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

Manchester City Council
Town Hall Complex Transformation Programme
Heron House
36-38 Brazennose Street
Manchester
M2 5EA

Agent (if used)

Mr Nathan Matta
Nathaniel Lichfield & Partners
3rd Floor
One St Jamess Square
Manchester
M2 6DN

Part 1 – Particulars of the application/development

Proposal: CITY COUNCIL DEVELOPMENT for the dismantling of the Grade II* Listed Cenotaph War Memorial and reinstatement of the Cenotaph, new memorial wall and seating and public realm works on land adjacent to the east of the Town Hall, including the relocation of the memorial plaques.

Location: Land At St Peters Square, Manchester, M2 5DB

Date of application: 9 August 2012

Application number: 100118/VO/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

Officers have worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in relation to dealing with the planning application. This included extensive pre-application discussions between the applicant and City Council officers to resolve any initial design concerns and, in assessing the merits of the planning application, officers worked with the applicant in a positive and pro-active manner to seek solutions any issues.

Reason(s) for decision

Approved on the basis that the proposal is in accordance with Section 4 (Promoting Sustainable Transport), Section 7 (Requiring Good Design), Section 11 (Conserving and enhancing the natural environment) and Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework, Policies DP2

(Promote Sustainable Communities), DP5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility) and DP7 (Promote Environmental Quality) of the Regional Spatial Strategy for North West England, Policies SP 1 (Spatial Principles), CC4 (Visitors, tourism, culture and leisure), CC9 (Design and Heritage), CC10 (A Place for Everyone), T2 (Accessible Areas of Opportunity and Need), EN1 (Design Principles and Strategic Character Areas), EN 3 (Heritage), EN18 (Contaminated Land and Ground Stability) and DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester, the Design, Accessibility and Community Safety and Crime Prevention Principles of the Guide to Development in Manchester SPD and saved policies DC18.1 (Conservation Areas), DC19.1 (Listed Buildings) and DC20.1 (Archaeology) of the Unitary Development Plan for the City of Manchester in that the development would encourage regeneration within the City Centre, would promote, support and enhance the City's role as an international centre of excellence for learning and research, would have significant public benefit, would contribute to improving the quality of the City's overall environment, would be fully accessible by all forms of transport and in particular adequately served by public transport, would be of a good standard of design, would not have an adverse impact on the architectural and historic character of the conservation areas or the setting of the listed buildings, has considered the needs of pedestrians, cyclists and disabled people in the design of the development and would not unacceptably increase the risk of flooding elsewhere, would have regard to the character, issues and strategy for the Central Business District as described in Manchester City Centre Strategic Plan, would improve the contribute to regeneration within this part of the City Centre, encouraging investment and would contribute to the wider regeneration of the area around St Peter's Square.

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:

The site location plan stamped as received by the City Council as local planning authority on 3rd August 2012

The drawings by SLHA referenced:

1257-SLHA-DR-05-A101 rev C, 1257-SLHA-DR-05-A102, 1257-SLHA-DR-06-A201 rev D, 1257-SLHA-DR-06-A202 rev D, 1257-SLHA-DR-06-A203 rev D, 1257-SLHA-DR-07-A301 rev D, 1257-SLHA-DR-07-A302 rev C, 1257-SLHA-DR-40-A401 rev B stamped as received by the City Council as local planning authority on 3rd August 2012
1257-SLHA-DR-72-A402 rev D stamped as received by the City Council as local planning authority on 31st August 2012

The information within Sections 4, 5.3, 5.4, 5.5, 5.7, 5.8 and 6 and Appendices 7.1.1, 7.1.2 and 7.1.16 of the Design and Access Statement stamped as received by the City Council as local planning authority on 31st August 2012

The email from Nathan Matta dated 15th August 2012.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Policies SP 1, CC4, CC9, CC10, T2, EN1, EN 3, EN18 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC18.1, DC19.1 and DC20.1 of the Unitary Development Plan for the City of Manchester

3) Prior to the dismantling of the Cenotaph, or the commencement of any groundworks within the area of St. Peter's Church and the new location of the Cenotaph hereby approved the applicant or their agents or their successors in title shall secure the implementation of a programme of archaeological works to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority. The WSI shall cover the following:

1. A phased programme and methodology of site investigation and recording to include:
- a watching brief on the dismantling of the Cenotaph and on any groundworks carried out in the vicinity of the former footprint of St. Peter's Church;
- (informed by the above) targeted area excavation and recording.
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 and historical interest represented.
3. Provision for publication and dissemination of the analysis and report on the site investigation to include:
- a bound hardcopy and digital copy of the final assessment report with the Historic Environment Record
- (dependent upon the investigation results) a volume in the series 'Greater Manchester's Past Revealed'.
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 - To investigate the archaeological interest of the site, record, preserve and advance understanding of the heritage asset affected and any remains of archaeological interest and to make information about the archaeological heritage interest publicly accessible, pursuant to policy EN3 of the Adopted Core Strategy for the City of Manchester, saved Policy DC20.1 of the Unitary Development Plan for the City of Manchester and guidance in paragraph 141 of Section 12 of the National Planning Policy Framework.

4) Before the development that is hereby approved commences samples and specifications of all materials to be used in the development and full details of the construction, including jointing shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials and in accordance with the 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 SP 1, CC9, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester

5) Full details of the detailed structural design information for the all work to dismantle, relocate and reassemble the Cenotaph War Memorial and for all works to the fabric beneath the Cenotaph and surrounding existing land affected by the works shall be submitted to and approved in writing by the City Council as local planning authority before the development hereby approved commences. The development shall be carried out only using the approved materials and in accordance with the approved details.

Reason - In the interests of 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 the setting of a designated conservation area and careful attention to building work is required to protect the character and appearance of this building and conservation area in accordance with policies SP 1, CC9, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester

6) Full details of the proposed external lighting scheme shall be submitted to and approved in writing by the City Council as local planning authority before any associated external lighting is installed. The submitted details shall include full scaled drawn information to demonstrate the location and appearance, a product specification, details of any associated ancillary equipment and details regarding lighting splay and glare and the lighting scheme shall be implemented only in accordance with the approved details.

Reason - In the interests of 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 the setting of a designated conservation area and careful attention to building work is required to protect the character and appearance of this building and conservation area in accordance with policies SP 1, CC9, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

7) Full details of the proposed new structures that would support the existing memorials that are associated with the Cenotaph War Memorial and the 4no. individual memorials that are proposed to be relocated from the existing site and the design of the proposed memorial wall and seating, including a strategy for the design and installation of any proposed new memorials or engraving, shall be submitted to and agreed by the City Council as local planning authority before the development that is hereby approved commences or within a timescale to be otherwise agreed by the City Council as local planning authority. These works shall be implemented only in accordance with the approved details.

Reason - In the interests of 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 the setting of a designated conservation area and careful attention to building work is required to protect the character and appearance of this building and conservation area in accordance with policies SP 1, CC9, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester

8) Before the development hereby permitted is first used the scheme to provide access for disabled people into and throughout the development as shown on the drawings referenced 1257-SLHA-DR-05-A101 rev C, 1257-SLHA-DR-06-A202 rev D, 1257-SLHA-DR-06-A203 rev D, 1257-SLHA-DR-07-A301 rev D and 1257-SLHA-DR-07-A302 rev C and detailed in Section 6 of the Design and Access Statement hereby approved

shall have been implemented fully in accordance with these approved documents and shall be retained for the life of the structure.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of the Adopted Core Strategy for the City of Manchester, in particular policy DM1.

9) No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to and approved in writing by the City Council as local planning Authority. The approved CMP shall include agreed safe methods of working adjacent to the Metrolink Hazard Zone and shall be adhered to throughout the construction period. The CMP shall provide for:-

- The Parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Construction and demolition methods to be used; including the use of cranes;
- The erection and maintenance of security hoardings;
- Measures to control the emission of dust and dirt during construction and;
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason - In the interests of highway safety, to safeguard the amenities of the locality and to ensure that the developer complies with the necessary requirements of working adjacent to the Metrolink system, pursuant to policy DM1 of the Adopted Core Strategy for the City of Manchester.

10) No development shall take place, including any works of demolition, unless and until a strategy for service diversions, levels and drainage have been submitted to and approved in writing by the City Council as local planning Authority.

Reason - To ensure that proposed service diversions levels and drainage schemes are compatible with the requirements to deliver the Metrolink Second City Crossing Proposals, pursuant to policies DM1, SP1 and T2 of the Adopted Core Strategy for the City of Manchester.

11) A strategy for the maintenance of the structure in terms of details of access to the structure for maintenance and details of the location that maintenance vehicles will park and equipment will be parked/stored shall be submitted to and approved in writing by the City Council as local planning authority before the works hereby approved are completed. The approved strategy shall be implemented on completion of the works and remain in operation for as long as the structure remains in the approved location.

Reason - To ensure that proposals are acceptable in relation to highway safety pursuant to policies DM1, SP1 and T2 of the Adopted Core Strategy for the City of Manchester.

12) In the event that human remains are disturbed or revealed in the course of the development, all works shall cease until a scheme for the removal and reinterment of the remains which complies with all statutory requirements has been submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the scheme.

Reason - To ensure that the proposals comply with statutory requirements.

13) Full details of the proposed foundations and detailed structural design information for all new structures within the proposed new location of the Cenotaph shall be submitted to and approved in writing by the City Council as local planning authority before any development within the proposed new location of the Cenotaph hereby approved commences. The development shall be constructed only using the approved materials and in accordance with the approved details.

Reason - In the interests of 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 the setting of a designated conservation area and careful attention to building work is required to protect the character and appearance of this building and conservation area in accordance with policies SP 1, CC9, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester

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: 13 December 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