Particulars of the application/development

**Proposal**: Refurbishment of Gateway House to create a 182 suite apart hotel above ground floor retail space for use for Class A1 (Shop) use or Class A2 (Financial and Professional Services) Use or Class A3 (Restaurant and Cafe) Use or Class A4 (Drinking Establishment) Use or Class A5 (Hot Food Take Away) Use with Class B1 (office) use within mezzanine level above, along with retention of existing parking and retail space within the basement and erection of new 8 storey building comprising Class B1 (office) accommodation above ground floor retail space for use for Class A1 (Shop) use or Class A2 (Financial and Professional Services) Use or Class A3 (Restaurant and Cafe) Use or Class A4 (Drinking Establishment) Use or Class A5 (Hot Food Take Away) connected to Gateway House by bridge link and erection of new 3 storey gym following demolition of existing single storey building on Ducie Street as an amendment to application 096872/FO/2011/C2 approved on 23 December 2011.

**Location**: Gateway House , Piccadilly South, Manchester, M1 2GH

**Date of application**: 20 November 2012

**Application number**: 100761/FO/2012/C2

## 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

Officers have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. The acceptability in principle of the proposed development and mix of uses was established at pre application stage and officers were involved in pre-application discussions and advised about the appropriate form in design terms for a development of this nature on this site. The applicants were also advised about the level of information that would need to be submitted with the application to overcome any concerns in relation to potential impacts on amenity, crime an disorder, highway safety, disabled access and

environmental impacts and issues relating to these aspects of the scheme are detailed in application report..

**Reason(s) for decision**

On the basis that the proposal is in accordance with Sections 1 (Building a strong and competitive economy), 2 (Ensuring the Vitality of Town Centres), 4 (Promoting Sustainable Transport), 7 (Requiring Good Design),10 (Meeting the challenge of climate change, flooding and coastal change) and 11 (Conserving and enhancing the natural environment) of the National Planning Policy Framework, Guide to Development in Manchester Supplementary Planning Document and Planning Guidance Core Strategy Policies SP1 (Spatial Principles), EC1 (Employment and Economic Growth in Manchester), CC1 (Primary Economic Development Focus: City Centre and Fringe), CC2 (Retail), CC4 (Visitors, Tourism, Culture and Leisure), CC6 (High Density Development), CC7 (Mixed Uses Development), CC8 (Change and Renewal), C10 (Leisure and the Evening Economy), T1 (Sustainable Transport), T2 (Accessible areas of Opportunity and need), EN1 (Design Principles and Strategic Character Areas), EN8 (Adaptation to Climate Change), EN15 (Biodiversity and Geological Conservation), EN16 (Air Quality), EN17 (Water Quality), EN 18 (Contaminated Land and Ground Stability) and DM1(Development Management) and saved UDP Policies DC19.1 (Listed Buildings), DC20 (Archaeology) and DC26 (Development and Noise) in that the development would reuse previously developed land helping to secure sustainable economic growth and to creating jobs and prosperity, would spread the benefits of this growth across the City to reduce economic, environmental and social disparities, and would help create inclusive sustainable communities, would provide new jobs and facilities in a highly accessible location, would develop a key site within the city centre, would be consistent with the aim of bringing forward economic and commercial development along with retail and leisure activity, would contribute to the growth of the Regional Centre, would assist in the improvement of the sub-region's economic performance, would improve the vitality and viability of the Centre through the delivery of development that would regenerate a currently under-used site and would secure economic growth through the provision of employment generating uses, would create a significant number of new jobs in appropriate sectors which would in turn contribute to economic growth, would improve retail provision and the quality of the retail offer within the City Centre, would contribute to the quality of the City Centre visitor accommodation offer as well as improving the infrastructure to accommodate visitors, would be consistent with the Manchester City Centre Strategic Plan having regard to the character, issues and strategy for this part of the City Centre, would have a high quality design which would help to improve the overall appearance of the application site within the street scene, would be well integrated into the natural, built and historic environment, would not have an adverse impact on the character or appearance of adjacent listed buildings, would make a positive contribution to neighbourhoods of choice by enhancing the built and natural environment, would create a well designed place that would both enhance and create character, would make good use of the site in terms of efficient use of space, enhancement of the sense of place within the wider area, would in terms of the new build elements be a high density development and maximise the efficient use of land, would facilitate sustainable patterns of transport use being highly accessible by all forms of public transport and reduce reliance on cars therefore minimising emissions from traffic generated by the development, would by virtue of its City Centre location would minimise journey lengths for employment, shopping, leisure and other activities, would be highly sustainable, would not have an adverse impact on amenity, including in terms of privacy, light, noise, vibration, air quality and road safety and traffic generation, would be fully accessible to disabled people, would in design terms consider the needs of users and employees on the site in terms of a range of transport modes and the reduction of opportunities for crime, would

improve the adjacent public realm and due to its location contribute to improving air quality by being accessible by a variety of modes of transport, would not have an adverse impact on water quality would minimise surface water run-off and ground water contamination, would not have any contaminated land and ground stability implications, would improve biodiversity, would increase natural surveillance which in turn would reduce opportunities for crime and disorder related issues and would allow investigations that would give an understanding of any archaeological heritage assets on the site.

**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:

(a) L(--) 001 Rev A, L(-)100 Rev A , L(-)101Rev B, L(-)102 Rev B, L(-)103 Rev D, L(-)106, Rev B, L(-)200, L(-) 201Rev C, L(-)202 Rev B, L(-)203 , L(-) 204Rev B, L(-)205 Rev A, L(-)206 Rev, L(-) 207 Rev B, L(-)208, L(-) 209 Rev B, L(-) 210, L(-) 211 Rev A, L(-)250 Rev A and L(-)300 Rev A all stamped as received on 22-10-12;

(b) Requirements as detailed in Sandy Brown Associates LLP acoustic report 10-03-2011;

(c)Letter from Hodder and Partners dated 21st December modifying the scheme to remove the ground floor extension at the south eastern elevation of the building; and

(d) Wind mitigation measures identified in the Concluding Remarks Section of RWDL's Pedestrian Level Wind Microclimate Assessment Desk Study dated 7th April 2011.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, EC1, CC1, CC4, CC6, CC7, CC8, C10, T1, T2 , EN1, EN8 , EN15 , EN16, EN17, EN 18 and DM1 and saved UDP Policies DC19.1 and DC26.

3) 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 SP1 and DM1 of the Core Strategy.

4) The wheels of contractors vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site.

Reason - In the interest of pedestrian and highway safety, and pursuant to policies DM1 and SP1 of the Core Strategy.

5) 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. (a)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 Section 11 of the National Planning Policy Framework and policy EN18 of the Core Strategy.

6) The development hereby approved shall not commence unless and until a Construction Management Plan, including a Site Waste Management Plan, Air Quality Plan, final details of necessary mitigation measures in respect of the protection of bat roosts and associated foraging and commuting and a plan layout showing areas of public highway agreed with the Highway Authority for use in association with the development during construction , has been submitted to and approved in writing by the City Council as local planning authority. The strategy shall include details on the timing of construction of scaffolding, the lighting and operation of cranes during construction, and a Human Impact Management Plan.

Reason - To ensure that the appearance of the development is acceptable and in the interests of the amenity of the area, pursuant to policies EN15, EN16, EN17 and EN18 of the Core Strategy and Guide to Development 2 (SPG)

7) The details of an emergency telephone contact number shall be displayed in a publicly accessible location on the site and shall remain so displayed for the duration of the construction and fitting out of the development.

Reason - In the interests of local amenity, pursuant policies SP1 and DM1 of the Core Strategy.

8) Before development commences or within a timescale as otherwise agreed in writing by the City Council a scheme for the acoustic insulation of any externally mounted ancillary equipment shall be 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. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

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

9) Before development commences or within a timescale as otherwise agreed in writing by the City Council, a scheme for the storage (including segregated waste recycling) and disposal of refuse for (a) the serviced apartments; (b) the offices; (c) the gym; and (d) the ground floor units 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 prior to occupancy or in the case of the ground floor units prior to any new tenancy commencing and shall remain in situ whilst the use or development is in operation.

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

10) Before development commences or within a timescale as otherwise agreed in writing by the City Council, a scheme for the extraction of any fumes, vapours and odours from (a) the serviced apartments; (b) the offices; (c) the gym; and (d) the ground floor units 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 prior to occupancy or in the case of the ground floor units prior to any new tenancy commencing and shall remain in situ whilst the use or development is in operation.

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

11) Before any new use hereby approved commences, within each of the ground floor units details of the proposed opening hours shall be submitted to and approved in writing by the City Council as local planning authority. The units shall be not be operated outside the hours approved in discharge of this condition.

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.

12) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

07:30 to 20:00, Monday to Saturday,

10:00 to 18:00 Sundays and Bank Holidays

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..

13) Before the building hereby approved is first occupied it shall be 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 property.

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

14) Before development commences or within a timescale as otherwise agreed in writing by the City Council ,details of the scheme of acoustic insulation including where necessary acoustic glazing and acoustically treated ventilation of the following shall be submitted and approved in writing by the City Council as local planning authority:

(a) the serviced apartments:
(b) the gym;
(c) the offices;
(d) any new Class A3, A4 or A5 use within the ground floor unit.

The acoustic attenuation scheme hereby approved shall be implemented in full before each of the above uses first commences.

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.

15) 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.

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.

16) No amplified sound or any music shall be produced or played in any part of the site outside of the building other than in accordance with a scheme detailing the levels at which any music shall be played and the hours during which it shall be played which has been submitted to and approved in writing by the City Council as local planning authority.

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.

17) Before development commences or within a timescale as otherwise agreed in writing by the City Council 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 unless otherwise agreed in writing.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy.

18) Before development commences or within a timescale as otherwise agreed in writing by the City Council details of the number, location and layout of facilities for cycle parking to be included within the development site shall be submitted and approved in writing by the City Council as Local Planning Authority. The approved cycle parking shall be in place before the use of the development commences.

Reason - In the interests of public safety pursuant to policies DM1 and T2 of the Core Strategy.

19) Before first occupation of any part of the development, a Travel Plan including details of how the plan will be funded, implemented and monitored for effectiveness, shall be submitted to and approved in writing by the City Council as local planning authority. The strategy shall outline procedures and policies that the developer and occupants of the site will adopt to secure the objectives of the overall site¿s Travel Plan Strategy. Additionally, the strategy shall outline the monitoring procedures and review mechanisms that are to be put in place to ensure that the strategy and its implementation remain effective. The results of the monitoring and review processes shall be submitted in writing to the local planning authority and any measures that are identified that can improve the effectiveness of the Travel Plan Strategy shall be adopted and implemented

Reason - In accordance with the provisions contained within planning policy guidance and in order to promote a choice of means of transport, pursuant to policies T2 and EN16 of the Core Strategy

20) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'very good'. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before the building hereby approved is first occupied or within a timescale to be agreed in writing by the City Council as local planning authority.

Reason: In order to minimise the environmental impact of the development pursuant to the principles contained in the Guide to Development in Manchester 2 and policies SP1, DM1 and EN8 of the Core Strategy

21) No development shall take place / commence until a Written Scheme of Investigation (WSI) covering a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority and the report(s) made available for consideration. No development shall take place other than in accordance with the approved WSI. The WSI shall cover the following:

1. A phased programme and methodology of site investigation and recording to include: - a desk-based assessment - (where appropriate historic building assessment and

possibly more a more detailed survey and interpretive record) - targeted archaeological evaluation - (depending upon the evaluation) targeted area excavation

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 publication and dissemination of the analysis and report on the site investigation

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

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

The archaeological works should be undertaken by a suitably experienced and qualified archaeological contractor, funded by the applicant. GMAAS would monitor the implementation of the work on behalf of Manchester local planning authority.

Reason - To investigate the archaeological interest of the site and record and preserve any remains of archaeological interest, pursuant to saved Unitary Development Plan policy DC20.1 and guidance in section 12 of the National Planning Policy Framework.

22) Before development commences or within a timescale as otherwise agreed in writing by the City Council final details of the proposed landscaping scheme (including details of the proposed materials) shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the proposed building is first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise agree in writing by the City Council as local planning authority.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with Policies EN1, EN9, EN15 and SP1 of the Core Strategy.

23) Occupation of the development shall not commence unless and until a servicing management strategy, including a schedule of loading and unloading locations and times, has been submitted to and agreed in writing by the City Council as local planning authority. Servicing shall thereafter take place in accordance with the approved strategy.

Reason - In the interests of public and highway safety and the protection of residential amenity, pursuant to policies SP1 and DM1 of the Core Strategy.

24) Before the development is commenced or within a timescale as otherwise agreed in writing by the City Council a shop front and signage design strategy for the commercial units shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To protect the visual amenity of the area and to ensure the development is carried out in a satisfactory manner pursuant policies SP1 and DM1 of the Core Strategy.

25) The consent hereby granted is for a development that has full access into and throughout the building and access to the public realm for tenants and members of the public, including those whose mobility is impaired and the arrangements hereby approved shall remain in place as long as the development is operating for the purposed hereby approved

Reason - For the avoidance of doubt and so as to provide direct access for all, pursuant to policy DM1 of the Core Strategy

26) No development shall commence until an additional bat survey of the main building and undercroft is carried out and a method statement, including details of replacement nesting sites, is submitted to and approved in writing by the City Council as local planning authority .The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied.

Reason - In the interests of visual and residential amenity, in the interests of the protection of bat roosts and associated foraging and commuting areas pursuant Section 11 of the National Planning Policy Framework and pursuant to Core Strategy policies EN15 and SP1.

27) Notwithstanding the information shown within the Gateway House Facade Lighting Concept, before development commences or within a timescale to be agreed in writing with the City Council as Local Planning Authority, detailed drawings for the scheme for lighting the building and for illuminating all facades of the building including how it will be designed and installed to avoid glare and overspill onto nearby residential properties, shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development, pursuant to Core Strategy policies SP1 and DM1.

28) Before development commences or within a timescale as otherwise agreed in writing by the City Council, the following details shall be submitted and approved in writing by the City Council as Local Planning Authority:

Confirmation that of measures that will ensure that no surface from this development is to be discharged either directly or indirectly to the combined sewer network.

Confirmation that the site would be drained on a separate system, with only foul drainage connected into the foul sewer.

Reason - In the interests of protecting adjacent watercourses, and sewer networks pursuant to Sections 10 and 11 of the National Planning Policy Framework and pursuant to policies EN15 and SP1 of the Core Strategy.

29) Details of the materials, including natural stone or other high quality materials to be used for the footpaths and for the areas between the pavement and the line of the proposed building shall be submitted to and approved in writing by the City Council as the local planning authority. Any works approved shall be implemented in full within six

months, or as otherwise agreed in writing by the local planning authority, of any part of the development first being occupied.

Reason - In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes pursuant to the policies SP1 and DM1 of the Core Strategy.

30) The development hereby approved should be scheduled to allow the any black redstarts to complete the breeding and fledging of young before development commences.

Reason - In the interests of the protection of black redstarts pursuant Section 11 of the National Planning Policy Framework and pursuant to Core Strategy policies EN15 and SP1.

**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.

**Construction hours**
Manchester City Council guidelines state that construction work should normally take place only between the following hours:

Monday - Friday*: 7.30 - 18.00
Saturday*: 8.30 - 14.00
Sunday / Bank holidays: No work

*Workforce may arrive on site 30 minutes prior but no working outside these times, unless changed by prior agreement. Noise to be kept to a minimum in the first hour.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation once the development is completed

**Construction Works**
If the development is to involve noisy construction works for a prolonged period the applicant is requested to contact Environmental Health (Public Protection Team) to discuss the nature of the construction phase. The reasoning behind this is to establish a site contact and discuss appropriate working times etc.
Contact: Manchester City Council, Environmental Health, Hammerstone Road, Gorton, Manchester, M18 8EQ Tel: 0161 234 5004, email: EnvHealth@manchester.gov.uk

**Licensing**
The applicant should be aware that under the Licensing Act 2003 the carrying on of a licensable activity (this includes the provision of late night refreshment between 23.00 - 05.00, supply of alcohol, music, dancing, plays, films and indoor sporting events) on or from premises requires a premises licence from Manchester City Council as Licensing Authority. Information regarding premises licence can be obtained from:
The Licensing Unit, Manchester City Council, Hammerstone Road, Gorton, Manchester, M18 8EQ. Tel: 0161 234 5004 or e-mail: premises.licensing@manchester.gov.uk

**Noise**
The applicant's attention is drawn to the need to contact Environmental Health (Public Protection Team) where any noise related conditions have been attached to this Planning Approval, in order to discuss specific and technical requirements.
Contact: Manchester City Council, Environmental Health, Hammerstone Road, Gorton, Manchester, M18 8EQ, Tel: 0161 234 5004, E-mail: EnvHealth@manchester.gov.uk

**Fumes**
Defra have published a document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. It describes a method of risk assessment for odour, guidance on minimum requirements for odour and noise control, and advice on equipment selection. It is recommended that any scheme should make reference to this document.

Date: 21 January 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