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

Marstons PLC
Marstons House
Wolverhampton
WV1 4JT

Agent (if used)

Mt Jonathan Hyldon
John Gaunt and Partners
Omega Court
372-374 Cemetery Road
Sheffield
South Yorkshire
S11 8FT

Part 1 – Particulars of the application/development

Proposal: Retrospective application for the retention of the existing use of an area of the existing public highway for the siting of tables and chairs associated with and ancillary to the use as a public house (Use Class A4) within 13-17 Thomas Street.

Location: BLUU, Thomas Street, Manchester, M4 1EU

Date of application: 24 October 2012

Application number: 099842/FO/2012/C2

Part 2 – Particulars of decision

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

Article 31 Declaration

In assessing the merits of a planning application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the planning application. Issues arose during the processing of the application and a reduction of the size of the external seating area to reduce the potential for disturbance and the restriction of the use to a temporary 12 month permission to allow the use to be reassessed after the initial 12 month period were agreed with the applicant. This allowed a delegated decision to be made and avoided refusal of the application.

Reason(s) for decision

The application is approved on the basis that the proposal is in accordance with the City Council's Adopted Core Strategy, in particular policies SP1 (Spatial Principles) and DM1 (Development Management) and saved policies DC10.1 (Food and Drink Uses) and

DC26 (Development and Noise) of the City Council's Unitary Development Plan, and is acceptable in terms of the impact on residential amenity, crime and disorder and the availability of disabled access and there are no material considerations of sufficient weight to indicate otherwise.

Condition(s) attached to this decision

1) The permission hereby granted is for a limited period only, expiring on 31st December 2013; and the use comprising the development for which permission is hereby granted and furniture associated with this use are required to be respectively removed and discontinued on this day. The land shall then be reinstated to its former condition within a timescale to be agreed in writing by the City Council as local planning authority. The details of the reinstatement shall be agreed in writing by the City Council as local planning authority prior to 31st December 2013.

Reason - To enable the City Council to consider the acceptability of the continuance of the use of the external area and having regard to residential amenity pursuant to policy DM1 of the adopted Core Strategy for the City of Manchester.

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 12th November 2012

The drawings referenced P0607/91931/01 Rev A and 10 Rev B stamped as received by the City Council as local planning authority on 12th November 2012

The Design and Access Statement stamped as received by the City Council as local planning authority on 12th November 2012

The Addendum to the Design and Access Statement stamped as received by the City Council as local planning authority on 1st August 2012 (excluding reference to the extension of the area)

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy and saved policies DC10.1 and DC26 of the City Council's Unitary Development Plan.

3) The premises shall not be open outside the following hours:-

08:00 to 23:00 daily

Tables, chairs and barriers shall be entirely removed from the public highway/pavement and placed in secure storage by 23:20 daily.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

4) The use hereby approved shall be managed in accordance with the information within the Design and Access Statement hereby approved. These measures shall be fully implemented and shall be maintained whilst the use is in operation.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

5) Level access shall be maintained into and throughout the external seating area hereby approved and the seating area shall be maintained as fully accessible for the duration of the use hereby approved.

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 policies DM1 and SP1.

6) An area of unobstructed pavement measuring a minimum of 1800mm shall be maintained around the external seating area hereby approved at all times.

Reason - To ensure that satisfactory disabled access is maintained and sufficient width of pavement is maintained for use by pedestrians by reference to the provisions of the Adopted Core Strategy for the City of Manchester, in particular policies DM1 and SP1.

Informatives

This permission does not grant approval under Building Regulations.

Date: 19 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