Department for Communities and Local Government

Anthony Mitchell
For the Head of Planning, Building Control and Licensing
Manchester City Council

By Email: e.greaves@manchester.gov.uk

**Please ask for:** Bijal Patel
**Tel:** 0303 44 48078
**Email:** Bijal.patel@communities.gsi.gov.uk

**Your ref:** 104819/LO/2013/C1

**Our ref:** NPCU/LBC/B4215/73729

**Date:** 22 April 2014

Dear Mr Mitchell

**Planning (Listed Buildings and Conservation Areas) Act 1990**
**Application for Listed Building Consent**
**Address: Central Library St Peter's Square, Manchester, M2 5PD**

I am directed by the Secretary of State for Communities and Local Government to refer to your letter of 2 April 2014 with enclosures, concerning your Council's application for Listed Building Consent for the internal alterations to the lower ground floor, ground floor and upper floors at the above address. The application was made in accordance with the provisions of Regulation 13 of the Planning (Listed Buildings and Conservation Area) Regulations 1990.

The Secretary of State has considered the information submitted by your Council in support of the application and noted that English Heritage has no objections, and no representations or objections were made by Amenity Societies or other third parties to the proposals.

Therefore the Secretary of State hereby grants Listed Building Consent for the above works subject to the following conditions:

1. The works hereby granted shall be begun before the expiration of three years from the date of this consent.

2. The development herby approved shall be carried out in accordance with the following drawings and documents:

   The site location plan referenced 1252 RYD DR 200 00200 rev 01 stamped as received by the City Council as local planning authority on 3rd February 2014.

The drawings by Ryder Architecture all stamped as received by the City Council as local planning authority on 10th February 2014 and referenced:

1255 RYD DR 300 00300 rev LCI2, 00302 rev LCI2, 01300 rev LCI2, 01303 rev LCI2, 02300 rev LCI2, 03300 rev LCI2, 04300 rev LCI2, 05300 rev LCI2, 05301 rev LCI2 and 98300 rev LCI2
1255 RYD DR 355 00350 Rev B, 00351 Rev B, 00352 Rev B, 00353 Rev B, 01350 Rev B, 01351 Rev E, 01352 Rev B, 01353 Rev B, 02350 Rev D, 02351 Rev LCI2, 00352 Rev D, 02353 Rev E, 03350 Rev E, 03351 Rev G, 03352 Rev D, 03353 Rev F, 04350 Rev H, 04351 Rev J, 04352 Rev J, 04353 Rev J, 98350 Rev C, 98351 Rev D, 98352 Rev B and 98353 Rev C
1255 RYD DR 426 00426 Rev A, 00427 Rev A, 01426 Rev A, 02426 Rev A, 03246 Rev A, 04426 Rev A and 98426 Rev A
1255 RYD DR 435 00437 Rev C, 00438 Rev C and 00439 Rev C
1255 RYD DR 451 00451 Rev A, 00452 Rev A, 01451 Rev A, 02451 Rev A, 03451 Rev A and 04451 Rev B
1255 RYD DR 471 00472 Rev B
1255 RYD DR 475 00475 Rev A and 00476 Rev A
1255 RYD DR 533 00054 Rev A
1255 RYD DR 540 00546 Rev A
1255 RYD DR 560 00560 Rev B, 00561 Rev B, 00562 Rev A, 01560 Rev C, 01561 Rev B, 01562 Rev B, 01563 Rev B, 02560 Rev C, 02561 Rev C, 03560 Rev B, 03561 Rev C, 04560 Rev C, 04561 Rev C, 04562 Rev B, 04563 Rev B, 98560 Rev A, 98561 Rev A, 98562 Rev A and 98563 Rev A
1255 RYD DR 561 00003 Rev A
1255 RYD DR 642 00918 Rev A and 00919 Rev LCI2
1255 RYD DR 690 03691 Rev A
1255 RYD DR 701 00150 Rev C, 00151 Rev C, 01150 Rev D, 01151 Rev D, 02150 Rev E, 02151 Rev B, 03150 Rev D, 04150 Rev D, 04152 Rev B, 98150 Rev D and 98151 Rev B

Section 4.0 of the Heritage Design and Access Statement stamped as received by the City Council as local planning authority on 10th February 2014

The document entitled 'Summary of changes from the planning approved scheme' referenced 1255-RYD-RP-SS001_Rev02 and stamped as received by the City Council as local planning authority on 17th February 2014

3. The measures to improve access for disabled people into and throughout the building as described in section 4.0 of the Heritage, Design and Access Statement and shown on the drawings referenced 1255 RYD DR 300 00300 rev LCI2, 00302 rev LCI2, 01300 rev LCI2, 01303 rev LCI2, 02300 rev LCI2, 03300 rev LCI2, 04300 rev LCI2, 05300 rev LCI2, 05301 rev LCI2 and 98300 rev LCI2, 1255 RYD DR 426 00426 Rev A, 00427 Rev A, 01426 Rev A, 02426 Rev A, 03246 Rev A, 04426 Rev A and 98426 Rev A, 1255 RYD DR 561 00003 Rev A and 1255 RYD DR 540 00546 Rev A all stamped as received by the City Council as local planning authority on 10th February 2014 shall be fully implemented prior to the completion of the works hereby approved and shall be retained and operational for so long as the building is in use.

4. Notwithstanding the information shown on the drawings hereby approved, full details of the design of all suspended ceilings and ceiling rafts, to include full details of the extent, location, fixing and materials and full drawn details to demonstrate how the ceilings relate to and impact on the features of the existing ceilings, shall be submitted to and agreed by the City Council as local planning authority within 6 months of the date of this approval. The suspended ceilings and ceiling rafts shall then be amended within 6 months of the approval of these details only in accordance with the approved details.

5. All adjacent historic building fabric affected by all remaining proposed works shall continue to be fully protected only in accordance with the approved method statement referenced EHA-02d, which shall be retained for the duration of these works.

This letter does not convey any consent or approval required under any enactment, byelaw, order, or regulation, other than Section 8 and 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

A separate Note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged in the High Court.

Attention is also drawn to the enclosed Note relating to the provisions of the Chronically Sick and Disabled Persons Act 1970.

Yours sincerely



**Dave Jones**
**Planning Casework Manager**

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# RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

**These notes are provided for guidance only. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).**

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

**SECTION 1: PLANNING, TREE PRESERVATION ORDER & ADVERTISEMENT APPEALS; CALLED-IN PLANNING APPLICATIONS; GRANTS OF PLANNING PERMISSION IN ENFORCEMENT NOTICE APPEALS**

Depending on the circumstances, the decision may be challenged by making an application to the High Court under either or both Sections 288 and 289 of the Town and Country Planning Act 1990 (the 1990 Act). There are differences between the two sections, including different time limits, which may affect your choice of which to use. These are outlined below.

**Challenges under Section 288 of the 1990 Act**

Decisions on called-in applications under section 77 of the 1990 Act (planning), appeals under section 78 (planning) or section 195 (Lawful Development Certificate) may be challenged under this section, as may tree preservation order and advertisement appeals. Section 288 also relates to enforcement appeals, but only to decisions granting planning permission or discharging conditions. Success under section 288 alone would not alter any other aspect of an enforcement appeal decision. The enforcement notice would remain quashed unless successfully challenged under section 289 of the 1990 Act or by Judicial Review.

Section 288 provides that a person who is aggrieved by the decision to grant planning permission or discharge conditions (on an enforcement appeal) or by any decision on an associated call-in under section 77, appeal under section 78 or section 195 of the 1990 Act, may question the validity of that decision by making an application to the High Court.

**SECTION 2: LISTED BUILDING & CONSERVATION AREA CONSENT APPEALS & CALLED-IN APPLICATIONS; LISTED BUILDING ENFORCEMENT APPEALS.**

Depending on the circumstances, the decision may be challenged by making an application to the High Court under either or both sections 63 and 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act). There are differences between the two sections, including different time limits, which may affect your choice of which to use. These are outlined below.

**Challenges under section 63 of the LBCA Act**

Decisions on appeals made under section 20 (listed building consent) may be challenged under this section. Section 63 also relates to enforcement appeals, but only to decisions granting listed building consent or conservation area consent or discharging conditions. Success under section 63 alone would not alter any other aspect of an enforcement appeal decision. The enforcement notice would remain quashed unless successfully challenged under section 65 or by Judicial Review.

Section 63 of the LBCA Act provides that a person who is aggrieved by the decision to grant listed building or conservation area consent or discharge conditions (on an enforcement appeal) or by any decision on an associated appeal under section 20 of the LBCA Act, may question the validity of that decision by making an application to the High Court.

**GROUNDS FOR APPLICATIONS UNDER SECTION 288 OF THE 1990 ACT AND SECTION 63 OF THE LBCA ACT**

Challenges may be made on the grounds:-

- That the decision is not within the powers of the Act; or
- That any of the relevant requirements have not been complied with ('relevant requirements' means any requirements of the LBCA Act or the 1990 Act as appropriate, or of the Planning and Tribunals Act 1992, or of any order, regulation or rule made under any of those Acts).

These two grounds mean in effect that a decision cannot be challenged merely because someone does not agree with the Secretary of State's decision. Those challenging a decision have to be able to show that a serious mistake was made when reaching the decision; or, for example, that the inquiry, hearing or site visit was not handled correctly or that the procedures were not carried out properly. If a mistake has been made the Courts may decide not to quash the decision if the interests of the person making the challenge have not been prejudiced.

Please note that under both sections an application to the High Court must be lodged with the Crown Office within 6 weeks of the date of the decision letter. This time limit cannot be extended. Permission of the Court is not required to make these types of challenge.

**CHALLENGES UNDER SECTIONS 289 OF THE 1990 ACT & 65 OF THE LBCA ACT**

In both planning and listed building enforcement notice appeals, and tree preservation order enforcement appeals, the appellant, the local planning authority or any person having an interest on the land (to have an interest in the land means essentially to own, part own, lease and, in some cases, occupy the site) to which the enforcement notice relates may challenge the decision in the High Court on a point of law.

An application under either section may only proceed with the permission of the Court. An application for permission to challenge the decision must be made to the Court within 28 days of the date of the decision, unless the period is extended by the Court.

If you are not the appellant, or the local planning authority or a person with an interest in the land but you want to challenge a planning enforcement appeal decision on grounds (b) to (g) or a listed building enforcement appeal decision on grounds (a) to (d) or (f) to (k), or the decision to quash a notice, you may make an application for Judicial Review. You should seek legal advice promptly if you wish to use this non-statutory procedure. The procedure is to make an application for the permission of the Court to seek Judicial Review. This should be done promptly, and in any event within 3 months of the date of the decision.

**SECTION 3; AWARDS OF COSTS**

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

**SECTION 4: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

January 2001

CHRONICALLY SICK AND DISABLED PERSONS ACT 1970

The above Act requires persons undertaking the provisions of certain buildings or premises to make provision for the needs of disabled people. Your development is affected if it would result in the provision of one or more of the following:

1. A building or premises to which section 4 of the Chronically Sick and Disabled Persons Act 1970 applies (buildings or premises to which the public are to be admitted whether on payment or otherwise);

2. Any of the following, being in each case; premises in which persons are employed to work:-

i. Office premises, shop premises and railway premises to which the Offices, Shops and Railway premises Act 1963 applies;
ii. Premises which are deemed to be such premises for the purposes of that act; or
iii. Factories as defined by section 175 of the Factories Act.

3. A building intended for the purposes:

i. of a university, university college or college, or of a school or hall of a university ; or

ii. of a school within the meaning of the Education Act 1944, a teacher training college maintained by a local education authority in England or Wales or any other institution providing further education pursuant to a scheme under section 42 of that Act.

If your development comes within category (1) above, your attention is drawn to the provisions of section 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution Code of Practice for access for the Disabled to Buildings (BS 8300:2009).

If your development comes within category (2) above, your attention is drawn to the provisions of section 7 and 8A of the 1970 Act and to the BSI code of practice (BS 8300:2009).

If your development comes within the category (3) above, your attention is drawn to the provisions of sections 7 and 8 of the 1970 Act and to Building Bulletin 102 “Designing for disabled children and children with Special Educational Needs”, published in 2008 on behalf of the Secretary of State for Children, Schools and Families.