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 Ian Stanistreet<br>Stevens Scanlan LLP<br>73 Mosley Street<br>Manchester<br>M2 3JN | Dan Harrop<br>Reid Architects<br>Fairbairn<br>72 Sackville Street<br>Manchester<br>M1 3NJ |

**Part I – Particulars of Application**

| Date of Application | Application ref. no. |
|---|---|
| 6 August 2009 | 090633/JO/2009/C2 |

**Particulars and location of development:**

Application to vary condition 13 (specified plans) imposed upon planning permission reference 087832/FO/2008/C2 under section 73 of the Town and Country Planning Act 1990 to amend the overall height of the building due to inacurracies on the approved drawings and also to remove a window proposed as part of the application on the Carpenter Lane elevation

63 - 65 Thomas Street
Manchester
M4 1LQ

**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**
The application is approved on the basis that the proposal is in accordance with the City Council's Unitary Development Plan, in particular policy H2.2 'Housing', DC18.1 'Conservation Areas' and DC19.1 'Listed Buildings' and is acceptable in terms of visual amenity and residential amenity and there are no material considerations of sufficient weight to indicate otherwise.
**Date of Decision 21 September 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 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) If at any stage of the development it is suspected that birds have established a nest on or within the building, the works, which would affect the nest must immediately cease and appropriate advice must be sought to ensure that the birds are able to continue to use the nest for the duration of the bird breeding season (The beginning of April untill the end of July).

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with Policies E2.2, E2.3 and E2.4 of the adopted Manchester Unitary Development Plan.

3) Any roof slates removed shall be removed by hand as recommended by the Bat and Barn Owl Survey prepared by Ecotrack and stamped as received by the City Council as local planning authority on 18th November 2008. If at any time bats are discovered within the building works to the building shall cease until advice from a qualified Bat Consultant has been sought and implemented.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with Policies E2.2, E2.3 and E2.4 of the adopted Manchester Unitary Development Plan.

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 Saturday - 08:00 to 20:00
Sundays and Bank Holidays - 10:00 to 18:00

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

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

Monday to Saturday - 07:30 to 20:00
Sundays and Bank Holidays - 10:00 to 18:00

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development plan for the City of Manchester.

6) 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 H2.2 of the Manchester Unitary Development Plan.

7) The arrangements for the storage and segregation of waste shall be carried out in accordance with the information within point 4 of the letter from Reid Architects dated 4th November 2008. 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 protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development plan for the City of Manchester.

8) The development hereby approved shall be constructed only using the following materials unless otherwise agreed in writing by the City Council as local planning authority:

- The Zinc Sample received by the City Council as local planning authority on 27th January 2009
- The Basalt Sample received by the City Council as local planning authority on 27th January 2009 and as identified on the drawing by Reid Architects referenced 0716/AL118 B.

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 H2.2, DC18 and DC19; of the Unitary Development Plan for the City of Manchester.

9) The details of an emergency telephone contact number for a person responsible for the site shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with Policy H2.2 of the Unitary Development Plan for the City of Manchester.

10) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least 'very good' or 'excellent' and at least three star sustainability rating under the code for sustainable homes for those elements of the development which are residential in nature. A post construction review certificate shall be submitted to and approved in writing by the City Council as local planning authority before any of the buildings hereby approved are first occupied.

Reason - In order to minimise the environmental impact of the development pursuant to policies E1.5 and E1.6 in the Unitary Development Plan for the City of Manchester, policies EM15 and DP9 of Regional Spatial Strategy for the North West of England (RSS) and the principles contained within The Guide to Development in Manchester 2 SPD and Planning Policy Statement 1.

11) The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

12) The proposed shop frontages and signage zones shall be constructed in accordance with the drawing by Reid Architects referenced 0716/AL118 B and stamped as received by the City Council as local planning authority on 16th February 2009.

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 policy DC18; of the Unitary Development Plan for the City of Manchester.

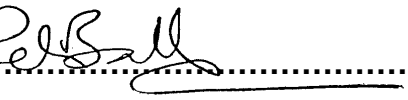
13) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority:

The drawings by Reid Architects referenced:

0716/AL118 B stamped as received by the City Council as local planning authority on 16th February 2009 (as amended by the drawing referenced AL010 B)
0716/AL003, 005 B, 010 B, 011 A, 012 stamped as received by the City Council as local planning authority on 15th July 2009

The drawing by TACE referenced SK01 P3 stamped as received by the City Council as local planning authority on 15th July 2009
The Noise Impact Assessment Report prepared by BDP and stamped as received by the City Council as local planning authority on 15th July 2009
Section 3 of the Design and Access Statement prepared by Reid Architects and stamped as received by the City Council as local planning authority on 15th July 2009
The Bat and Barn Owl Survey prepared by Ecotrack and stamped as received by the City Council as local planning authority on 15th July 2009
The letter from Reid Architects dated 4th November 2008

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies R1.1, RC3, E1.5, E1.6, E2.2, E2.3 E2.4, E3.5, I1.1, I1.2, H2.2, DC9.1, DC18.1, DC19.1 and DC26 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. The First Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

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.