MANCHESTER
CITY COUNCIL

IMPORTANT

Planning Permission and Notices of Consent

Compliance with Conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures required to protect trees.
- Some conditions will require action before you start the development and it is imperative that you seek to have these discharged before any work commences.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee of £85 is payable for each request to discharge conditions.
- For advice on any of these matters, please contact the Planning Service, Manchester City Council, PO Box 463, Manchester M60 3NY or email planning@manchester.gov.uk

Town and Country Planning Act 1990

PLANNING PERMISSION

MANCHESTER CITY COUNCIL

Name and Address of Applicant	Name and Address of Agent
Common Ltd 39/41 Edge Street Manchester M4 1HW	Richard Unwin Chartered Surveyors 10 Green Fold Abbey Hey Manchester M18 8RJ

Part I – Particulars of Application

Date of Application	Application ref. no.
23 February 2009	087649/FO/2008/C2

Particulars and location of development:

Removal of condition 3 attached to application ref no. 072762 which granted a personal consent to the applicants for the operation of the premises for cafe bar/events venue/exhibition space (sui generis) use

39 Edge Street
Manchester
M4 1HW

Part II – Particulars of Decision

The Manchester City Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 of the following decision

Decision Approved
on the basis that the proposals subject to compliance with the conditions below, generally accord with the policies contained within the Development Plan specifically the Unitary Development Plan Policies R1.1(Regeneration), Policy H2.2 (Housing), DC10.4 (Food and Drink Uses), , DC26.5 (Development and Noise) and RC20 (Area 4) (Small Area Proposals) in that in that the removal of the condition would contribute to the regeneration of the Northern Quarter, would not impact on the compatibility of the use with the mix of uses in the area, would contribute to maintaining activity in the area during the day and night, would not subject to conditions relating to the acoustic insulation of the premises and the hours of operation cause disamenity to nearby residents.

Date of Decision 16 April 2009

for the carrying out of development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

Part III – Conditions and Reasons

1) The development hereby approved shall be carried out in accordance with the drawings numbered PL1A, stamped as received by the Local Planning Authority on 3 September 2004, as amended by the Common Ltd letter dated 19 September 2004, stamped as received by the Local Planning Authority on 19 October 2004 and the Sol Acoustics Report dated July 2004, stamped as received by the Local Planning Authority on 29 July 2004 and the Common Ltd Business Plan stamped as received by the Local Planning Authority on 29 July 2004, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - To ensure that the development is carried out in accordance with the approved plans.

2) The premises and any externally mounted ancillary equipment shall be acoustically insulated and treated in accordance with the details and recommendations contained in the Environmental Noise Study carried out by Sol Acoustic dated July 2004 (Document Reference P0687-REP01-SJW).

Reason

To safeguard the amenities of the occupiers of the building and occupiers of nearby properties.

3) Within 3 months of the date of this consent a scheme for the storage, disposal and recycling of refuse 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 within 1 month of the written approval and shall remain in situ whilst the use or development is in operation

Reason - In the interests of amenity and public health, pursuant to policy H2.2 of the adopted UDP.

4) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as Local Planning Authority:-

* Monday to Wednesday and Sunday including Bank Holidays 12:00midday to 12:00pm
* Thursday to Saturday 12:00midday to 2:00am.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the adopted UDP.

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

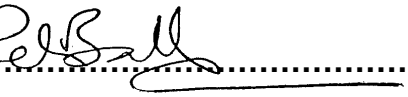
Monday - Saturday 07:30 to 20:00
Sundays and Bank Holidays - no deliveries / waste collections to take place

Reason

In the interests of residential amenity.

6) The consent hereby granted is for café bar / events venue / exhibition space only as set out in the Common Ltd business plan stamped as received by the Local Planning Authority on 29 July 2004 and for no other use within the Town and Country Planning (Use Classes) Order 1987,including no other use within Class A3 of the Schedule to the Town and Country Planning (Use Classes)Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. For the avoidance of doubt the above uses shall only include for the sale of alcohol for consumption on the premises as an ancillary activity.

Reason - For the avoidance of doubt and in the interests of the amenity of residents and occupiers of the building and nearby buildings

Signed**.....**

Peter Babb, Head of Planning

on behalf of the Council
Town Hall,
Manchester M60 3NY

NOTES

1. Leaflets attached:

2. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation**.**

3. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

4. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

5. If either the local planning authority of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

6. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to

conditions by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix A – Standing Advice Regarding Coalfield Area

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com