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 £85 is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Mohammed Dayeh
Le Monde Property Development
Cedar House
2 Fairfield Street
Manchester
M1 3GF

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Change of use of the part ground, first and third floors from office use (Use Class B1) to 9no. residential apartments (Use Class C3).

Location: Cedar House, 2 Fairfield Street, Manchester, M1 3GF

Date of application: 30 May 2012

Application number: 097514/FO/2011/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).

Reason(s) for decision

The application is approved on the basis that the proposal is in accordance with Sections 6 (Delivering a wide choice of high quality housing) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework, policies H1 (Overall Housing Provision), EN3 (Heritage), CC3 (Housing), CC9 (Design and Heritage), DM1 (Development Management) and SP1 (Spatial Principles) of the Core Strategy for the City of Manchester and saved policies DC18.1 (Conservation Areas), and DC26 (Development and Noise) of the Unitary Development Plan for the City of Manchester and is acceptable, subject to conditions, in terms of the impact on amenity, crime and disorder, car parking and highway safety and disabled access and there are no material considerations of sufficient weight to indicate otherwise.

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:

The site location plan stamped as received by the City Council as local planning authority on 13th April 2012

The drawings by M V Architects referenced:

007_11 B, 13 C, 14 B, 15 D, 26 B, 17 C, 18 B, 19 C, 19 A, 21 B, 23 C, 24 C stamped as received by the City Council as local planning authority on 13th April 2012
007_12 G, 22 B, 25 C stamped as received by the City Council as local planning authority on 30th May 2012

The document including Design and Access Statement to detail the external works including confirmation regarding car club stamped as received by the City Council as local planning authority on 10th May 2012

The Design and Access Statement stamped as received by the City Council as local planning authority on 30th May 2012

The Access Statement and Access Statement Additional Information both stamped as received by the City Council as local planning authority on 13th April 2012

The Vent-a-Matic and Axial Wall Fan specification sheets stamped as received by the City Council as local planning authority on 10th May 2012

The email from M V Architects dated 10th May 2012

The BREEAM EcoHomes Pre Assessment Report stamped as received by the City Council as local planning authority on 13th April 2012

Section 5-9 of the Crime Impact Statement stamped as received by the City Council as local planning authority on 13th April 2012

The letter from Le Monde Property Development stamped as received by the City Council as local planning authority on 10th May 2012

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies H1, EN3, CC3, CC9, DM1 and SP1 of the Core Strategy for the City of Manchester and saved policies DC18.1 and DC26 of the Unitary Development Plan for the City of Manchester ; of the Manchester Unitary Development Plan.

3) No loading or unloading shall be carried out on the site outside the hours of:

07:30 to 20:00 Monday to Saturday

No deliveries or waste collections are permitted on Sundays and Bank Holidays

Reason - In order to protect the amenity of local residents and in accordance with Policy DM1 of the Core Strategy for the City of Manchester.

4) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with Policy DM1 of the Core Strategy for the City of Manchester.

5) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In order to ensure that sufficient measures are in place to store and dispose of refuse generated by the development, in accordance with policy DM1 of the Core Strategy for the City of Manchester

6) 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 the use hereby approved first commences.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policy DM1, CC3 and H1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

7) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan for the City of Manchester

8) Before the use hereby approved first commences the building 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 - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policy DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan for the City of Manchester

9) 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 policies EN3, CC9 and DM1 of the Core Strategy for the City of Manchester and saved policy DC18.1 of the Unitary Development Plan for the City of Manchester.

10) The development hereby approved shall achieve a post-construction Code for Sustainable Homes rating of at least level 3, unless otherwise agreed in writing by the City Council as local planning authority. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before the use hereby approved first commences.

Reason - In order to minimise the environmental impact of the development pursuant to policies EN6 and DM1 of the Core Strategy for the City of Manchester, The Guide to Development in Manchester SPD and the National Planning Policy Framework.

11) Certified door sets to BS PAS 24, WCL2 or LPS 1175 SR2 shall be used for all individual apartment entrance doors and all external communal entrance doors, unless otherwise agreed in writing by the City Council as local planning authority. These door sets shall be in situ prior to first occupation of the residential units hereby approved.

Reason - To reduce the risk of crime pursuant to Policies, CC3, H1 and DM1 of the Core Strategy for the City of Manchester.

12) Full details of the location and appearance of all proposed externally mounted security equipment, including CCTV and lighting shall be submitted to and approved in writing by the City Council as local planning authority before the development hereby approved commences. These items shall then be installed only in accordance with the approved details prior to the commencement of the use hereby approved.

Reason - To reduce the risk of crime and in the interests of visual amenity pursuant to Policies, EN3, CC3, CC9, H1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC18.1 of the Unitary Development Plan for the City of Manchester.

13) Before the development hereby permitted is commenced full details of a management strategy to assist access, egress and movement through the building shall have been submitted to and approved by the City Council as local planning authority, unless otherwise agreed in writing by the City Council as local planning authority. The agreed scheme shall be implemented along with the measures detailed in the Access Statement stamped as received by the City Council as local planning authority and Access Statement Additional Information stamped as received by the City Council as local planning authority on 13th April 2012 before the development hereby permitted is brought into use and shall be retained and operational for so long as the building is in use.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of the Core Strategy for the City of Manchester Policy DM1.

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.

Any external CCTV and lighting provided may require a Projection Over License if located over the adopted highway. Please contact the City Council as Highways Authority on 0161 234 5153 to discuss your proposals.

Date: 24 July 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