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
Mr Jonathan Havenhand Ego Restaurants Ltd 4th Floor Huntingdon House Princess Street Bolton BL1 1EJ	Mr Simon Johnson Johnson Robson Ltd Barrowmore Enterprise Estate Barnhouse Lane Great Barrow Chester Cheshire CH3 7JA

Part I – Particulars of Application

Date of Application	Application ref. no.
5 January 2010	091596/FO/2009/C1

Particulars and location of development:

Use of pavement area for outside tables and chairs in association with and ancillary to the Ego Restaurant use within Northern Assurance Buildings

Northern Assurance Buildings
9 - 21 Princess Street
Manchester
M2 4DN

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 proposal is in accordance with the City Council's Unitary Development Plan in particular policies DC10.1, DC10.2, DC9.1 and DC18.1 in that the proposal would provide a use accessible to all people (DC9.1), in a manner that makes it compatible with other nearby activities (DC10.1, DC10.2), would preserve the setting of the conservation area (DC18.1) and would not generate noise which would unacceptably impact people living and working in, or visiting, the City (DC26.1) and there are no material considerations of sufficient weight to indicate otherwise.
Date of Decision 2 March 2010

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 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 external seating area shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

Monday to Sunday, 09:00 - 23:00

Reason - To safeguard the amenity of nearby noise sensitive premises in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

3) The consent hereby approved shall only allow the use of the external seating area in association with the details set out in the design and access statement received by the Local Planning Authority on 14 December 2009 and shall not allow for the use of amplified sound or any music in the external seating area.

Reason

To safeguard the amenities of the occupiers of nearby properties, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

4) All tables, chairs and barriers (including any ancillary equipment) shall be stored inside the premises when not in use and by no later than 23:00 hours Mon-Sun.

Reason - In the interests of amenity and to ensure a satisfactory development in accordance with Policies DC18.1 of the Unitary Development Plan for the City of Manchester.

5) The outside seating area and associated tables, chairs, barriers and other ancillary equipment shall not be used whilst events are taking place on Albert Square unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason

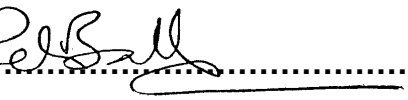
In the interests of highway safety and pedestrian movement, pursuant to policy RC12 (Highways) of the Unitary Development Plan for Manchester.

6) 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:

Drawing number L(9)03, with the application site edged in red, stamped as received by the Local Planning Authority on 5 January 2010

Design and Access statement, stamped as received by the Local Planning Authority on 14 December 2009.
Drawing number L(2)10, stamped as received by the Local Planning Authority on 5 January 2010.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy DC18.1 of the Manchester Unitary Development Plan.

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